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THE CHURCH AND THE STATE

Edited by

KENNETH G. GRUBB

INTERNATIONAL MISSIONARY COUNCIL
MEETING AT TAMBARAM, MADRAS
December 12th to 29th, 1938

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PREFACE

THE discussions in Section XV of the meeting of the International Missionary Council at Tambaram revealed the fact that both the younger churches and the missions were working under very diverse political conditions which affected their activities in many different ways. In these circumstances it was decided to include in this volume some papers in which these situations were stated in their relation to the work of the Church. As the material has had to be gathered since the Conference, there was little time for any thorough preparatory work and the volume thereby suffers. It is particularly regretted that an important contribution from Dr M. S. Bates on the delicate situation in the Far East has been lost in transit. To this extent the volume itself is the victim of the actual disturbed conditions obtaining there.

The division of labour has been the following. The first three chapters and Chapter Five on Latin America have been written by Mr Kenneth G. Grubb, who is also largely responsible for Chapter Six on the Colonial questions, and Chapter Seven on the Balkans. The important chapter on the Muslim World is the work of Mr S. A. Morrison. Mr Paul Anderson has supplied the statement on the U.S.S.R. Many other workers and writers have been consulted and have given their advice. But to give a list of their names would be somewhat invidious, inasmuch as many, for obvious reasons,

cannot allow their names to be mentioned. In these circumstances it seems preferable to ask all who have thus helped to accept this sincere if anonymous acknowledgment of their much-appreciated co-operation.

One other acknowledgment, however, must be made, and that is to Mrs Helen Clarkson Miller Davis, whose study, *Religious Liberty in the Near East*, is frequently referred to in the chapter on Muslim Lands. Two of the appendices have been quoted from this book with her permission.

K. G. G.
W. P

TABLE OF CONTENTS

PAGE

PREFACE v

CHAP.

I. THE SETTING OF THE SUBJECT 1

II. CHURCH, MISSION AND STATE 13

III. THE INTERNAL PROBLEMS OF THE CHURCH . . 38

IV. MUSLIM LANDS 64
S. A. MORRISON.

General situation (64).

Independent Muslim countries: Egypt (98); Turkey (109); the Hatay (118); Iran (119).

Mandated territories: (Iraq 126); Syria and the Lebanon (132); Palestine (138); Transjordan (142).

Areas under: British rule (144); French rule (151); Italian rule (152); Dutch rule (154); American rule (156); Others (157); Conclusion (158).

V. LATIN AMERICA 162

VI. MISSIONS AND COLONIAL ADMINISTRATION . . 187

VII. THE BALKAN STATES 220

Religious Persecution in Poland (237).

VIII. THE SOVIET UNION 239
PAUL ANDERSON.

IX. FINDINGS OF THE TAMBARAM MEETING—

THE CHURCH AND THE INTERNATIONAL ORDER (Section XIV) 265

SPECIAL RESOLUTION 276

THE CHURCH AND THE STATE (Section XV) . 278

INDEX 327

THE CHURCH AND THE STATE

CHAPTER ONE

THE SETTING OF THE SUBJECT

IN the presence of the modern development of national States and their intense pursuit of power and prestige, it can hardly occasion surprise that the younger churches in many areas of the world have constantly to face an acute problem of freedom. A moment's reflection shows that it is more or less inevitable that some tension should exist between the State and the young church growing in its midst. In many lands the Christian fellowship is still in the position of the early church in the Roman Empire before the conversion of Constantine. It is growing in every direction, in numbers, in leadership, in influence, in its understanding of the faith and in its moral control over the lives of its members. It is thus developing in the lives of thousands of citizens patterns of conduct and ways of thought which are distinct from those of the surrounding community as a whole. But it is equally true that the younger churches are still very far from having entirely displaced other faiths which have the sanction of time and perhaps the benediction of authority. To some extent the presence of Christianity has itself

brought a new vitality to these faiths, by compelling them to make an adjustment to some of the demands of Christian social ethics, to explore to the full all the contributions that they can make to the good life, and to sharpen their own polemic weapons. It might be said, in fact, that in some senses the real struggle has hardly begun, and in so far as non-Christian faiths have found expression in certain political conditions, the Church may well be increasingly at variance with the ideals of the State.

History has shown how greatly the growth of the Church has been affected by its relations with the State. Whatever answer may be given to the question whether early Christianity would have triumphed without Constantine, it cannot be denied that the standing of, and opportunity before, the Church was profoundly affected by his choice. The Gospel comes, not to a utopian but to a sinful world and, for a rapid widespread development of the Church, other factors besides the simple preaching of the message by word and life are required. The attitude of the State, the highest current expression of the manipulation of large masses of men, is one of those factors, for the State claims a loyalty which it uses power to enforce, is widely comprehensive in the rights it asserts and demands an autonomy which can only with danger be challenged by sections of the community within it. A right adjustment with the State is essential for the best development of all Christian activities ; without some kind of adjustment they can hardly hope to exist.

On the other hand the Church is an element within its boundaries which the State cannot ignore. Especially

is this true of the younger churches which are rapidly expanding and thus forcing themselves on the notice of the State. Every individual that comes under the Church's influence has his views of conduct to some extent affected, and such a change threatens upheaval where, as in the case of many of the younger churches, the State is based on a view of life which is fundamentally different from that of the Christian Church. A large increase in the number of such individuals must tend to change the character of the community—eventually perhaps even the form of the State—since Christianity creates a new relationship between persons. The history of the early church in the Roman Empire is sufficient evidence of the strength of such new bonds.

The Church in claiming freedom does not take issue with the sanctity of law and the authority of the State. It does claim freedom to propagate its teaching and for its members to live according to Christ's way of life; it does not desire to supplant the State in the ordering of political affairs and the civic and economic life of the people, but it holds that the Christian faith, rightly understood, has much light to throw upon man's duties in these spheres. The Church would not wish to regard the State merely as a guarantor of liberties, as though a man's life as a church member were quite unrelated to his life as a citizen. It holds that the principles of the good life which it inculcates are of universal application, and therefore provide a basis for common understanding between itself and the State. It would wish to see the latter undertake its task on the basis of Christian principles, while it recognises that that task is not its own.

It might be urged that it is useless to discuss situations which are constantly changing and that nothing written here will liberate Christians in Russian Turkestan or re-establish religious education in Mexico. Yet there are certain principles involved in the relation of the Church to the State which touch very nearly the message of Christianity and, whether local situations are changing slowly or rapidly, these principles remain valid and discussion of them can come alive only as it is related to actual conditions. Relations between Church and State can only be static when the Church has ceased to grow and the form of the State has become fixed. When the Church is rapidly expanding, and revolutions of policy affect the State, the relations between the two necessarily change.

A new situation has arisen with the growth of the younger churches. After the vast upheaval of the Reformation, the different churches in turn settled their relations with the State, either earlier or later, as the result of political changes. During the nineteenth and early twentieth centuries the Protestant missionary movement concentrated all its energies on the extensive evangelisation of the world. Such relations with the State as were necessary in the mission field were arranged by the foreign missions supported by the sending churches, and often morally backed by countries which saw in them important cultural agencies. With the emergence of the younger churches the whole basis of the problem was naturally shifted. At the same time far-reaching changes in the conception of the State, and in the structure of society in the West, have complicated the situation, both by their effect upon missions and by

the ferment of new ideas, from which other nations have borrowed. A position of great complexity for missions and for the younger churches has thus emerged. It would be immeasurably serious if, after the great expenditure of life, wealth and talent that has been devoted to the missionary enterprise, the younger churches were, through dangerous conflicts with the State, to be denied freedom of development. The Oxford Conference has focused attention on the modern setting of the subject as seen in the traditionally Christian lands. An equally sustained effort of thought is needed if the various issues are to be clearly understood and squarely faced in the fields of the younger churches.

Much study has already been devoted to these problems, both by the International Missionary Council and other bodies, and many representations, based on vigilant observation of current events, have been made to governments in relation to the Far, Middle and Near East, Africa and Latin America, but popular attention has not been awakened in the same degree and the problems faced by the younger churches and the missions have not occupied the general Christian mind in the same way as those of the Church in Germany and in Russia. The wealth of experience and the varieties of local situation represented at Madras enabled the whole problem to be reviewed there in a way not previously possible.

The emphasis in relations between the younger and older churches has been rapidly shifting in recent years. The complex and diverse nature of the situations which successively arise in one country after another make general solutions impossible, and leave the initiative in action to local Christians. In the life and growth of

the Church, its education, ministry and support, reciprocal fellowship is supplanting unilateral leadership, and the same tendency will inevitably follow in the field of the Church's relation with the State. The church within each country will continue to adjust its relation with the State, but the Church as a whole cannot be indifferent to the sufferings or triumphs of any of its members. The church in each country will gain knowledge and encouragement from the experience of others, while, in times of difficulty or persecution, the whole Church will sustain its persecuted members by prayer and through such acts of fellowship as are available to it. Thus there will be built up a record of Christian experience, ennobled by the testimony of sufferers and the firmness and wisdom of leaders. In this, as in other situations, the Church inherits a tradition already long sustained ; it remains to broaden the foundation of its experience by its extension among all nations and peoples.

It is, however, largely true that the expansion of the Church will, up to a certain point, exacerbate rather than mollify its problems with the State. As the Church grows, its real character and aims will be increasingly evident. Truths which are in some sense latent to-day, or else are often and perhaps deliberately overlooked, will speak with trumpet-tongues. When, for example, the Christian fellowship includes a visible host of men from many races, and if, perhaps, non-Europeans come to be the majority among all Christians, the racial comprehensiveness of such a body, already conceded in principle and fact, will be an inescapable summons to decisive attitudes on a controversial question. When in every nation, there are considerable numbers of

persons who, by a conscious choice have to some degree broken sharply away from prevailing ethical standards, perhaps in the West as much as the East, then the very existence of the Church will itself be an abrupt challenge to all solely national ideals.

The scope of the short studies which are assembled in this volume is purposely limited, for the general question of Church, Community and State was the subject of the Oxford Conference of 1937. At that conference, however, the representatives of the younger churches were very few in number ; and it was not feasible to expect that their problems would receive much attention. They naturally have many special problems of their own, due to their origin and rapid development, their numerical limitations and the civilisations in the midst of which they are placed. For these reasons the scope of this volume is limited to a discussion of the position of the younger non-Roman churches and of certain non-Roman religious minorities, as contrasted with that of the Roman Catholic, Orthodox or Protestant communions of the traditional Christian world of the West. To say the least, it would have savoured of impudence even to suggest the enlargement of the subject over a field any wider than that defined. The first two of the great Christian bodies just mentioned were, in any event, not represented at the Madras meeting.

Admittedly the phrase ' younger churches and religious minorities ' is a cumbrous one, and does not even adequately describe the subject matter. The younger churches are themselves religious minorities. But the name, ' younger churches ' is usually taken to refer to

churches which have developed in non-Christian lands. Here, however, as at the Madras meeting, the position of some of the younger Protestant churches in the Roman Catholic and Orthodox countries of America and Europe is also referred to. Again, certain of the Protestant minorities, as for example the Waldenses or the French Reformed Church, are not younger churches, while in the Near East some of the most ancient Christian communities are religious minorities. It has not been possible to discuss the various situations which have their roots in the early centuries of the Church's development. Rather, the dominating thought has been that of the churches of to-day, in most but not all cases recently founded, actively expanding and conquering new areas of life and thought in the midst of the community. Such churches have special problems to solve in their relation to the State.

It is certainly somewhat anomalous that the position of evangelical minorities in the Roman Catholic countries of Latin America and the Orthodox nations of Europe should find consideration in a world conference, the underlying reason for whose assembly is the evangelisation of the non-Christian world. The anomaly would be the greater if it were not for two mitigating circumstances. Firstly, the missions and persons in the older churches who maintain relations with these minorities are also, as a rule, the first to admit that in the lands with a Protestant tradition, no less than in Roman Catholic or Orthodox ones, there is a far-reaching reconstruction of Christianity to be accomplished by means of an evangelism which meets the claims of the modern mind, and by its grasp of the relevance of the

Gospel, breaks through the vicious and depressing circle of self-satisfied humanistic secularism into which nominal Christianity of all shades often resolves. Secondly, in all countries where the Christian tradition has been dominant for any length of time, it has become a part of the general civilisation which it has created. But the benefits of this union may be obscured and, indeed, gradually lost, unless the Church is constantly recalled to its essential task by the presence of groups of Christians who, by their sharp detachment from the prevailing order of society, provide both stimulus and warning. Essentially, Christian minorities that are evangelistically minded, such as the Protestant churches of Latin America or Europe, are not concerned with the denunciation of the historic Christian tradition, but with the reclamation to the Christian faith of those over whom tradition has long since lost its hold.

But, whether small or large churches be considered, the emphasis lies upon the Church as the characteristic form of organised Christianity in the world. However small a minority may be, it is capable of finding corporate expression in a local congregation. It is no doubt true that in every land there are many Christians who refuse contact with an organised church, neither accepting any measure of corporate responsibility nor participating in collective benefits. They contribute little, however, to the Christian solution of the question of Church and State. Their attitude is more that of Christian mystics than of members of an organisation, and because of the ease with which they are able to combine their views with widely different forms of religion, they lose sight of the point at which it is essential for the Church to

define and maintain its own position. Thus they lay no stress upon relations between individuals and corporate bodies, but only upon relations between the soul and God. Such Christians may, it is true, make valuable and increasing contributions to the task of world evangelisation. But the great issue of Church and State in the lands of the younger churches will be settled almost independently of their co-operation, they themselves being among the first beneficiaries of each successive settlement.

It was natural that the question of Church and State should be treated differently at the Madras and the Oxford meetings. At the former the subject was only one among many, and was not the most important. At the latter, the thought of the whole conference, directly or indirectly, moved around it, and much of the preparatory work kept deliberately in mind the peculiar difficulties of the modern Church in the presence of the all-competent State. The Oxford Conference was a gathering, largely, of scholars, and the issue in question is beyond doubt one where clear thinking is needed to analyse the background and set out clearly the challenge of complicated situations. But the Madras meeting succeeded in calling together a unique representation of experience. If the Church must live in the present or die, the Madras meeting was a lively demonstration of its vitality. Almost all, if not all, of the delegates were men or women who were actually contributing to the fulfilment of the Church's task in the world, very often in the difficult but much-needed sphere of concrete pioneer experiment and creative initiative. Where, then, it was shown that the

Church faced a delicate issue with the State, this was the result not of ideal positions postulated as a basis of argument, but of concrete methods of work and forms of activity. The evidence of such situations is, of course, indisputably relevant to a correct statement of the main problem. The statements and findings represent an attempt to meet the views of an astonishing variety of national backgrounds and Christian viewpoints. This is certainly true of the report on Church and State reprinted in this volume.

There will be occasion, subsequently, to refer more than once, as has already been done, to various conclusions of the Oxford Conference, but in several instances specific reference is made to the minimum demands of freedom there defined as essential to the Church, if it is to fulfil its task. It is well, therefore, to conclude this chapter by quoting the passage in full, and it should be compared with the similar list given in the findings of the group at Madras on the subject (see p. 282). The passage in question from the Oxford Report runs : [1]

'We recognise as essential conditions necessary to the Church's fulfilment of its primary duty that it should enjoy (*a*) freedom to determine its faith and creed ; (*b*) freedom of public and private worship, preaching and teaching ; (*c*) freedom from any imposition by the State of religious ceremonies and forms of worship ; (*d*) freedom to determine the nature of its government and the qualifications of its ministers and members, and, conversely, the freedom of the individual to join

[1] *The Churches Survey Their Task*. Allen & Unwin. 1937. Pp. 84–85.

the church to which he feels called; (*e*) freedom to control the education of its ministers, to give religious instruction to its youth and to provide for adequate development of their religious life; (*f*) freedom of Christian service and missionary activity, both home and foreign; (*g*) freedom to co-operate with other churches; (*h*) freedom to use such facilities, open to all citizens or associations, as will make possible the accomplishment of these ends, as, e.g., the ownership of property and the collection of funds.'

CHAPTER TWO

CHURCH, MISSION AND STATE

THE Christian Church works in a world where old-established religions or religious outlooks have prevailed for many centuries. In some cases religion itself, as in Islam, has powerfully worked directly to produce a certain form of the State ; in others it has favoured the adoption by individuals of certain political attitudes. All Christian churches, whether in East or West, have perforce to take account of the varied situations thus created, but there is a great difference between the position of older and younger churches in this respect. The former work under religious conditions which they themselves have helped to create ; the latter exist in the midst of a religious situation which is not of their creation ; and their expansion is destined to change this situation radically.

The great historic non-Christian religions do not merely imply certain predispositions of mind, or certain practices in regard to the use of temples, the attitude of prayer, conviction or belief about sin, the destiny of the soul and the world to come. If this were all, the relation of the Church to them would be relatively simple. They involve, however, a complicated social structure, certain principles about the organisation of human society and many ethical, or sometimes unethical, customs regulating man's conduct towards his neighbour

and as a citizen of the State. Just as a civilisation finds political expression in the State, so it is also coloured and informed by religious ideas, and, as a consequence, the religious situation is inevitably intertwined with the political. This is so far true that in numerous practical matters the citizen finds his political conduct affected or determined by his religious outlook.

It is, therefore, somewhat artificial to separate political from religious conditions so as to determine what should be the attitude of a religious community, which is a minority, to one or other in isolation. It is more useful to look at the general policy of different national states, noting the extent to which their attitude to minorities is the result of opposition to all religions, or alliance with one in particular and opposition to others. The special difficulties of foreign missions as distinct from the indigenous church require, however, some preliminary consideration. This will be followed by a summary of the principal types of national policy that create grave difficulties for younger churches and religious minorities, and the implications of these policies will be briefly referred to. This necessarily leads to a short consideration of the special reasons, often of a transitional character, why the position has become especially acute in recent years. Finally, having up to this point discussed the policy of national states towards the Church, it will be appropriate to record some of the achievements of internationalism, as seen in common agreements and statements of policy, not controlled or administered by any one nation alone.

The work of the foreign missionary is affected by two sets of political conditions : those of his native land, and

those of the country where he is working. These two may be relatively independent of one another; the missionary's native land may have few political relations of importance with the land of his residence. This is, perhaps, generally the case with missionaries from Finland, Norway and Sweden. Or there may be a very close relation indeed, as in the case of colonies governed direct by a European power. In some cases states enter into special agreements with one another by treaties containing specific provisions about missionary work. Leaving these special cases on one side we find that in sovereign states, such as China, Japan, those of the Near East and of Latin America, all Christian missionaries are treated on an equal footing in law and in fact, irrespective of their nationality. In the colonies of two democratic countries, France and Great Britain, in the British Dominions and India, the same is true. In the Belgian Congo, however, there exist certain conditions which directly favour missions of Belgian origin. In the colonies of states organised on the corporative model, Italy and Portugal, there are strong tendencies and some legal dispositions which favour the work of Italian and Portuguese missions to the prejudice of others. These three countries, Belgium, Italy and Portugal, have this in common: that they are countries of Roman Catholic tradition and background.

The countries whose churches send out missionaries are themselves also closely concerned with these missionaries for political reasons. Missionaries, in most cases, remain nationals of their native country, whose government cannot, therefore, be wholly indifferent to their welfare. Normally, however, they do not need to

maintain close relations with their own government and may prefer not to do so, but in abnormal times, such as war, the mere fact of their nationality becomes of great importance, and may affect the maintenance of their work. Even in normal times, however, the State is concerned with the work of missionaries, who are its citizens, in four ways: their activities may be the occasion of complaints or representations from the authorities of the countries in which they reside; missionaries themselves may appeal to the protection of their own consuls; the State may use the services of missionaries as consular or other political agents; and the State may utilise their services as a means of cultural influence or penetration. Other exceptional circumstances sometimes bring missionaries into closer contact than usual with their own governments.

There are, of course, some countries where missionaries are not allowed to reside: such cases are the unsolved problems in the field of religious liberty. In nearly all countries there are definite agreements or understandings which regulate the presence and work of missions. If complaint is laid against a missionary, it is generally due to the fact that, possibly for avoidable reasons such as ignorance of the law, he has made his presence unacceptable to the administration. In some cases, however, there is reason to believe that individual missionaries have been falsely accused owing to prejudices arising from resentment on the ground of religion.

A missionary is naturally at liberty to appeal to the consul of his country, as is any other citizen of that country. It is plain that in many questions, especially in the numerous problems that arise over the acquisition

and possession of property, he may need to do so. Many missionaries, however, prefer to do so as little as possible, except in regard to such questions as may benefit the whole local church, in order to avoid the complications that may be thus created, as well as the impression that his work is dependent on the political support of a foreign power.

It has been said that the State may use the services of missionaries as political agents, or encourage their activities as a means of cultural influence. Missionaries have, in the past, been frequently employed as consular or special political representatives; Germany, the United States and Great Britain can all show examples. But such a policy was only possible, from the government's standpoint, at a time when nationalism was less developed than to-day, and controversial issues were handled by somewhat one-sided and direct methods. The cultural influence of missionaries, however, continues to be very considerable. They inevitably have such an influence by the nature of their work, and it is widely recognised that unconscious cultural penetration, even if devoid of all political intention, and indeed by virtue of this very fact, is one of the most pervasive and effective forms of national propaganda. It is quite impossible for the average man to dissociate himself completely from his native cultural background and it is doubtful whether he gains anything by attempting so to do. Certain missionaries, especially in times of war, would consider that there are aspects of cultural penetration that are fully justifiable for them. They would maintain that they are bound to commend the cause of their country as well as the message of their Bible.

Indeed, it may be difficult for them to resist political pressure that may be put upon them in times of crisis. It is equally clear, however, that such pressure is likely to defeat its own ends ; it leads to suspicions and to actual expulsions of missionaries, and it may involve the local church in many difficulties on the grounds of doubtful loyalty and subservience to foreign interests.

Missions have therefore to consider their position both in regard to the policy of their own country and that of the state within whose borders they are working. But the Church, as the permanent body, is more immediately and continually concerned with the national policy and the State. For the purpose of this chapter, different types of national policy can be classified as follows :

1. The state which is identified with a particular religion.

2. The state whose political aims and claims and loyalty are strongly buttressed by a national cult.

3. The state whose policy unites nationalism and secularism.

4. The ' lay ' or ' laicising ' state.

5. The anti-religious state.

6. The state which responds readily to the pressure of a dominant church.

(1) The state which is identified with a particular religion. This does not mean merely an ' established ' religion, in the sense in which the Anglican Church is established in England to-day, nor even that kind of uneasy alliance between a state and a religion such as characterised the relations between the Emperor and the Pope in the Middle Ages. Rather, it signifies an absolute identification of a state with a particular religion,

in that the state is itself considered an integral part of the divine revelation on which the religion is founded, and is also supposed to exist for the defence and extension of that religion. Such is the orthodox Islamic conception of the nature and function of the State. In a typical Muslim state all legislation and all jurisdiction must be submitted, if necessary, to the highest religious authority in the land, in order to be certain that they do not conflict with the *Sharia* (or Muslim law), which is regarded as an embodiment of the divine will. As the prophet Mohammed was himself the religious and political head of the community, so were his successors the Caliphs. In practice, history has introduced modifications into the form of most modern Muslim states, but the orthodox theory as to the ideal relationship between the State and Islam remains unchanged.

(2) The state whose national aims are given a religious inspiration has never been an unfamiliar political phenomenon. A modern instance of this ancient, but uneasy alliance of ideas, is, in the view of many, Japan. By creating or developing a cult with its apparatus of religious or quasi-religious adoration and reverence, the tribal respect for the honour of a tutelary deity is carried on to a wider stage. To outrage the religious sentiment thus evoked is to offend against the nation, and even unbelief becomes *lèse-majesté*. There are two types of this state-religion which the Christian must consider. In the first, a local creed which has originated in the region is invested with a special position and a political significance, ultimately to become an affirmation of faith in the greatness and expansion of the nation—possibly the exclusion of all rivals. In the second, this line of

religious development is to some extent reversed, and Christianity—itself a creed, which, whatever may be said of its origin in Judaism, can claim to be of universal and supra-national content and significance—is so distorted by its interpreters that it is made to sanction and indeed support an exclusive national expansion. Such is the meaning of the vicissitudes and exaggerations of interpretation to which in Germany the Christian faith has of recent years been subjected.

These cases offer the most acute problem of conscience to the Christian Church and its members, although the problem varies in each case. In the case of the exaltation of a non-Christian religion to the status of a national cult, the Christian has to decide whether the homage that is demanded from him is really an act of worship, and whether worship, having in mind the exact meaning which the words used in his own language may bear, is indivisible, has one meaning only, and can be offered to God alone. In the second, the Christian must decide whether the conception of God has been so far distorted that, whatever claims may be made on Christians for their allegiance, He is no longer, in effect, the God and Father of our Lord Jesus Christ, but a deity whose peculiar interests have been imaginatively moulded to suit special circumstances.

(3) The third situation in which younger churches and religious minorities are acutely concerned is created by a state whose policy combines secularism and materialism. In this event the state, for purely national motives, embarks upon general secularisation which, *ipso facto*, involves the elimination of religious minorities. The motives are various and are illustrated in subsequent

chapters ; they may include the simple and obvious one of eliminating all religion whatsoever, owing to the alleged and possibly well-established social decadence of the dominant religion ; but in this case the policy would usually justify the description of anti-religious. They may include the fact that religious minorities are, perhaps with justice, suspected of being the political tools of foreign powers. Again, a state may embark on the policy of secular nationalisation without attempting to pursue the so-called deification of the State, but simply holding that religious groups of any kind are an obstacle to homogeneous national development, especially if many foreigners are connected with them.

(4) The fourth group of situations may be comprehended under the general idea of the laicising state. Here there is no fundamental desire to base the national development on an aggressive elimination of religion, but simply a conviction that the dominant religion wields power incompatible with the sovereignty of the state, and popular religious practices are an obstacle to constructive social development. The dominant religion (it is claimed) must, therefore, be restricted and its privileges shorn, but, once this has been effected, free scope can be given to the activities of religious bodies. Laicism has for its guiding principles, Gambetta's words : '*Le cléricalisme : voilà l'ennemi !*' France is the country with which it has been most vividly associated, but it has for long been a common and recurrent phenomenon in Latin America. Religious minorities suffer inconvenience in the face of aggressive laicism, because their liberty is often curtailed through regulations which are necessarily framed to apply to all alike.

But they also gain considerably, in the sense of obtaining greater equality of opportunity and a more satisfactory position in their legal standing and relation to the authorities.

(5) The definitely and aggressively anti-religious state must be set in the fifth class by itself. It is true that lay or secularising states often pass through a period when they indulge in religious persecution, but it is usually only a temporary stage ; and it is also true that anti-religious states, in the initial stages of their development, may favour religious minorities in order, through them, to weaken the dominant group. But it is the sustained attempt, through restriction and persecution, to eliminate ultimately all religious confessions that constitute an anti-religious state, of which the U.S.S.R. is the modern example. That such an attempt is really in progress in Russia must be judged from the concurrence of local reports from different regions, from the existence of government-aided bodies to promote anti-religion, and from official connivance at the work of destructive groups of anti-religious enthusiasts. Against evidence of this kind, the formal ' guarantees ' of constitutions are, unfortunately, often of little avail.

(6) Christian minorities sometimes suffer from a situation which in some ways is the actual reverse of the anti-religious attitude. They find their scope and possibilities of action limited through the policy of a state which seeks the close co-operation of some other form of the Christian religion in order to develop a national policy based on historic traditions. A price has to be paid by the state for such support by the dominant church, and so long as this is simply in the form of

financial subvention, the position of Christian minorities may be tolerable, although equality of treatment is not attainable. Sometimes, however, the state will further gratify the dominant church by imposing upon religious minorities restrictions which render their work very difficult. There is good reason to believe that this is the origin of some of the restrictions which have been imposed upon non-Roman missions in the colonies of Roman Catholic countries.

A few comments will be sufficient to show the difficulties of the position to-day. It is certainly a confession both of the weakness of the Church and of the anomalous relations that exist between it and the state that Christian groups may suffer at one moment from the pressure of larger and dominant Christian churches and, by a turn of the wheel, from the secular state itself. At the same time it must be recognised that persecuted minorities often develop into persecuting majorities, and that quite small groups of Christians sometimes manifest an intolerance of spirit which is only rescued from becoming an intolerance in action by lack of power. For this reason, the declarations of the Oxford Conference finally renouncing the use of compulsion as an instrument to secure religious changes or convictions are doubly to be welcomed. Again, it is possible to argue that the Church should adjust her internal problems satisfactorily before she complains of external difficulties, and consequently the settlement of relations between different churches is a necessary preliminary to more satisfactory relations with the State. But although admittedly branches of the Church do suffer, and have often suffered, from more powerful churches which urge the state to use the

secular arm against them, and although this is deplorable in all conscience, it should not prevent all Christian bodies from unitedly seeking to secure a satisfactory settlement of their position *vis-à-vis* states which bring a threat against all religion.

The political conditions under which the younger churches and minorities carry on their work are evidently very various ; and although some of the main types of situations have been briefly mentioned, there are many that escape exact classification and cannot be made to fit into any coherent or logical scheme. The parallels between one state and another, in its attitudes to the Church or to religious minorities, are more the result of coincidence than plan. There is a superficial and obvious similarity between the attitudes of anti-religious or secular states, but it does not go very deep. The secularism of Turkey is quite different from the laicism of France, the anti-clericalism of Mexico or the anti-religion of Russia. Again, the attitude of nazism in Germany both to the dominant religious organisations and religious minorities is different from that of fascism in Italy and Abyssinia, from that of the Mexican State, or from that of the present régime in Japan. This does not, of course, mean that nothing can be learned by reviewing these situations : but, it is an indication that it is impossible to lay down, by means of generalisations, how they should be dealt with in practice.

Further, it must not be imagined that when an issue arises which affects the conscience of the church, the latter will have a perfectly clear and water-tight case. There is an attraction for many people in the idea that a persecuted religious minority has a case which can be

pleaded without misgiving, for all the blame is on the other side. But, inasmuch as the church, by its nature, has its share in human errors and limitations of vision, it is not to be expected that its case should be above question. The Christian minorities in parts of the former Ottoman Empire are an instance in point: it is not usually assumed that their case was clear; it is commonly admitted that they had been used, only too often, as the tools of the great powers in political manœuvring. But, at the same time, no one supposes that this could justify such treatment as they received.

When there is real hostility between the state and the Church or a religious minority, the state is naturally not going to give the case away to its opponent. Therefore, it seeks, as far as possible, to avoid a positive issue which would offer a clear challenge to the united Christian conscience, and rather to advance proposals on which Christian opinion may reasonably find itself divided. There have been examples of this procedure lately both in the Far East and in the West. Neither is the state, in most cases, willing to press its case with such vigour and obvious aggressiveness that the different elements of the opposition are united by the immediacy of the menace which they confront. Rather, it will seek to gain its ends by a more indirect approach, which, is very often possible with religious minorities. The problem for the Church in such circumstances is not whether, as a principle of action, to make a decisive stand which may lead, perhaps, to imprisonment and persecution, but at what point to do so and how to obtain a united Christian opinion on such action.

We must now briefly summarise some of the principal

matters at stake. The areas of activity in which the younger churches, missions and the State come into close contact are wide, and the discussions at the group on Church and State at the Madras meeting showed that there was scarcely an avenue of Christian approach, which was not somewhere and to some extent partially blocked, if only in isolated regions of the world. It would be tedious to mention some of the smaller questions at issue, and the recommendations of the group are clearly stated in its findings (see pp. 278–88). Some of the more important issues, however, must be shortly stated here.

First must be placed the inviolability of Christian worship. This is particularly an issue in the Far East to-day. The attitude taken to this at the Madras meeting is clear ; the right of assembly in order to worship God is claimed by Christians, for by such action they assert simultaneously two positions which they cannot abandon. They declare where their ultimate loyalty lies and to whom, in the event of a conflict of conscience, it must be given. And they add to this their claim to associate together, to enjoy fellowship with one another, and thus to give the lie to the supposition that it is sufficient for the citizen to have a purely personal and interior religion, that his faith ought to be a purely individual matter, and consequently his neighbour's convictions a matter of indifference to him. The Christian has many occasions on which he desires to worship alone, but he also supremely and indispensably covets the fellowship of a vast number to worship with him. His attitude to his neighbour is that which Dante attributes to the heavenly host when they witness the poet's own arrival

in Paradise, 'Behold one whose coming will multiply our love.'

Christians, however, also claim the right of conversion, or religious change. Just as they admit the freedom of any member of the Church to leave it, so they demand the right to accept anyone who wishes to enter it of his own free will. And, as they are convinced that such freedom of choice is essential to the development of human personality they expect to find the same attitude in other religions. This may seem so evident as to be elementary ; but, as is well known, this elementary right is denied in Muslim lands. There, the right of conversion means the right of a Christian to become a Muslim, but not the opposite. Obviously, this point is a vital one for younger churches whose growth must necessarily be through conveying to other persons a conviction of the truth of their message and a consequent desire to embrace it.

The right of conversion is so essential that, in a sense, the right of preaching or proclaiming is really only a derivative of it : it belongs to the mechanism rather than the essence of the faith. No interchange of ideas, no knowledge of any religion or truth, can come to the vast majority of mankind, unless that truth is communicated to him by someone else who understands it. The founder of a religion may arrive at and formulate his system by virtue of insight, thought or intuition, but even he is far from being able to claim an independence of the truths of the past which have been communicated among men till they reached him. But the mass of mankind can only apprehend truth if it is communicated and explained by word of mouth ; preaching or pro-

clamation is simply the expression of this by the most practical action. The degree of persuasiveness that is allied with such preaching, the point at which preaching becomes propaganda and propaganda 'proselytism' are all interesting questions, but they do not in any sense affect the fundamental considerations on which the right of preaching is based.

A further principle of great importance is contained in the demand for equality of treatment of all Christian confessions. This principle is of particular value to missions and younger churches which are building up their organisation from the beginning in non-Christian lands. As a guiding principle for the demands of religious minorities in the West, it stands on a less secure foundation. It is difficult to deny to an ancient church which has, from early days, been closely associated with the development of the national life, a privileged position in the view of the state, and in such a case the claim for equality of treatment savours somewhat of presumption. But this does not mean that gross inequality of treatment, amounting to a serious denial of such rights as are mentioned on pp. 11 and 282 can be countenanced. It implies, however, that an equitable arrangement can only be reached in such cases by a wide and generous tolerance on one side, by a recognition of the difficulties of the position by the minorities themselves, and by constant vigilance on the part of all preoccupied with the cause of freedom in religion.

One of the most sinister evidences of the veiled hostility of certain states to religious organisations lies in their attitude, not to the actual existence of religious minorities so much as to their extension and growth.

This is usually expressed by saying that proselytism is definitely forbidden. We need not discuss the desirability of the term ' proselytism ' : it is sufficient to observe that many churches are in such a position that in order to survive at all they must ' proselytise.' The social pressure against a minority is often such that it does not retain all its members and their families ; on the other hand, if it presents a message which it believes to be true, persuasively and attractively, it can often attract new adherents. But this is only possible if freedom of religious exchange is permitted : where this is denied, it is often a specious way of instituting a gradual abolition of religious bodies by means of legal decrees which paradoxically seem to guarantee them at any rate a certain limited status.

We must now pass on to summarise some of the reasons why these questions have become particularly acute. In the general sphere of religious liberty, Church and State problems and equality of treatment, it is a necessary truism that the present period is a transitional one. There are many reasons for this, behind which stand broad general considerations which were the subject of debate at the Oxford Conference, for example, the question of the meaning and use of freedom, the life and activities of men in community, and the Christian understanding of the true ends of life. It is sufficient to say here that of the six principal reasons that affect the ambiguous and changing character of the relations between the younger churches and the State, two concern the inner life of the Church itself : these are firstly the relations between mission and church and secondly the internal growth and leadership of the church, and they

are the subject of comment in the next chapter. The other four reasons are among the changing factors of the political setting in the midst of which the younger churches work. They are the alterations taking place in the conception of the State, the developing colonial policy of metropolitan powers, the declining respect for international institutions and agreements on a legal basis, and the changes proceeding in some of the world's great faiths, such as Islam.

Every change in the current conception of the nature and function of the State affects the standing of the Church and of religious minorities, however small this Church may be, and however much divided into denominations. This is more especially the case when such a change denotes a marked shift in basic political assumptions as in the change from democracy to nazism in the Reich. When a high-sounding doctrine of the State is enunciated, this latter may well seek to fortify the national feeling at the expense of minority groups. Inasmuch as a successful revolution in one country may well be imitated in another, a period like the present when there is much dissatisfaction with existing conditions and consequently much looking around for inspiration, may well be dangerous for small churches and religious minorities. It is difficult for any small religious group to feel its position secure from one month to another. This uncertainty is increased by the knowledge of the immense powers of propaganda, secret police and armed force which are at the disposal of modern governments, and which, in the absence of what is normally understood by constitutional assemblies, are so freely turned against any group of citizens or individuals.

The colonial policy of imperial powers inevitably concerns younger churches and missions intimately, while the position of the indigenous church in most colonies requires and justifies the close co-operation of missionaries who may or may not be of the nationality of the metropolitan power. But colonial policy differs from one set of colonies to another and is in a state of considerable development and modification. The same is naturally true of the life of the younger churches. For example, the Belgian Congo is in a process of fairly rapid Christianisation. Out of a population of over twelve millions there are some two million Roman Catholics and a million Protestants. At the present rate of extension the colony will soon be Christianised. What is the relation in which the Roman Catholic and Protestant churches of the Congo will then stand towards the State? It is at this stage difficult to discuss the Belgian outlook on the political future of the Congo, for the development so far attained is not such as to permit the formulation of a definite policy. Again, the French attach to legal and social status the importance which the British give to political rights and freedom of associations and of commerce. Is it desirable that in the colonies of the one country the Church should be developed in closer association with the Church of the homeland than in those of the other? In the political administration of the Portuguese colonies it is apparently intended to introduce gradually, and with necessary modifications, the corporative methods of recent years in Portugal. But the position of the evangelical churches in the colonies, particularly Angola, is very different from that of the Protestant minority in Portugal. Are

we to suppose that there will be the same difficulties in securing the observance of fundamental rights in Africa as in the metropolis ? These are questions which cannot be answered now, but they reveal the kind of problem that will have to be faced in the future. In the Italian colonies the position is altogether abnormal. The outbreak of war between imperial powers is also bound to create emergency situations.

The declining respect for international agreements is very serious particularly for the standing of missions. In many areas of the world their status is guaranteed either by conventions subscribed to by various powers, or by bilateral treaties, as, for example, between Great Britain and Egypt. The gravity of the situation arises from the fact that when a repudiation of these agreements is made, such action is usually due to political strain and tension involving large issues, and small and voluntary bodies can hardly hope to make their voice heard, or to arouse the sympathy and influential support necessary for successful action. They are, in fact, the playthings of the larger forces in the field. Religious minorities, churches and missions, must always stand to gain by the reign of law rather than force, even if the law seems to them unfair and to be unfairly administered. They may be able to give a noble testimony to their faith when force is in the ascendant, but they cannot hope to fulfil their sense of mission on any extensive scale.

The changes taking place in the world's great religions, Christianity included, are relevant in almost every way to the health of the younger churches and the missions. The general significance of this has already been briefly referred to. But it is clear that any weakening of the

Muslim view of the relation between political rights and faith is vitally significant to the Christian cause. Changes affecting the relation of the State to the Christian Church will have their reflection throughout Christian missions. Thus both the changes that occur in the outlook and prospects of the non-Christian as well as the Christian faiths constantly place the problem of Church and State, as it affects the world evangelistic task of the former, in a new light. Indeed, as the collapse of Christianity in Russia and Mexico, the restriction of Islam in Turkey, the church conflict in Germany show, the whole task and energies of missions, and therefore to some extent the work of the younger churches, depend to a certain degree on the actual relations of old-established religions with the State. The standing of the missions of a church is to some extent a function of the relation of that church to the State.

Such are the special characteristics of national policies to-day which suggest difficulties.

As a conclusion to this chapter it is necessary and interesting to record the achievements of internationalism in the spheres of religious liberty and missions. The Berlin Act of 1885, relating to the partition of Africa, also contained provisions designed to guarantee liberty of conscience, religious toleration, the free and public exercise of religion and the right to organise missions. As the Act affected a large part of Central Africa these guarantees were of importance, although they were not always observed. The Belgian Colonial Charter of 1908, however, reasserted the same rights. The Treaty of Versailles contains a ' missions article ' referred to below, and the League of Nations was entrusted with the establishment

of the mandatory system. The Convention of Saint-Germain of 1919 revised both the Berlin Act and the Declaration of Brussels of 1890. It is notable for the fact that it passes somewhat beyond the mere granting of guarantees to missions and definitely regards them as the instruments of civilisation. It can at least be inferred that the framers of these documents envisaged the maintenance of equality of treatment among religious bodies in Africa.

Article 438 of the Versailles Treaty exempts mission property from the general liquidation of German property in the colonies, the right to which was reserved to the Allied and Associated Powers by Article 297. It was agreed that German mission property should be held in trust for its original use by trustees of the same faith as that of the mission whose property was involved. The Allied and Associated Governments further guaranteed to safeguard the interests of the missions while maintaining control of the nature of their staff. Actually German missions were re-admitted with full German personnel in 1924, and it may be said that Article 438 had served its purpose. For the many negotiations involved in the conduct of German missions during the Great War, in subsequent attempts to ensure their position and in hastening their early re-establishment, the International Missionary Council deserves much credit. The whole story makes a pleasing contrast with some of the more unfortunate aspects of international relations in the post-War period.

A proposal was made at the Peace Conference for a general provision on the subject of religious liberty in Article 23 of the Covenant of the League of Nations,

but it was subsequently dropped. The mandate system, however, grappled with the problem from the start. All the mandates contain an article which guarantees 'complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals.' The open door for missionaries who are nationals of States Members of the League is also required, subject to the same conditions, except that in 'A' Mandates this provision is not limited to League members. In point of fact, and with temporary reservations as to German missionaries as indicated above, there has been an open door for all missionaries. The present form of the article on religious liberty in the 'B' Mandates under Britain is due largely to American pressure.

Mandatory administration gives preferential consideration to Native policy, and only subsequently takes into account the views of third states. Consequently the provisions for religious freedom are mainly in the interests of the indigenous population, although the interests of third states in securing equality of treatment for their missionaries have frequently been regarded. On the whole, the mandates system has worked in the sphere of religious liberty to the satisfaction of most parties. From time to time questions have been raised at the sessions of the Permanent Mandates Commission, which has consistently endeavoured to ensure the due fulfilment of the relevant articles. Thus a matter at issue between Roman Catholic and Protestant missions in Ruanda-Urundi in regard to the granting of land concessions by chiefs was ventilated, with redress of grievances. An interesting question was brought up at

the Third Session (1923) of the Commission. It was stated that in one of the 'B' Mandated territories difficulties had arisen as a consequence of competition between religious missions. It was suggested that the Mandatory might allocate spheres to the different missionary bodies. The Commission, however, considered that it did not have the power to sanction such a step, for any restrictions of this kind placed upon the missions of any denomination would be contrary to the terms of the Mandate. The maintenance of public order was, however, essential, and was 'a necessary condition for the full development of all freedom, not excepting freedom of religion.' Only those regulations which arose directly from this consideration would be justified, and they would be fully justified even if they restricted in some measure the free exercise of religion. This case well illustrates the principles adopted in the development of modern international relations through the Permanent Mandates Commission of the League of Nations, in relation to the freedom of missions and indigenous Christians.

This record of international action in relation to freedom of religion makes a pleasing contrast with some of the situations that have arisen in areas under full national administration. It goes far to justify the opinion that, at any rate in undeveloped territories, international machinery is the most satisfactory way of securing those guarantees which churches and missions seek. But it cannot be deduced from this that such international action is in every case the best means of securing fair treatment in public religious questions. In countries where religious communities are emphatically aligned on either side of long-standing historical feuds,

as in Palestine, it might easily be argued that it is the mandate system which has deprived the Mandatory of the necessary powers to maintain order. Similarly, the difficulties in regard to freedom of conscience in Syria show that there are situations with which a Mandatory can only come to an uneasy compromise. These cases are controversial: but the fact that they exist must necessarily mean some caution in endorsing, in the presence of the highly developed organisation of national states in the world, internationalism as a regularly successful principle of action in the field of religious liberty.

CHAPTER THREE

THE INTERNAL PROBLEMS OF THE CHURCH

THE problem of the relation to the State of younger churches and religious minorities is not essentially different from that of the larger historical communions. The relations between Church and State do not ultimately depend on the number of members in the church, or its age, but on the ideas which have given birth to each party in its turn and on which it bases its conduct and its attitude to the other. The main conclusions of the Oxford Conference on Church, Community and State apply, therefore, to the younger churches and can furnish them with important principles of action which, however, must always be reviewed in their application to the local situation. In practice, however, the older and younger churches find themselves very differently placed, owing to many factors of which one or two only can be selected for comment.

The younger churches are at a disadvantage because they are small. The fact that they often furnished leaders of recognised national standing should not obscure this. When a body is small, its position may even be an enviable one if liberal ideas are generally popular, but if the civil authorities follow a policy of regimentation, or even of repression, then such a minority may be threatened with extinction. Thus it is easy to crush out the ' Witnesses

of Jehovah ' or similar small groups in Germany ; these Christians, we are told, are simple and literalistic disciples, pious, unoffending and wholly non-political. They take their sufferings as the lot which Christians have to expect in this world, and their undisputed fate is a tale of cruelty too terrible to be repeated. They have been stamped out. But sad as are the limitations which have been imposed upon the German Evangelical Church, and the sufferings which certain individuals have had to endure, yet it is manifestly impossible to annihilate in a day such a body, with its roots deep in German history.

This is due partly to the internal strength of the older churches, in spite of all their loss of influence with the masses, of which so much is heard. It is also partly due to the international contacts which an older church possesses, which means that general public opinion must be flouted on a large scale before extreme action is taken. But certain religious minorities also make a powerful appeal to the international pressure of public opinion, generally because, though small, they are bodies with a long historical Christian tradition : the Armenians are a good example. But the Baptists in Roumania or the Protestants in Spain do not hold such an appeal : in a time of crisis interest in them has to be worked up ; their case, even if sound, must be explained and defended ; there is little instinctive bias of sentiment on their behalf. Hence it is possible to carry through restrictive measures against them without much risk and, even when such restrictions are justifiable from an administrative point of view, it is easy to carry them to the point of unjustified persecution without provoking an international protest

by representative and influential organisations or by governments who may be moved by their own citizens to express concern.

The younger churches, as the phrase is ordinarily conceived, have a different appeal to international opinion, because of the close connection that necessarily subsists between them and the older churches who were the pioneers of their work and are still closely concerned with it. The presence in the world of nearly 30,000 non-Roman, and a somewhat greater number of Roman Catholic, missionaries obviously constitutes a factor of some importance in bringing influence to bear in favour of religious liberty. But this apparent advantage is qualified in certain directions. The missionary may identify himself with the church in the plea for religious freedom, but the temper of nationalism may be such that by so doing he may prejudice, rather than help, its cause. Indeed, the inadequate but often-used phrase ' national churches ' may even imply that the best defence of the standing of the church is its autonomously national status. Further, the presence of missionaries does not of itself establish an international interest in the religious freedom of the younger churches : such interest as exists may possibly be diverted to the status of missionaries themselves. The younger churches, as such, have not yet found their due place in the normal consciousness of Christians of the West, although much progress towards enabling them to do so has been made in recent years. The Church in China does not, for many Europeans, possess the popular, sentimental appeal of the Armenians ; and the maintenance of Christianity in Japan does not strike the public conscience as forcibly

as its disappearance from Russia (the balance of interest might be different in North America). Consequently the international opinion that can be mobilised in favour of the liberty of the younger churches is not so great as might be expected from a knowledge of the ramifications of the missionary movement.

The question must constantly arise for the younger churches, as it did for the early Church, why a religion which inculcates so many virtues desirable in the citizen should ever come into conflict with established authority. To this there are various answers each containing a part of the truth, but each acquiring or losing significance according to the attitudes adopted by the State. The virtues of the faith are often deliberately unrecognised or are conveniently forgotten on the occasion of some accidental lapse of taste or conduct, or some accusation which, even if grossly untrue, serves as a convenient weapon. As, in the early Church, Tertullian had to answer the grossest charges which were brought against Christians, especially of licentious conduct in their secret services, so such charges are sometimes used to-day, not only as a matter of religious controversy, but as arguments to compel the State to embark upon total suppression. The grotesque charges brought in Germany against the modern Jew are another example of this. In times of declining public prosperity, when the State is defeated or unsuccessful in the realisation of its ideals, it is easy and convenient to fix the blame on religious or racial minorities which are readily accused of doubtful loyalty. The converse view that national success is due to the elimination of discordant elements in the community is defended with equal facility. Again,

accusation is brought against the Church, in occasional instances with reason, of harbouring the presence of groups with strongly Messianic and Adventist tendencies, whose preaching creates a sense of irresponsibility, promotes the break-up of organised society, and even treats lightly family bonds. Further, Christian pacifism is assumed to be a refusal to co-operate with the State in any circumstances whatsoever. Finally, and by far the most important, is the conflict of loyalties. Christians declare their final loyalty to be that of their spiritual citizenship which is in heaven. Of this something has been said elsewhere ; it is sufficient to note here that this tension cannot be wholly evaded. Yet there are two considerations that should not be overlooked : Christianity has always shown a faculty for intermingling conviction and adaptability, without intransigence on the one hand or surrender on the other ; and the Christian way of facing tension is the way of persuasion through love. It is a matter of historical fact that most settlements between Church and State have been reached by compromise on both sides.

It was at one time thought that many of the younger churches' problems in this context would be solved, almost automatically, when the church became fully independent of the co-operation of foreign missions, and realised its latent indigenous status. It is now evident that this was a mistaken hope, for reasons that are sufficiently clear. It is true that, under certain conditions, it is the foreign mission which is peculiarly liable to hostile attack, and, inasmuch as one state has always the right to request the removal of any subjects of another, the activities of missionaries can be readily interfered

with. Yet, for a long time the position of foreign missions seemed unusually secure. Certain political concessions to western powers, such as treaty ports and the insertion of special clauses in international agreements, undoubtedly facilitated their work and furnished guarantees which in the early decades of missionary expansion were of the utmost value. Had the European powers been entirely indifferent to the state of Africa, and wholly unwilling to assume any responsibility for its government and colonisation, it would have been difficult for the missions to make rapid progress. Elsewhere, the protection of European powers has in certain cases stayed the hand of the persecutor. At the same time, these very circumstances have caused the increase of the nationalist prejudice against missions, and developed in the minds of intelligent citizens, even those educated in Christian colleges, a suspicion of the real motives underlying the work of missions. The reaction from this was bound to come, and in many important regions, e.g. China, has already come. But the mere fact that the increasing degree in which the church in one country after another has become autonomous has not automatically resulted in a clear definition of its position in regard to the State, shows that an age-long problem of this kind cannot be solved by a simple adjustment of relationships among members, missions and groups of persons within the Church Universal.

Faced with modern threats to the whole standing of organised Christianity, the position of the foreign missionary acquires an added significance, and this fact is undoubtedly one element in the conviction of leaders of the younger churches that the presence of the missionary

will be needed for a considerable time to come. The missionary is one of the few surviving representatives, not so much of the old internationalism, as of the supra-nationalism of the Gospel. Further, in his apostleship he illustrates a conviction of the highest importance in regard to the communicability of ideas, namely, that the most permanent and, in the long run, by far the most constructive method of such communication is not through the mechanical or even fervent repetition of the catch-phrase of a mass ideology which, by its mere infection, is more an epidemic than an influence, but through the sober teaching of a message by the mouth and in the life of a qualified person, even if he can effectively announce it only to the two or three. To the popularity of ideologies, he indeed opposes the preaching 'to every creature,' but not without the offence of the Cross.

But if the missionary from the West is the apostle of supra-nationalism, this is none the less true of the missionary from the East. One of the most interesting results of the Madras meeting is the definite formulation of such a double conception of the missionary task. This conception is generally and naturally applied, in the first instance, to the inner life and duty of the Church. Missionaries from the younger churches are already making a contribution to the religious life of the West which will certainly grow. But it also has an important relation to the problems of the younger churches and the State, for, in proportion as the older churches know and appreciate the type of Christian character that is being formed through the Gospel in other lands, they will rally to a legitimate appeal or protest when it seems

that the elementary rights of the Church are being denied.

It might be inferred from this that the missionary is expected to become a denationalised individual, a kind of spiritually stateless soul. No such inference is, however, justified. His testimony gathers its power from the fact that, while a full citizen of his own state, he can maintain inviolate his convictions about the universal message which he has been commissioned to announce. It is precisely this witness that is needed, and that will contribute by the force of example to the establishment of happier relations between nationalist states and religious minorities. Members of both older and younger churches can work together to give an actual demonstration of the possibility of stating the double problem of loyalty to Church and State, in such a way that the latter is spiritually enriched by the former, and the former esteemed at its true worth by the latter.

The Oxford Conference recognised the freedom to carry on foreign missions as one of the essential demands of the Church. At no time, perhaps, in the last hundred years has it been more necessary to insist upon this freedom, than to-day. Discrimination against missionaries takes certain forms: sometimes they are required to leave the country or forbidden to enter it, under a general decree or law or by the use of discretionary powers. If many missionaries are involved, the dispute so raised may have far-reaching repercussions: it is often preferable, therefore, from the standpoint of the State, to exercise against missions such steady but unobtrusive pressure as will compel their steady reduction in numbers and possibly their final elimination. Examples

of this are easily cited from the Muslim world and from the colonies of certain 'Latin' powers. The teaching profession may, perhaps, be closed to foreigners, or, in certain cases, it may be decreed that missionaries residing in the country may remain there, but if they leave they may not return. When such regulations are made to apply to all missionaries or all foreigners, as the case may be, the issue is at any rate plain. When discrimination is made in favour of, or against, the representatives of any particular religion, or possibly any particular form of Christianity, it becomes much more complicated.

Missions are particularly sensitive to any restrictions which affect the movements of persons in general. There are certain ideas current in the world which may be widely communicated by impersonal means. Such are all those forms of advertisement which seek to create broad general attitudes and preferences. Christianity, however, although it may extensively use, cannot confide in such means alone: the world cannot be evangelised through an excessively high-power radio station in Geneva or Shanghai. The nature of the Gospel requires that its promulgation should involve an expensive and prolonged investment of human lives. Perhaps it is in this direction that the distinction between mere religious propaganda and evangelisation may be sought. Be that as it may, it means that the Church must strongly defend its right to commission for its work men whose qualifications are spiritual rather than racial or national. It cannot but deplore the invocation of national sovereignty to limit the communication of spiritual truth.

The fact that the Christian Church is a supra-national body does not mean that its moral authority as a whole

should be commanded in favour of any one section of it on the occasion of any controversy. This would presuppose that the conscience of the whole Church had been consulted before any local steps had been taken, and this is not only physically impossible, but generally unpractical. The vast majority of Christians are ignorant of the difficulties of the church in any particular part of the world, neither is there at present any effective machinery to enable a common opinion to be developed and formulated. Slowly to perfect such machinery, and not the least in regard to such problems as are here discussed, will undoubtedly be a first concern of ecumenical councils in the future, but it is a task of much delicacy. However, sections of the Church, or recognised bodies of Christian men who are grappling with these problems, have a right to call the attention of their fellow Christians to their difficulties. It would further seem desirable that there should exist centres of thought and research, through which a wide variety of experience and knowledge even among non-Christians, can be tapped, in order that the best guidance possible in regard to the Christian principles involved may be at the disposal of those who must make critical decisions on local situations.

On the other hand, if the Church is essentially organised without first regard to the principles of nationality, the complete autonomy of the indigenous church in its judgments on the application of Christian principle to its standing with the State must be questioned. It is easy to suppose that the modern emphasis and attention that are given to the subject of indigenous or ' national ' churches imply that a kind of inviolability of judgment belongs to any local church. But this is not so, in any

final sense ; for what is important about any church is not that it is an American or English or Indian or Chinese or Japanese church, but that it is a branch of the one Church and holds the common Christian faith. Final judgment on any question, therefore, belongs theoretically to the whole Church ; and no church can absolutely claim validity for the statement ' We have decided that this attitude to the State is permissible, and you must respect our judgment.' Just as local churches have erred in many epochs of history, so they may err again to-day. Nevertheless there are obviously very strong reasons why local judgment should, as far as possible, be respected, and it may be assumed that only in extreme cases would it be challenged. We have seen that it is not possible to consult the conscience of the whole Church on particular cases, and few would feel justified in interference when the question involved might mean imprisonment or persecution for the members of the local body.

Yet the Church does not despise or ignore the possibilities of international action, or live as though the divisions between the nations and races were a matter of no importance. Indeed, from the standpoint of organisation, the difference between the Church and certain bodies which claim to be international is that the Church really has its roots in the life of nations and the lives of their citizens. It does not consist of an office at Geneva, a few enthusiastic and influential personages in the background, one or two full-time and highly efficient secretaries and voluntary committees in various capitals. But it exists and functions with numerous ramifications and a worshipping membership of scores of individuals

in all countries, to such an extent that any one international Christian organisation only expresses a fragment of its total activities. Thus it enjoys a dual position, of living above the limitations of nationality and of being deeply embedded in the life of nations. This position necessarily carries certain dangers, but it confers both a desirable flexibility and a certain strength, when the Church is struggling against external forces for its survival and progress.

In assuming an attitude or in claiming rights or liberties from the State, it is important to notice that it is not so much the views of Christians, as expounded in books or speeches, that carry weight, as the nature of the organisation of the Church, and in particular the views of those Christians who hold influential posts in the machinery of organisation. There is, at any rate in non-Roman Christianity, a certain vagueness or ambiguity in the Christian attitude to many concrete political and social problems, and such valuable studies as those of the Oxford Conference are a very important step in the process of forming what is, however, not yet achieved : namely, a coherent and agreed Christian view on these questions. But, meanwhile, the better the church is organised in order to face any situation, the more likely it is to be able to resist pressure from outside ; organisations may, of course, be crushed, but not so readily as individuals.

When religious minorities, old or new, face the question of their relation to the State, they are confronted with a difficulty that has long existed, but has been exacerbated by the vitality of modern nationalism : they are frequently accused of breaking the religious or social homogeneity of the nation. It is, in many cases, a testimony to their

vigour, that, as very small numerical minorities, they should be thought capable of doing so. It is undeniable that, if one religious system is an integral part of the national outlook, a breach of homogeneity is created by the preaching of any other faith. This is not a question of the foreign influence which has been necessarily involved in the work of building up the younger churches ; it exists even in the case of those religious minorities where the fact of foreign influence does not arise. It is a challenge which the younger churches are prepared to accept, but they do not, naturally, accept the implication that their members are any the worse citizens because of their faith : rather, they claim the opposite, and point to the many instances in which Christians have been chosen by the authorities for the accomplishment of tasks of first importance. They further maintain that any unity which is achieved by ignoring the problem of truth, and the constructive thrust and energy which is the product of the challenge to thought and progress required by religious liberty, sooner or later allows a false satisfaction to degenerate into a genuine fossilisation.

Moreover, the younger churches cannot be content that the State should regard them as permanent minorities who can always be reckoned with as small, whatever their influence. So long as they maintain an active work of evangelisation, difficulties may well arise not only from the nature of their worship as a symbol of their ultimate spiritual loyalty, but also from the fact that they are rapidly expanding. These difficulties will probably never be altogether solved ; there is a natural fear of new and growing movements of any kind ; they will only approximate to a solution as society itself, in East as

well as West, is permeated by Christian ideals. Even then, as has become clear in Europe, a revolt against the Christian tradition may at any time precipitate a new conflict. In so far, also, as the younger churches seek a general Christianisation of society as a solution of their difficulties, they will always have to wrestle with the problem of adaptation and syncretism, not only in regard to the truth of the Christian revelation itself, but also in regard to the extent to which by successive and very often legitimate compromises, they can improve their relations with the State.

But the case of the younger churches, and indeed of others as well, is somewhat weakened by the divisions which they have in large part inherited from the older ones. It is significant that in some recent instances governments, on taking in hand the legislative regulation of the religious position, have required the unification of denominations. This familiar difficulty of the Church's life and work is somewhat mitigated by the existence in many countries of important Christian councils or federations holding wide representative powers. Just as these councils have had a decisive influence in the development of a domestic policy for the churches' internal affairs, so it is increasingly true that they hold a key position in regard to the external relations and political standing of the Church. Unfortunately, it not infrequently happens that a difficulty is created, perhaps indeed a hornet's nest is disturbed, by the action of some individual or small group which refuses co-operation with a central council. In such cases it becomes exceedingly difficult for the Church as a whole to secure effective action and a reasonable solution in a conflict.

All who are preoccupied with the divisions of the Church in relation to the struggle for tolerance, and the effort to define a correct relation to the State may well ponder the words of Troeltsch.[1] Speaking of what he terms sects or the 'sect-type' he comments, 'Their conception of toleration and freedom of conscience is of a toleration extended to groups like their own by the churches and the ruling powers; within their own borders, however, they have very little idea of toleration, since here scriptural law prevails. Since, however, in order to uphold this unity they renounce State aid, and at the most can exercise the method of social boycott, endless divisions arise among them. It is a fact that real conformity can only be secured with the aid of the State and the exercise of compulsion.' This passage suggests certain reflections. The ideal of 'real conformity' does not, for many Christians, afford a remedy for internal division or a basis for the regulation of the relations between Church and State. The Church cannot offer to the State a picture of a wholly regularised, entirely homogeneous body, neither is it desirable that it should do so; and however much it might facilitate solution of the Church-State problem, it would inevitably create other and more serious ones for its own inner life. However, it also remains true that a tolerant State looks for a tolerant Church, and the erection of barriers by one denomination, church, group or mission against another is the worst kind of preparation for a settlement of the relations of all churches with the State.

A grave situation may also be created when any im-

[1] *The Social Teaching of the Christian Churches*. English translation. Allen & Unwin. Vol. ii. p. 998.

portant section of the Church assumes an attitude in regard to the State which, although desirable from its own standpoint, places others at a disadvantage. In the view of many, the attitude of the Roman Catholic Church to the shrine question in Japan must be regarded in this light: it has been a cause of perplexity to other churches. While the organisation of the Roman Catholic Church enables it to take up a rigidly definite attitude on any question, any action which might seem to be the attempt of one church to gain certain advantages at the expense of others must be deplored, though it can only be avoided by a common attempt to seek one solution for all. Nor are examples wanting among non-Roman churches themselves of one church seeking to gain special favour for itself, even if the position of others is correspondingly depreciated. Such premature and partial action betrays a serious insensibility to the claims of the Christian fellowship, and the implication of the unity of the members of the one Body of Christ.

It is important to consider which of the activities usually maintained by the Church or its missions principally win the approval or provoke the criticism of the State. This is another way of expressing the fundamental problem of the basic ideas contained in the Christian faith which are incompatible with certain political outlooks, for the activities of the Church are an expression of its basic convictions. The background of the question was discussed at the Oxford Conference: here it is necessary to show some of the actual situations in which the Church or its missions are involved.

The primary task of the Church is the evangelisation of the world. But in so far as evangelisation both pro-

motes and permeates all other Christian activities, it is not easy to isolate it as a separate subject for discussion. It is difficult, for example, to say that it is the Christian as an evangelist that is apt to come into a conflict of loyalty with the State, rather than the Christian as an educator, for in performing the duties of the latter, the Church, if it is true to its purpose, expresses the message of the former. If the main objection against the Church is on the score of its mere existence then it may possibly be said that it is evangelisation that is under criticism, for in so far as the progressive gathering in of members is concerned, evangelisation is the main instrument at its disposal.

On the other hand, evangelisation, if regarded as an isolated process, and considered without reference to its ultimate results, often appears inoffensive, even in the view of those who are generally critical of all religion. This is probably because it seems, at first sight and to the uninitiated, to be comparatively inoffensive ; it is only when it has been carried on for some time and has resulted in a corporate body, the Church, that it becomes the object of suspicion, and criticism is then directed against the very existence of the Church. It has always been, however, a peculiar and disturbing element in the position of Christian missions in the Muslim world that the initial prerequisite of freedom of evangelisation is seriously in danger. The difficulties that are placed in the way of free religious choice, the very questioning of the right of conversion, show that in certain circumstances the Church's claim to evangelise by direct methods is the point at which opposition can be first expected.

In certain countries, such as Mexico and Turkey, it is the teaching of religion in schools that is equally or even more severely restricted, and in these countries even private schools, unconnected with organised religious bodies, have found it difficult or impossible to maintain any Christian teaching. The evidence seems to show that when opposition to Christianity proceeds mainly from religious grounds, as in the case of Islam, it is evangelisation and conversion that are chiefly objected to. But when Christianity is competing primarily with the development of energies whose end is the strengthening and exaltation of the nation itself, it is Christian education that is most rigorously prohibited. This is mainly a matter of emphasis ; conversion or change of religion is also subject to restriction in lands whose main policy seems to be directed against Christian education.

According to the Oxford Conference (see also Madras Findings—Education [1]), ' education is the process by which the community seeks to open its life to all the individuals within it and enable them to take part in it.' This definition is a true description of the conception of education which is very widely accepted to-day and it indicates one of the difficulties which confronts younger churches and missions in regard to their educational work. The Christian community is found as a minority within some communities from whom it differs in fundamental points, so that it cannot with equanimity entrust the training of its children to the wider group.

Higher Christian education in non-Christian lands is usually centred in colleges and institutions founded and often still maintained by missions, and supplied in many

[1] Tambaram Series, Vol. IV. pp. 54-70.

instances with some missionary teachers or a missionary principal. The relation of these to the local authorities and through them to the State has been close, and in certain countries, for example in the British commonwealth of nations, they have received large subsidies from official funds. Thus a great volume of work has been built up on a relatively small expenditure by the missions. With the growth of nationalism the amount of such subsidies may be reduced in order to favour an educational system more closely under administrative control. But where a large work has been built up by means of subsidies, a reduction in the amount will involve considerable curtailment. This is a case when the policy of the State towards the activities of the Church should be regulated not by legal dispositions or attitudes that seem to be dictated by the political circumstances of the moment, but by an examination of the contribution which missions have made, and have been encouraged to make, to education over a long period of years. When such an examination is made, it is reasonable to suppose that a compromise will be reached. For example, missions may accept as a normal development of indigenisation the proposal to hand over their institutions to boards of trustees on which national, government and mission interests are represented, under suitable financial arrangements and provided the Christian character of the work is assured.

The Oxford Conference gave specific attention to Christian education in a non-Christian environment, and it is unnecessary either to repeat here the arguments set forth there, or even to review the adjustments which Christian education is bound to make in the face of

increasing and efficient State participation in this field. It is more useful to summarise the main concrete situations which Christian educationists in the field of the younger churches have to face.

The generally nationalistic policy of the modern State considerably affects Christian education, both in regard to the qualifications of teachers, and the methods and content of teaching. It goes without saying that the ends of Christian education cannot be fully served except by teachers whose technical qualifications are the best possible. The tendency to limit rigorously the right of foreign missionaries to teach is, however, regrettable from many standpoints. It is readily intelligible that it should be required that the principal of the school should be a citizen of the country, and that certain subjects should always be taught by nationals. But education is peculiarly a process which benefits by the cross-fertilisation of ideas ; the community of culture knows no frontiers ; and the exclusive nationalisation of teaching cannot but be to the detriment of the development of breadth of mind and comprehensive knowledge. Nevertheless, both in Latin America and in certain countries of the East, this policy has been applied in schools, whether private or subsidised.

The method and content of teaching required by the State may similarly create difficulties for Christian educationists. This is particularly true when the State demands the inculcation of any view of human and national destiny which is inconsistent with the true ends of man's life as seen through the teaching of Jesus. In the field of method difficulties are not so acute, but there are certain cases which are disadvantageous to the

work of missions. For example, in certain colonial areas it is not permitted to use the vernacular for teaching even at the earliest stages, and the Christian educationist may well feel that it is impossible, in such circumstances, conscientiously to do justice to his task and to awake a response from his pupils.

Equally difficult both for the Church and its missions are the cases when a secular policy requires that no religious teaching shall be given even in private schools. In these circumstances, missions must inevitably ask the question how far they are justified in maintaining educational work which is dependent, at any rate to some extent, on the generosity of Christian people. Often a lay educational policy is allied with other conditions : for example, in Mexico all education must be in the hands of Mexicans ; in Turkey change of religion among pupils at school is forbidden. Faced with these difficulties, missions in some instances have decided to close their schools or transfer them to other bodies and to engage if possible in other activities. In other cases, as in that of Turkey, it has been judged a right and necessary policy to continue the existing educational institutions as far as possible. The situation is one which can only be finally decided by an examination of the local circumstances, but those who decide to carry on under such difficult conditions are certainly entitled to the sympathy of the Church.

The whole issue assumes a more serious aspect when the challenge to loyalty is no longer felt only within the sphere of the method and content of education, but is expressed in symbolic acts of worship affecting the whole school. The attitudes taken to shrine worship in schools

were to be discussed in the chapter on the Far East, which was lost. Here we can only note the remarkable power of ceremonial and religious occasions to evoke decisive feeling on one side or another of a dominant issue, as compared with the purely educational approach. When the two are combined together, when the teacher feels that he is required to convey a view of destiny and exclusive loyalty inconsistent with the demands of the Christian faith and, at the same time, the collective conscience of the school is disturbed by acts that may resemble worship or be taken as such, even if only by those who imperfectly understand them, a delicate situation is created.

The entire tendency illustrated by these successive steps reaches its culmination when no private schools, whether religious or not, are permitted, and when the only view inculcated in official schools is the now familiar one of the wholly sufficient competence of the State as the end and satisfaction of human existence. The elevation of such an obviously relative and deficient standard into an absolute measure of human achievement can only be maintained by the early control of all education, and, if necessary, the perversion of the content of knowledge itself to subservience to those doctrines on which the national existence is held to depend, whether they be racial, religious or economic. Such education is diametrically opposed to Christian education. The latter, by constantly placing man under the judgment and in the light of God, provides a true measure of the inadequacy of all human knowledge and character development unaided from without, and conveys, therefore, an objective view of the limitations and achievements

of such knowledge. 'Totalitarian' education confines man within the orbit of his own standards and ideals, and, by the very assurance of its sufficiency and uniformity, creates a false conception of attainments, which necessarily means a complete misunderstanding of real education and above all of spiritual growth. The Church may be compelled to acquiesce temporarily in such conditions but she does so under protest, and with the resolve never finally to come to terms with such a view of life.

Medical work is also a sphere in which the legal position of the agents concerned has been the occasion of much difficulty and negotiation. It might have been supposed that, given the universality of human suffering, medical work would have been above all criticism. But Christian service to the sick, like all services, not only requires spiritual dedication but technical qualifications, and the latter are often the subject of legal enactments. Between certain countries there is no reciprocal recognition of academic diplomas, and a doctor who has qualified, for example, in New York, would not be registrable in Madras. This difficulty does not, properly speaking, arise out of questions of church or mission: it derives from the defective relations subsisting between States politically and within the community of culture. Just as nationalism is easily strong enough to prevail against superficial religious sentiment, so in many ways, of which this is only one, it acts as a dissolvent of intellectual and professional bonds.

It is also easy to see how, once granted that such regulations exist, they can be used by the State itself, or by dominant groups that have influence with the govern-

ment, to secure the definite exclusion of medical missionaries. There are many instances to show that the procedure does actually take place. In some cases doctors who have been established in the land long before any regulations were exacted, and who have had many years of practice in the local environment, have been suddenly required to re-validate their titles.

It does not seem that there is any immediate remedy for this problem. It is one of the many instances of how the Church, in the fulfilment of her special task, finds that her interests in regard to political and legal conditions are identical with those of other groups. But even in such situations, it is incumbent upon the church, whenever possible, to take a lead in the settlement of outstanding questions. This is so, because of the greater disinterestedness of motive that attaches to Christian service. The church can, or should be able to, show that she is not actuated by motives of personal gain, or by the advantage of a particular group, or even only by the noble desire to serve, but rather that she desires to render the best service from the technical standpoint, without which she is bound to feel that her spiritual testimony will be to some extent impaired.

The social work of missions and younger churches is also significant for their relations to the State. Here, certain preliminary factors must be recorded. Almost all governments are preoccupied with the social problem, but it is still widely recognised that the origin of this preoccupation must be sought within the ferment of ideas created by a living Christian testimony wherever the teaching of the Gospel is applied to social problems. Much social work has, as is natural, become divorced

from its immediate connection with Christianity, but much still retains the original seals of its origin. With this consideration must be coupled the fact that the social results achieved by the Christian faith in action hold an interest for administrators only equalled by the educational results, and, in certain specific social and medical problems ; for example, in the approach to criminal tribes in India or the case of lepers in Africa, co-operation between Government and missions has been very extensive, while at the same time it is recognised that the Church's outlook has been not only merciful, but also remedial. Finally, the special efforts of churches on occasion of social breakdowns of unusual magnitude have done much to commend their work to the civil authorities, and this has naturally favourably affected their standing in the State.

These considerations, however, although relevant, do no more than scrape the surface of the subject. The Christian social work of younger churches and missions, like other phases of their activity, is at present facing a dilemma. The younger churches have never had experience of a past, as that of medieval Europe, where the patriarchal guild type of social order was utilised by the Church as an attempt to express a Christian social philosophy in action ; neither have they possessed the resources and organisation sufficient to develop a strong approach to the social problem along the lines of the Christian social organisations of the West. While they are, therefore, still seeking to create, out of a multitude of truly sacrificial but partial efforts, a coherent social policy, they are being confronted with the all-competent State, which, at any rate in theory, claims to meet all

the social needs of its citizens. The social policy and work which the younger churches should develop in the face of this situation is not the subject of this volume, but it is pertinent to raise the question of the kind of relations the Church must seek to develop with the State in the social field. In Germany the international Christian social organisations have ceased to exist. Is it possible for the younger churches, if the political tendency develops in certain well-defined nationalist directions, to retain both constructive social activities and a vigorous social policy, and simultaneously to co-operate as far as possible with the State, and thus secure its goodwill ?

CHAPTER FOUR

MUSLIM LANDS

S. A. Morrison

ORTHODOX Islam recognises no division between 'Church' and State. The divine revelation mediated through the prophet Mohammed was totalitarian in its claims, demanding an unquestioned obedience to the will of God in all aspects of life, whether sacred or secular. Mohammed was as much the political as the religious leader of his people, and it was the duty of his successors, the Caliphs, not merely to govern the Muslim Empire and to extend it by every means in their power, but also to propagate the faith and to defend it against all attacks from within or without. To all appearances, the early rulers of Islam made no effort to distinguish between these two objectives, and to them the spread of religion, if need be by force, was not merely a natural act, it was a sacred duty.

Thus, in course of time, there developed a political theory of the division of the entire world between the *Dar el Islam* (the House of Islam), in which the true faith prevailed and a Muslim government was established, and the *Dar el Harb* (the House of War), against which it was incumbent upon the Caliphs to wage incessant warfare, until the unbelievers submitted and Islam was dominant. Circumstances, it is true, might enjoin a respite to the Quranic command to 'fight against them until there be no opposition in favour of idolatry and

the religion be wholly God's,' and a truce might be made between the Muslim state and a non-Muslim one, in accordance with the policy suggested by that other Quranic passage: 'If they incline unto peace, do thou also incline thereto,' but, by strict orthodox doctrine, such a truce should be purely temporary and, when circumstances changed, it should be repudiated and warfare renewed, until the religious and political supremacy of Islam was established in every corner of the world.

Not only, however, was the message of Mohammed all-embracing in its scope. It was also eternal and unchangeable in its content. Being none other than the word of God Himself, it could never be replaced by merely human contrivances. However much the *Sharia* (or Muslim law) might be interpreted and elucidated by successive schools of trained jurisprudents, it must remain, in the eyes of strict orthodoxy, as the divine unchangeable basis of all Muslim legislation, and no new laws should be allowed to contradict it. In short, Islam is in its essence theocratic and the ultimate ruler of the Muslim State is God Himself.

This, at least, represented the theory and, to a great measure, the practice of early orthodox Islam and though, as our study will make plain later, many modifications have crept into Islamic practice, and even to some degree into Islamic theory, nevertheless it is only against this background that we can fully understand the present-day problems of religious liberty in Muslim lands. For, in the first place, here we have the common historical heritage of all Muslim countries, whatever their race, geographical position, form of government or stage of

cultural development. In certain Muslim lands this orthodox doctrine of 'Church' and State still prevails in its primitive simplicity; in others, it continues to dominate the outlook of government and people alike; in all, its influence is felt as an incentive or a challenge. There are millions of Muslims who still regard it as the ideal order and are struggling for its maintenance or recovery. Wherever Islam is studied as a religious or political system it still retains its hold as an integral part of orthodox doctrine.

To understand aright the numerous difficulties confronting the Christian Church and foreign missions in all parts of the Muslim world to-day, a brief historical sketch of Islamic thought and practice may prove illuminating, as we bear more particularly in mind the three subjects around which the problem of religious liberty centres, namely, those of the position of Christian minorities, the status of the convert from Islam to Christianity and the rights of foreigners and foreign organisations. To a certain extent these three themes are inter-connected and therefore must be treated together, but for convenience sake we may consider them under separate headings.

The Attitude of Islam towards Christian Minorities

'Death to unbelievers' was the uncompromising teaching of the Quran and the accepted doctrine of all orthodox Muslim schools of law. In both, however, an exception was made in favour of 'people of the book,' i.e. of those who, like the Jews and the Christians, had been vouchsafed a divine revelation enshrined in sacred Scriptures. The practical problem which faced the

Muslim ruler and the Muslim legalist was how to fit 'the people of the book' into the Muslim State, a theocratic State which comprised believers only. A solution of this problem was found in the extension to their case of the Arab practice of 'patron and client,' whereby the 'people of the book' became *Dhimmis*, or protected people, who were suffered to live in a position of subordination under the protection of the Muslim State on certain conditions. These conditions tended, as time passed, to become more exacting and more humiliating.

An insight into the position of Christian minorities in those early days of Islam may be gleaned from the passage in the *Siraj el Muluk* which, under the heading of 'The Rules concerning Tributaries,' lays down the following stipulations as obligatory upon Christians in Muslim territories[1]: 'The Christian shall not found churches, monasteries or religious establishments, nor raise his house so high as, or higher than, the houses of the Muslims; nor ride horses, but only mules and donkeys, and these even after the manner of women; he shall draw back and give way to Muslims in the thoroughfares; wear clothes different from those of the Muslims, or some sign to distinguish him from them; have a distinctive mark when in the public baths, namely, iron, tin or copper bands; abstain from drinking wine or eating pork; not celebrate religious feasts publicly nor sing nor read aloud the text of the Old and New Testaments, and not ring bells; nor speak scornfully of God or Mohammed; nor seek to introduce innovations into the State nor to convert Muslims; nor enter

[1] Quoted on page 157 of Scott's *The Law affecting Foreigners in Egypt*.

mosques without permission; nor set foot upon the territory of Mecca, nor dwell in the Hejaz district.'

Variations in the text of the terms imposed upon Christian communities who surrendered voluntarily to the Muslim armies are found in the works of Muslim lawyers and historians, notably in the different versions of the so-called 'Covenant of Omar,' but in the main they corroborate each other in their lists of disabilities. They prove only too conclusively that as the Christians were presumed to possess an inferior form of divine revelation so they were granted an inferior form of citizenship. Legally and socially, Christians constituted a subordinate class and their religious life was hedged around with restrictions. In order to facilitate the contrast between conditions then and now, it may assist if we group them under the four heads of worship and religious practice, evangelism, community organisation and personal status, and civic rights and responsibilities, though it must be remembered that these divisions are not mutually exclusive.

Worship and Religious Practices. As the Muslim armies advanced to the conquest of countries where Christianity had been entrenched for centuries, they generally left the people free to continue their Christian worship and ceremonies undisturbed, provided these were not obtruded on public notice. There is, however, considerable difference of opinion among Muslim legal and historical writers as to whether, and in what circumstances, Christians were allowed, in theory and in practice, to repair their old churches or to build new ones. The pages of history disclose the fact that, in this as in so many other matters, the Christians were often

exposed to the caprice of the Muslim ruler or the passions of the mob. Many churches were turned into mosques —a natural consequence of the apostasy to Islam of a large section of the population—and, when the treasury was empty or the spirit of fanaticism kindled, the properties of churches and monasteries were liable to confiscation. It was the general rule that Christians were to be buried on a level with the ground, so that their graves might be distinguishable from those of the believers, while the permits for burial given by the Muslim authorities often bore grossly insulting remarks.

Evangelism. One of the conditions usually imposed upon Christians was an undertaking not to stand in the way of their relatives who wished to become Muslims. Another was a promise not to attempt to pervert a Muslim from the faith. Any endeavour to do so, according to most legalists, put the Christian at once outside the protection of the law. Despite this formidable barrier in the path of evangelism, the amazing fact remains that in the Greek Orthodox Church there existed from early days a ritual for the reception of converts from Islam,[1] and down the centuries we read from time to time of Muslims who left their faith to embrace, or return to, Christianity.

Another action which made a Christian an outlaw was any attack upon the religion of the Prophet, and this clause was liable to abuse, then as now, by those Muslims who wished to score over a *Dhimmi* by bringing against him a fictitious charge of maligning the faith.

Community Organisation and Personal Status. As

[1] See S. M. Zwemer, *The Law of Apostasy in Islam*, p. 97.

within the camp of Islam no distinction was drawn between the ' Church ' and the State, so in its dealings with the *Dhimmis* the Muslim government looked upon the head of the Christian Church as the natural leader of the Christian community. He was, as it were, a hostage for its good behaviour, as well as its protector in times of stress. To all intents and purposes he was a government servant and his appointment needed to be ratified by the Caliph.[1] This procedure led to many abuses, such as the bribery of Muslim officials and even of the Caliph himself, by rival candidates for the office. The powers of the Patriarch, or religious head, were extensive. He could impose a fine or excommunicate an offender, though he had not the right to flog or put to death.

After the conquest of Constantinople in 1453 by the Ottoman Sultan, Mohammed II, special non-Muslim Courts of Personal Status, called *Millets*, were set up, with their own legal and administrative officers. At the head was the Patriarch, who was responsible for the collection of the poll-tax and for the satisfactory conduct of his community. The Holy Synod over which he presided acted as the legislative council of the community, and administered the revenues both of the Church and of the community itself. Its judicial powers extended to such questions of personal status as marriage, divorce, wills, testaments, minors and interdicts, and it also dealt with civil actions and certain lesser offences. The attitude of the Ottoman ruler to the Christian minorities is well summarised in the words of Sir C.

[1] Cp. A. S. Tritton, *The Caliphs and their Non-Moslem Subjects*, p. 86.

Eliot, taken from his book, *Turkey in Europe*, when he says : ' By tolerating the Christian religion, the conqueror implied that Christians were allowed to preserve not only their religion in the strict sense of the word, but all their observances, usages and customs, provided they clearly understood that they were collectively and individually the inferiors of Muslims, and paid tribute in humble gratitude for the privilege of being allowed to exist.'

As the years passed by, and more modern legal forms were introduced into Muslim laws, the tendency was for these Courts of Personal Status to become more democratic in their constitution, while at the same time their powers were restricted. It should be noted that Christian communities were generally allowed to erect schools for the education of their children and to use their own language in them, but permission had to be obtained for new foundations or for the restoration of old ones.

If Christians failed to settle their disputes among themselves, they were usually allowed to refer them to a Muslim judge, who gave his decision in accordance with the *Sharia* (or Muslim law). Or if the actions of *Dhimmis* affected the Muslim community, the ruler commonly intervened and insisted that the case be tried by Muslim law. What this implied may be inferred from the comments of Lord Dufferin's report of 1883, when he wrote : ' In ancient days, the *Cadi*, an essentially religious functionary, took cognisance of all disputes and gave judgment according to his own lights, without reference to any procedure, though he occasionally invoked such a text from the Quran, or such a phrase from a commentator, as appeared most applicable to the matter in hand. His real inspiration, however, was too

often drawn from the money-bags of one or perhaps both of the parties to the cause, while in his own person he was a mere tool, whenever it was necessary to make use of him, in the hands of the despotic government of the day.' In this matter of justice, however, the Muslim client was liable to suffer as well as the Christian at the hands of an unscrupulous judge.

In other respects, the inferiority of the Christian to the Muslim in the eyes of the law was plainly evinced. Whereas all four schools of orthodox Islam agreed that a *Dhimmi* who killed a Muslim must be executed, only that of *Abu Hanifa* required the execution of a Muslim for the murder of a *Dhimmi*. The testimony of a Christian regarding a Muslim was not accepted in court. A Muslim man was allowed to marry a Christian woman, but no Muslim woman might marry a Christian man. All transactions which placed a Muslim under the influence or control of a *Dhimmi* were forbidden. Thus, no Muslim might be a slave to a *Dhimmi*, nor might he borrow from one. It was commonly held that difference of religion was a barrier to inheritance, so that a Muslim might not inherit from a Christian, nor a Christian from a Muslim, yet others laid down the principle that, while a Muslim may not bequeath anything to a *Dhimmi*, he might accept certain bequests from one. To insult a Muslim by calling him a Christian was a punishable offence.

Civic Rights and Responsibilities. The primary condition of protection as a *Dhimmi* was the payment of a poll-tax and also of a land tax. ' At first the idea was that no Muslim paid anything to the State—rather he was kept by it. In theory, all revenue except the profits of

crown lands came from non-Muslims.'[1] In his book on *The Early Development of Mohammedanism*, Professor Margoliouth tells us that: 'The tribute was a form of humiliation, which might even be regarded as a brand of slavery.' At the time of payment the *Dhimmi* was subjected to further humiliation: 'The *Dhimmi* has to be made to feel that he is an inferior person.'[2]

In point of fact, the amount of taxation imposed by the Muslim conquerors—for example, upon the Copts in Egypt—was no greater than the sums which had been levied by the Byzantine Emperor. With the passage of years, however, impositions tended to increase, though we must remember that Muslims also were in time made to pay the land tax and other taxes, but not the poll-tax. In Turkish days, the terrible practice was adopted of demanding from *Dhimmis* a tribute of children.

In return for the payment of taxes *Dhimmis* were supposed to be exempt from military service, but not all Muslim authorities were agreed upon this principle, nor was it always observed in practice.

Muslims resented the appointment of Christians to administrative posts, as it placed the believer under the direction of a *Dhimmi*, but many instances are recorded of Christians of exceptional ability obtaining important positions under a Muslim ruler. Such had, however, to be guarded in their conduct, as at any moment a fanatical outbreak might lead to their overthrow and possible death.

Conclusion. This brief survey of Islamic law in regard

[1] A. S. Tritton, *The Caliphs and their Non-Moslem Subjects*, p. 2.
[2] *Ibid.* p. 237.

to *Dhimmis* and of the history of Christian minorities under Muslim rule has shown that their position has continuously been one of oppression, hardship and humiliation. It is true that one Quranic verse states that: 'Surely those who believe . . . and the Christians . . . shall have no fear, neither shall they grieve,' and another expounds the precept: 'Let there be no compulsion in religion.' It is also true that there are several Muslim traditions which aver that the Prophet wished conquered peoples to be treated kindly, or at least justly. But, over against these injunctions were set those other Quranic words: 'until they pay tribute out of hand and be humbled,' and this was held to justify whatever disabilities were imposed upon the *Dhimmis*. Many Muslims went so far as to call Christians 'the enemies of Allah.'

All through Muslim history the way remained open to Christians to improve their social status by the adoption of Islam and many yielded to the temptation. Not infrequently pressure, both direct and indirect, was brought to bear upon them to make them change their faith. More than one ruler, going beyond the strict terms of Islamic law, faced them with the choice between Islam and death. The marvel is not that thousands preferred to follow the easier course but that so many clung, despite all disabilities, to the faith of their fathers, and that the ancient Oriental Churches in Muslim lands have survived to this day.

The Attitude of Islam towards the Convert

The preceding section has shown how the door stood wide open for the passage of the *Dhimmi* into the Muslim

camp. In later history a legal procedure was set up and followed, in the case of both *Dhimmis* and of foreigners who wished to become Muslims. A Turkish Christian subject, for example, made a declaration of his intention before the head of his own religious community, while the foreigner did the same before the local court or other competent authority, in the presence of his consul or consular delegate. If a Christian woman adopted Islam, her Christian husband was obliged either to divorce her or to become a Muslim himself.

In marked contrast with this procedure, the door from Islam to Christianity was closed and barred. By Islamic law, apostasy from Islam was punishable with death in the case of a man and either with death or (according to *Abu Hanifa*) with imprisonment for life in the case of a woman. The only exception allowed was when a Muslim had been forced to profess another faith in order to save his life.

The basis of this attitude towards the apostate is found in such Quranic texts as: 'But if they turn their backs, then seize them wheresoever ye find them and take from them neither patron nor help,' and in such traditions as: 'If a man changes his religion, kill him.' The apostate is classified as 'an infidel enemy' and therefore may be slain out of hand, though some jurists would advise a three days' respite, in order to allow him an opportunity to repent.

Historical evidence leads us to the belief that severity towards apostates increased as the centuries passed. As recently as 1843 we find the Grand Vizier of Turkey writing in an official letter to Lord Ashley that 'the laws of the Koran compel no man to become a Mussulman,

but they are inexorable both as respects a Mussulman who embraces another religion and as respects a person who, having of his own accord publicly embraced Islam, is convicted of having renounced that faith. No consideration can produce a commutation of the capital punishment to which the law condemns him without mercy.' [1] In such Muslim countries as Central Arabia and Afghanistan the law of apostasy is still imposed in all its rigour and severity.

All jurists agreed that the Muslim wife of an apostate must be separated from him. On the principle that 'difference of religion is a bar to inheritance,' the apostate was deprived of all rights of inheritance from his Muslim relatives. His property was confiscated to the public treasury, though *Abu Hanifa* allowed the Muslim heirs to inherit at the moment of apostasy what a man possessed at that time. Any testamentary disposition made by the apostate was null and void. It was permissible for the property of a woman apostate to be inherited by a Muslim relative.

The jurists disagreed among themselves concerning the status of an apostate's children. Some held that they remained Muslims, and might be compelled to profess the faith. Others maintained that they too were apostates, and might lawfully be put to death.

While, therefore, the membership of the Christian Church was liable to reduction through the manifold forms of pressure and the innumerable disabilities from which *Dhimmis* suffered, it was virtually prevented from expansion by the prohibition of evangelism, on the one

[1] Quoted in *The Law of Apostasy in Islam*, S. M. Zwemer, p. 32.

hand, and by the law of apostasy on the other. Nevertheless, the surprising fact remains that from time to time there were converts from Islam who suffered cruel persecutions and endured untold hardships, rather than renounce their faith in Jesus as Lord and Master. Even to-day, as a later section will show, the convert from Islam is normally confronted with a variety of restrictions —legal, social and economic—so that the growth of the Church in Muslim lands is still seriously hampered.

The Attitude of Islam towards Foreigners and Foreign Organisations

Though a strict adherence to Islamic law required Muslims to continue their warfare against unbelievers 'until the religion be wholly God's,' in actual practice Muslim rulers found it to their material advantage to come to terms with foreign infidels. At first, an individual foreigner (known as a *Musta'min*) was allowed to remain in Muslim territory for purposes of trade for a period of from four to twelve months, but if he stayed beyond this time, he became a *Dhimmi* and was liable to the poll-tax. Later, as an encouragement to trade, foreign communities were permitted to settle in the *Dar el Islam*, and Muslim rulers, following the practice of Christian powers in similar circumstances, granted these resident foreign communities certain concessions.

These concessions ultimately included such rights as : (*a*) Permission to enter the country and to carry on trade, with also, in later years, the right of inviolability of domicile.

(*b*) Permission to observe their own religion, and to be

released from those vexatious regulations about dress which applied to local *Dhimmis*. As Christian foreigners were liable to false charges of having insulted the Prophet or of having embraced Islam and then recanted, special protection was accorded them against trickery of this kind.

(*c*) The grant of a quarter in which to reside.

(*d*) Freedom from taxes, except customs dues.

(*e*) Immunity to some extent from local jurisdiction and also the privilege of being tried by their own consuls according to their own law.

(*f*) The right of having successions dealt with according to their own law of inheritance.

(*g*) The right to build a church, erect a bath and so on.

At first certain difficulties attended the ownership by foreigners of immovable property in Muslim lands, but in more recent years most of these difficulties have been removed.

As the concessions accorded to foreign communities were arranged in Chapters, or *Capitula*, they became known later as ' Capitulations,' but originally they were in no sense a form of capitulation to foreign pressure. Their wording is conclusive evidence that the Muslim ruler was only too conscious of his superiority to those to whom of his beneficence he granted such concessions. At first these Capitulations were unilateral declarations made by the Muslim ruler and needed to be renewed by his successors. This accorded with the orthodox conception of a temporary truce between the *Dar el Islam* and the *Dar el Harb*. But in time agreements between States tended to become reciprocal and further, in 1740, we find the Sultan of Turkey binding his successors as

well as himself. Finally the Capitulations were embodied in bilateral or multilateral treaties.

The importance of the Capitulations from the point of view of this study resides, in the first place, in their significance as indicating the need, in the early days of Islam, of guarantees of this kind before it was safe for foreigners to take up their residence in a Muslim land, and also in the fact that the rights of missionaries in certain countries of the Near East at the present time are derived from the relics of the Capitulation system. But the Capitulations have for us another and greater interest. From the year 1553 onwards they tended to become less commercial and more political in their purpose. About that time the French Government put forward a claim for responsibility for the protection not only of all other foreigners trading with Turkey, but also of the Christian communities resident within the Ottoman Empire. The claim regarding foreigners was soon challenged by other western Powers, while Russia, at least from the year 1700 onwards, insisted on her right to be the protector of all the Orthodox Christians in the Ottoman Empire. France's rights were limited to safeguarding the interests of the Roman Catholics. Later still, the Governments of Great Britain and the U.S.A. intervened on behalf of the Protestant Christians, while the Treaty of Berlin of 1878 recognised a collective protection of all the Powers over the Christians of Turkey.

Increasing pressure was brought to bear by the western Powers throughout the nineteenth century for the improvement of the lot of the Christian communities within the Ottoman Empire, and one concession after another

was wrested from the Sublime Porte. Actually these concessions were more valuable on paper than in fact, as the spirit was lacking on the part of the Muslim authorities to ensure their impartial enforcement. To prevent the worst abuses of the system of Capitulations, whereby foreign protection and even foreign nationality were granted to nationals of the Empire, a Law of Protection was passed by the Porte in 1863 and a Law of Nationality in 1869.

The rivalry between the Powers for concessions for their special protégés grew as the century passed. 'We find,' writes Professor Scott, 'each nation striving to obtain additional privileges, and even privileges which were not in accordance with Mohammedan law, or not in accordance with the integrity of the Sovereign Power in the State.'[1] Thus there developed side by side with the *Sharia* (or Muslim law) another law, known as the *Qanun*, which was forced upon the Sultan by the western Powers, and which could in no sense be regarded as a legitimate development or interpretation of the *Sharia* law. In reality it meant a suspension of certain of the clauses of the *Sharia* law, and so for its enforcement it necessitated a different system of law courts and a new administration. This marked the beginning of a fresh era in the history of an independent Muslim country.

One result of the intervention of foreign governments in the internal affairs of Turkey was the opening of the door for foreign missions to enter the Ottoman Empire, though there was an understanding that, at least so far as the Roman Catholic Church was concerned, their

[1] Scott, *op. cit.*, p. 44.

efforts would be confined to work amongst their Orthodox fellow Christians, while the Protestants largely occupied themselves with educational, medical and philanthropic activities.

Another inevitable consequence of foreign intervention was the association of the Christian minorities in the minds of the Muslim authorities with those western Powers which claimed the right to protect them, and this feeling was accentuated when, as a result of the growing nationalist movements of the nineteenth century, whole sections were sliced from the Ottoman Empire. The Christian communities were naturally despised as disaffected minorities, whose loyalty to the Porte could never be trusted. And for this attitude there was considerable justification, seeing that the local Church and its leaders identified themselves openly or secretly with the nationalism of the community. To a great extent the Christian communities were pawns in an international game of chess, and the Porte had solid grounds for suspecting the imperialistic policy of western Powers, which disguised itself under the pretence of protecting the Christian minorities. On more than one historic occasion these minorities relied for help upon foreign pressure, and when this failed to materialise, they found themselves exposed to the vengeance of Muslim fanaticism. Here, in part at least, lies the tragedy of the Armenian massacres.

Only with this background of history in our minds can we place in its proper setting the problem of religious liberty in Muslim lands to-day. History provides us with the key not merely to the legal enactments and constitutional guarantees which determine on paper the

extent of the liberty granted to the Christian Church, but, what is perhaps of greater importance, to the attitudes of mind and springs of feeling both of the Muslim rulers and officials, who are responsible for the enforcement of the law, and also of the mass of the people, whose social influence is still so powerful a factor in limiting religious freedom in practice. It remains for us now to pass in review the various forces and influences which have tended to modify the orthodox Muslim point of view in regard to the position of Christian minorities, the status of the converts, and the rights of foreign missions, and so to arrive at a clearer picture of conditions as they exist in the Muslim world to-day.

Modifying Influences

We have already seen that the direct interference of the western Powers in the internal affairs of the Ottoman Empire was fraught with consequences of the utmost importance for the Christian Church in that area. Another equally significant factor in the history of missions was the conquest of Muslim territory by western Christian nations. Thus there was created a state of affairs entirely opposed to every basic concept of Islamic law. That Muslims should be the subjects of a non-Muslim government contravened the first principles of the Muslim *Weltanschauung*, and there was nothing in the *Sharia* law to cope with such a situation. Hence, for the orthodox Muslim the British, French and Dutch colonial empires over Muslim territory can mark only a temporary and transitional epoch. And the same remark applies to the position of those Muslim countries which, after the Great War, were placed under the mandatory system.

One of the first acts of the western Powers was to introduce, wherever their influence extended, civil and criminal codes based on European models, and to suspend the application of the *Sharia* law, in so far as it clashed with them. Thus the position of Christian minorities and of converts from Islam was ameliorated, not merely because of the enactment of more tolerant legislation, but also through the assurance that the law would be administered impartially. Foreign missions also were, with certain notable exceptions, allowed wider scope for their activities.

Various solutions to the problem of religious liberty in Muslim lands have ultimately evolved, but, in general, the principle was laid down of the equality of all citizens in the eyes of the law, whatever their race or religion, a conception fundamentally opposed to the basic Islamic doctrine of the superiority of true believers. One factor, however, tended to put the brake upon western measures for reform in Muslim lands, and that was the constant fear of arousing Muslim fanaticism not only in the country concerned but in other parts of the Muslim world. In their endeavour to be fair to their non-Christian subjects, Christian administrators often 'leaned over backwards,' and discriminated in favour of the Muslim population.

A third vitally important factor in changing the situation in Muslim countries was the education of Muslim students in western schools, and their absorption of western concepts of thought, more particularly of the doctrine of nationalism. How far-reaching was the effect of this new leaven on Muslim political thought may be gauged from the following quotations of recent

statements. ' The first characteristic of modern civilisation is to separate religion and civil life,' said Mahmoud Esad Beg, Minister of Justice in Turkey in 1926. ' Religion should be respected by the State so long as it remains in the sphere of conscience.' Or again, the same speaker in defining the sense in which modern Turkey is a secular State declared : ' A secular State means neither irreligiousness nor religiousness. It means that religion has nothing to do with the affairs of the State. Religion becomes a matter of personal conscience.' Others were not satisfied with merely advocating the separation of ' Church ' and State in Islam, but believing that all religion is a handicap to progress, they would subscribe to the truth of the words of another Turk, Nijmeddin Sadik, who in 1936 gave us as his conviction that ' the basis of morality is not religion any longer, but culture.' Or, again, we might quote the words of a former official of the Ministry of Education in Turkey who wrote in a Syrian paper in 1938 that ' the Governments which declare their official religion to be Islam cannot in any way prevent a Muslim from embracing the Christian religion ' and he based his argument on a text of the Quran itself.

It may be of interest at this point to draw attention to the methods whereby certain Muslims justify to themselves the acceptance of changes in political theory, which apparently contravene the *Sharia* law, without abandoning their faith in Islam. In the first place, by a process of strained exegesis, Quranic passages are made to bear an interpretation which to the outsider seems to be wholly contrary to their original meaning. And, secondly, advantage is taken of the significance in Muslim

law of the right of usage. In his article on 'Law and Society' in *The Legacy of Islam*, Professor de Santillana well expresses this fact when he writes: 'When it is uniform, enduring and is not *contra bonos mores* or against the general rules of law, usage has the same force as law itself, and becomes part and parcel of it'; and again: 'not only does the law admit custom, but it follows it in its changes.' It was along these lines that orthodox Muslim jurists found it possible to acquiesce in legal changes without sacrificing their faith in the inerrancy and eternity of the original divine revelation.

The spread of modern thought and of the spirit of nationalism did not, however, always result in wider liberty for the Christian Church. In place of the ideal of Islam, a new idol was set up, namely, that of national unity, and any factor which weakened the homogeneity of national life was ruthlessly suppressed. Thus the presence of Christian communities of non-Turkish origin was resented within the boundaries of the new Turkey, and steps were taken to eliminate them by an interchange of populations with Greece. Similarly, foreign missions were disliked as a source of dissension, as tending to denationalise the convert, and as the supposed tools of western economic cultural and political imperialism. Others objected to missions because in their opinion they exploited the indigence of the poor, the helplessness of the sick and the inexperience of minors, all with the intention of changing their religious beliefs.

Not all forms of nationalism in Muslim lands followed the course of secularism. Others flowed naturally in the channels of orthodox Islam. Independence and self-

government were claimed for the nation, but independence, when secured, was used for the defence of Islamic institutions and practices, while self-government proved to be the old-established right of the Muslim majority to govern in accordance with Muslim traditions. A democratic parliament might be established, modern education pursued and western science utilised, but the spirit and policy of the government remained Islamic.

One of the major problems facing the Christian minorities after the Great War concerned the wisdom of identifying themselves with the nationalist movements which received so great an impetus from the publication of President Wilson's Fourteen Points. In Egypt and in other countries of the Near East the Christians threw in their lot with the Muslim majority. Christians and Muslims fraternised, and it was commonly said that differences of religion would no longer be a barrier between them, inasmuch as all were citizens of the one nation. The experience of later years brought grievous disillusionment. Once more the Muslims are in power and the Christians have been reduced to their former position of subordination.

Another factor which must be borne in mind is the new policy of Islamic unity, no longer of the futile type of Pan-Islamism advocated by the Sultan Abdul Hameed, but based upon the federation of the independent Islamic countries of the Near East. This movement is at present strongly reactionary in tendency and may result not only in the curtailment of the rights of the Christian minorities but in a serious check to foreign missions.

The Present Situation

The study of the problem of religious liberty in Muslim lands to-day claims our special attention, both because of its intrinsic interest and also on account of its supreme importance. We recognise on the one hand the entrenched power of the legacy of orthodox Islam, with its iron grip on the minds of the conservative masses. We see, on the other hand, an upsurging of new forces, which challenge the basic principles of orthodoxy and lead either to a modified form of Islam or to secularism. At times the pendulum swings to the one side, and orthodoxy wins, and at times to the other, and a ' progressive ' outlook prevails, but the future always remains uncertain. The fortunes of the Christian Church and of foreign missions are constantly hanging in the balance, and a turn of the political or the international wheel may be fraught with grave consequences to them both. As we have already had occasion to observe, there is no guarantee in the nature of the case that either a modernised form of Islam or a secularistic government will be more liberal in its attitude towards the Christian Church and its missionary activity than historic Islam, though the grounds of its opposition, or its fear, may be different. The totalitarianism of a modern Muslim state may prove to be as coercive and restrictive as its ' Christian ' counterpart in the West.

Before reviewing in detail the situation regarding religious liberty in each important Muslim country—a review which will reveal to us the multiplicity of solutions reached, varying according to local conditions, past history and the relative strength of the forces mentioned

above—we would call attention to those general features of the problem which determine the nature, reality and extent of the religious freedom which has thus far been attained.

In the first place, we must examine the constitution or organic law of each country and ascertain what guarantees of freedom for the Christian Church or the foreign missions it contains. We shall discover that in many Muslim lands Islam remains as the sole recognised religion. In others, Christianity has also been given official recognition. In still others, there is no officially recognised religion. Some constitutions promise complete religious liberty, subject only to the limitations necessary for the preservation of public order and morality, while others enjoin the Government to grant certain rights specified by the constitution.[1] Such guarantees, whether in the constitution or in law, may suffer either from too much definition or too little—too much, if the absence of reference to a particular right is interpreted as proving its non-existence, or too little, if the guarantees are so vague and general that their practical significance is obscure.

Constitutional guarantees are not, however, in every case, sufficient in themselves. They may in practice prove totally ineffective if there is no arrangement for their embodiment in the law of the land, which is observed and enforced in the ordinary courts of law. Thus in Egypt, for instance, no appeal can be made from an oppressive legal decision to the articles of the constitution which that decision contravenes. Legal guarantees, at

[1] See p. 14 of *Some Aspects of the Religious Liberty of Nationals in the Near East*, by Helen Clarkson Miller Davis.

least in countries whose legal systems are based upon the *Code Napoléon*, are almost more important than constitutional guarantees.

Even when the constitution and legal code contain far-reaching assurances of religious freedom, the practical value of the latter will in the long run be dependent very largely upon the personal attitude of such bodies as the central authorities, the local officials and the judges in the courts. It is only too easy, by administrative action or by legal interpretation, to nullify the most admirable constitutional or legal guarantees.

Or, again, even if such governmental authorities endeavour to be fair-minded and sympathetic in their attitude towards Christian minorities, there is another factor which may undermine the benefit of their impartiality, namely, the power of popular social pressure. In some areas this is so strong that, despite all guarantees and despite the official policy of the Government, Christian minorities and converts may still continue to suffer disabilities and hardships for which there is no legal redress. There have been occasions in recent years when the Government has been forced, against its better judgment, to introduce restrictive legislature, fearing lest if it does not do so it will be charged with failure to protect the national religion. The cry that 'Islam is in danger' can be readily invoked for political purposes, solely in order to compromise the position of an unpopular government, with grave consequences for the Christian Church.

In certain Muslim lands, notably the mandated territories and Iraq, there is an international guarantee of religious liberty, underwritten by the League of

Nations. This arrangement is free from the disadvantages which attended the pre-War system of guarantees given by external Powers, as it is less likely to be exploited for ulterior motives. But it suffers in turn from the disadvantage of being dependent for its effectiveness upon the power and prestige at any particular moment of the League of Nations ; and also it is resented, because it is not universal, as derogatory to the national sovereignty of those States upon which it has been imposed.

With these general observations in mind, we may now pass on to a review of the present position of Christian minorities, converts from Islam and foreign missions in Muslim lands.

Christian Minorities

In considering the question of Christian minorities, we shall follow the same four divisions as we observed in the first part of this section, namely : worship and religious practices, evangelism, community organisation and personal status, civic rights and responsibilities.

Worship and Religious Practices. On the whole, Christians to-day are allowed to conduct their services undisturbed, provided these are not obtruded upon public notice, and provided there is no disturbance of public order. Restrictions, however, continue to be imposed in many countries upon the building of new churches. Official permits may have to be secured, and frequently vexatious delays ensue. It is maintained, for example, that the site of the proposed church is too near to a neighbouring mosque or Muslim cemetery, or that the Christian community is too small to warrant the erection of another church.

Evangelism. Although, in most countries, evangelistic work amongst Muslims is no longer a punishable offence, yet the official attitude of most Muslim governments remains unchanged, in that it interprets religious liberty to mean the right of each religious community to worship in its own way, but not the right to try to convert Muslims. The only change of faith which the government encourages (or even, in some countries, recognises) is that to Islam, and not from Islam. Whereas pro-Islamic propaganda is usually given a free hand, restrictions of various kinds are placed upon Christian evangelism ; and missionary work, whether conducted by foreigners or nationals, may be suppressed or curtailed, not on the ground that it is missionary work, but because it is said to constitute an attack upon the true faith or on the character of the Prophet.

Community Organisation and Personal Status. Non-Muslim Courts of Personal Status continue to exist in many Muslim lands. There is, however, much criticism of them, by reason of the diversity of law and the multiplicity of courts, which are introduced by them into the total judicial system. Countries with a strong nationalist policy, striving after national homogeneity, have tended to abolish them, introducing usually a new civil code of a modern type, applicable to Muslims and non-Muslims alike. Other governments have sought to reorganise them, or to combine them into a single system of non-Muslim jurisdiction but, more often than not, these efforts have been opposed by the Christians themselves, as they fear the loss of the rights which these courts enshrine and because they object to the submission of matters of personal status to the *Sharia* courts.

For other reasons, the present arrangement is far from satisfactory. The non-Muslim courts are only competent to deal with cases of personal status when both parties belong to the same community. Where there is a difference of community and the one party is, for example, a Roman Catholic and the other an Orthodox Christian, the Muslim court is competent and the *Sharia* law is applied. The same cases are sometimes heard in different courts, with the result that conflicting judgments are pronounced. These must then be referred to a ' Committee on Conflicts in Jurisdiction ' and, as the clash may be between the *Sharia* law and Christian canon law, the probability is that the former will be enforced.

In countries with a modern code of civil and criminal law, equality for all citizens before the law is guaranteed. Instances, however, are not unknown of the venality of judges and witnesses, and legal decisions may be given in deference to the wishes of those in authority. Trumped-up charges may still be brought against Christians of having maligned the Muslim faith, and an impartial judgment prove difficult to secure.

While the limitations upon trade between Muslims and Christians have been abolished, the prohibition of the marriage of a Christian man to a Muslim woman remains. Christian minorities are still made to feel that they are only a subordinate, tolerated section of the community.

The problems connected with education have assumed an entirely new significance in recent years and merit a section to themselves. This is partly due to the introduction in certain countries of a policy of universal compulsory education, and partly to the attendance of Muslims

at Christian schools. Supreme importance for the future of the Christian community attaches to the question of the type of religious education given in the compulsory schools. Much depends upon whether lessons in Islam are made obligatory for all, or whether exemption for Christian pupils can effectively be claimed. Another important question concerns the provision (if any) of instruction in the Christian faith for Christian pupils.

Problems also arise concerning the conditions under which Christian schools may operate, as to whether they are treated on an equality with other schools in matters of subventions, inspection and recognition of certificates, or again, concerning the religious teaching they may give. We must enquire whether they are allowed to give instruction in the Christian faith to all their pupils, or only to non-Muslims, and whether they must accept a conscience clause, and if so, in what form. In some areas they are being asked to provide teaching in Islam for their Muslim pupils, while in others all religious teaching to young people is forbidden. These are some of the practical problems facing the Christian Church and Christian missions in Muslim lands to-day, and they raise important issues of religious freedom for the Christian community.

Civic Rights and Responsibilities. In most, if not all, Muslim lands there is now equality of treatment for all citizens in regard to taxation and military service. Nominally, also, there is no discrimination against Christians in the matter of appointments to public offices. Many constitutions contain a clause forbidding such discrimination. In practice, however, in many lands Muslims

are given the preference in appointments, promotions, locations and public honours. Such considerations still constitute an important factor in bringing pressure to bear upon individual Christians to induce them to change their faith. Many Christian officials are led to believe that their advancement in public service is jeopardised by their religious affiliation.

In countries with a modern system of government, Christians usually have equal voting rights with Muslims and, in certain cases, they are guaranteed communal representation in Parliament.

The Status of the Convert

There are still many forms of inducement, social and economic, to attract Christians to the Muslim faith. In Egypt, for example, hundreds of Copts become Muslims annually for mercenary or matrimonial reasons. Since the year 1913 there has been a regular administrative procedure for the registration of their change of community.

The position of the convert from Islam, on the other hand, still remains unsatisfactory. It is true that, with the exception of a few countries such as Central Arabia and Afghanistan, the death penalty for apostasy can no longer be legally enforced. But, even in other countries, converts have an unhappy way of disappearing, or are made the victims of false charges of various kinds. Women converts can rarely secure the right of open confession of their faith for in many lands they are still considered as subject to the Muslim law of guardianship, whereby they continue under the control of their nearest

male Muslim relative until they have passed marriageable age, i.e. 65 years.

Many forms of pressure can be applied to them to make them recant, or they may be virtually compelled to marry Muslims, who will insist on their severing all relations with their Christian friends. Of all the countries in the Near East, only Iraq, Palestine, the Lebanon and the Northern Sudan have established a procedure for the registration of conversion from Islam.

Converts to-day do not suffer the confiscation of their property, but in many countries they are still unable to inherit from their Muslim relations. More often than not, a convert loses his employment, as even Christians hesitate to retain him, because of the opprobrium attached to change of community. Fresh work is frequently unobtainable except in a mission compound.

Usually a convert's wife leaves him at the time of conversion, unless she too is a convinced enquirer or convert. The legal position of their children is in many cases obscure and they also generally find it difficult to gain employment.

So strong is the social pressure against conversion that the number of converts is almost inevitably small, and of these not a few succumb to the temptation to revert to their former faith. This has the effect of making members of the Christian communities of the Near East suspicious of Muslim converts. Many refuse to give them their daughters in marriage, lest later they should return to Islam.

The association in Muslim lands of religion with community is itself a serious stumbling-block to effective evangelism, as the convert is regarded as a traitor, not

only to his faith, but also to his community or nation. Conversion means a repudiation of that communal solidarity of which Muslims are so proud and to which they cling so tenaciously.

The Position of Foreign Missions

Missionary work is permitted in most Muslim lands to-day either by international agreement or by the courtesy of the Muslim government. Restrictions, however, are numerous and may apply to evangelism, education, medical or social work or the production and circulation of Christian literature. These restrictions may be imposed in the interests of law and order, for fear of outbreaks of popular fanaticism ; or they may be due to the power of Muslim public opinion. A third and frequent reason is the well-known desire of modern states to keep under their control all those forms of education and propaganda which are shaping the life and thought of the nation. Or, again, the Christian missionary movement may suffer from some general regulation, whose primary objective is the exclusion from the country of some form of foreign propaganda, such as communism. It is important for the right understanding of the situation in each country to ascertain the motives which underlie any limitations upon missionary work.

Sometimes the same restrictions are placed — for example, in education—upon both the local Christian community and the foreign missionary organisation, but in other cases the one body enjoys more favour than the other in the eyes of the Government. This is the result of local conditions, of which we must take cognisance.

There are many instances of the limitations placed upon missionary work being indirect rather than direct. A government which wishes to exclude foreign schools may accomplish its purpose, not by prohibiting such schools directly, but by imposing awkward passport regulations concerning foreigners, which make foreign schools impossible.

The effectiveness of the missionary work undertaken by foreigners may be seriously affected by the political relations existing between their home country and the land in which they are working. Owing, perhaps, to the common failure in Muslim lands to distinguish between 'Church' and State, the missionary is often regarded as a political agent, especially in those areas where missions are subsidised by a home or local government for cultural reasons.

In describing present-day conditions in Muslim countries, we shall consider each in turn as it falls under one or other of the following categories : (*a*) independent countries, (*b*) mandated territories, (*c*) countries governed by a non-Muslim ruler.

INDEPENDENT MUSLIM COUNTRIES

Of these countries, two of the most important from the point of view of our study are AFGHANISTAN and CENTRAL ARABIA, because they retain so many of the features of primitive Islam. Here the *Sharia* law is still operative as the basis of all jurisdiction. The modernising reforms introduced into the former country by King Amanullah were like writing on the sand. No traces of them are left. In Arabia the only serious rival to the

Qadi, who administers the law, is the personal influence of the local tribal sheikh. There are in neither country any Christian minorities or any foreign missions. Both are practically closed lands, save that in recent years King Ibn Saud has granted facilities for medical tours in his domains, while the Imam Yehya of Yemen has admitted a missionary doctor and nurse to his capital. In both countries apostasy from Islam would almost certainly be punished by the death penalty.

In the constitution of the HEJAZ, it is stated explicitly that the religion of the country is Islam, and that the administration must be conducted in accordance with the *Sharia* law.

EGYPT

(a) *The General Situation.* Egypt provides an outstanding example of a Muslim land in which the forces of orthodoxy and modernism are constantly engaged in mutual conflict. One group desires for Egypt the position of religious and cultural leadership of the Muslim Near East, while at the same time appropriating the material benefits of western civilisation. The other aims at ever closer approximation to the standards and ideals of European life. Sometimes the one party and sometimes the other gains the ascendancy and, as a consequence, there arises a frequent fluctuation in policy and in the Government's attitude on questions of religious liberty. On the whole, however, it would be true to say that Egypt's newly-acquired independence has strengthened the position of the more conservative elements, and the tendency to reaction has received a fillip from the move-

ment for closer unity with the other Muslim lands of the Near East.

The problem of religious liberty in Egypt is complicated by a virtual contradiction in the articles of the Constitution. This Constitution, formulated in 1923 on the model of the most modern types, guarantees the equality of all Egyptians before the law and in regard to civil and political rights and public duties (Article 3); and promises personal liberty (Article 4); absolute liberty of conscience (Article 12); the protection by the State, in conformity with the practices established in Egypt, of the free exercise of every religion and belief, provided they do not conflict with public order and good morals (Article 13); liberty of opinion (Article 14); and the freedom of education, provided it does not contradict public order or good morals (Article 17). There is another Article (No. 167) which requires that all laws, decrees, regulations, etc., enacted in the past shall remain in force only if they conform to the principles of liberty and equality guaranteed by the Constitution.

Yet over against these liberal declarations must be set, first, Article 149 of the Constitution, which lays it down that ' Islam is the religion of the State ' and, second, the fact that there is no method whereby an appeal can be made to the provisions of the Constitution from a decision given in the law courts. The first has been interpreted to mean that it is the duty of the Government to defend Islam against the activities of Christian evangelists and of modernising Muslims alike, and that in making appointments to public offices preference should be given to Muslims rather than Christians. The second has meant that reactionary decisions of the Muslim law

courts, which follow the ruling of the *Sharia* law, have been upheld against the obvious intentions of the framers of the Constitution. Not only so, but there is actually a proposal put forward by a small group for the restoration of the *Sharia* as the basis of the Egyptian judicial system, instead of the western codes which have so largely replaced it.

(b) *The Position of Minorities.* By the declaration of February 28, 1922, the question of the protection of minorities was one of the four points reserved for further discussion between the British and the Egyptian Governments. During the treaty negotiations of 1928–1929, Mr Henderson, the British Foreign Secretary, stated that the British Government would consider the question of minorities as the exclusive concern of the Egyptian Government and, in the treaty as finally concluded in 1936, there is no mention of minorities at all. It was thought that at the time of Egypt's admission to the League of Nations in 1937 some further reference would be made to the subject, but the Egyptian delegation was silent.

During the height of the nationalist movement in the post-War period the Christian minorities identified themselves with the Muslim majority, and there were several open confessions on both sides of a united front. Since independence has been secured most Christians have felt that they have been steadily reduced to their former position of subordination. Muslims sometimes deprecate the use of the word ' minorities ' when referring to the Christians in Egypt, but the facts of discrimination are undeniable. The official government attitude is summed up in the words of the present Prime Minister,

Mohammed Pasha Mahmoud, who declared in 1938 that ' the Government will see to it that no schism between these two elements [Copts and Muslims] arises.'

i. *Worship.* Freedom of worship is assured, but difficulties frequently occur when permits are sought for the erection of new churches. The Copts have less trouble in this respect than other Christians. The opening of schools and government offices on Sunday makes it difficult for Christians to attend Sunday schools and church services, and this has a serious effect upon the spiritual life of the Christian community.

ii. *Evangelism.* In his report of 1904, Lord Cromer wrote : ' In Egypt proper, full freedom may be accorded to the Christian to convert the Moslem, or the Moslem to convert the Christian, by all ordinary and legitimate means of persuasion. All the Government requires is that nothing shall be done of a nature to disturb the public peace, and that the law—which forbids any flagrant outrage by the members of one creed against the religious practices and feelings of the other—shall be obeyed.' In spite of this assurance and the terms of the Constitution, the Government is frequently called upon ' to defend Islam ' against the evangelistic activities of the Christian Church, and it usually does so not by forbidding evangelism as such, but by charges against evangelists of attacking Islam and so endangering the public peace.

iii. *Community Organisation and Personal Status.* The system of *Millet* courts in Egypt is regarded as satisfactory neither by the Christians nor by the Muslims, but for different reasons. The Christians resent the fact that the *Sharia* court is competent in all cases, where

the *Maglis el Milli* (or Community Court) is not explicitly declared to be competent, and that so many cases have in consequence to be tried by Muslim law, e.g. when the two parties to a suit belong to different Christian churches. The Muslims object to the presence in the country of some fifteen different community courts, all with their own special jurisdiction and codes. All efforts at reform have hitherto ended in failure, through lack of trust of the Government's intentions and the fear of intrigue. A step forward was made in one matter in 1931, when it was laid down that 'no case of divorce brought by a non-Muslim husband or wife shall be heard in the *Sharid* court, if both parties do not belong to a creed that recognises divorce.'

The King has the right, by Article 153 of the Constitution, to the nomination of the heads of religious communities.

The Constitution guarantees equality of all citizens before the law, without distinction of language, race or religion, but complaints of partiality in legal judgments are sometimes heard.

iv. *Education.* In the government primary and secondary schools Christian pupils are exempted from attendance at lessons in the Quran and, if there are more than fifteen of them in the same class, they may claim the right of religious instruction in their own faith. Similarly, Christian pupils are excused from memorising the Quranic passages required in the primary examinations and may substitute other suitable Arabic passages for them. In the newly-founded government compulsory schools Christians are by law exempt from the instruction in Islam which forms so large an element in the

curriculum, but in practice most of them find it difficult, owing to the power of local Muslim opinion, to avail themselves of this right, and their parents are encouraged to allow them to attend, on the ground of the benefit accruing from the study of the Arabic language. Negotiations have been proceeding for some years between representatives of the different Christian communities and the educational authorities to secure permission for the teaching of the Christian religion to Christian children in compulsory schools within school hours, but, up to the present, this has been refused, as liable to lead to religious and communal strife in the villages. The concessions which the Government is prepared to make, such as the granting of leave to Christian pupils to receive instruction during school hours in the nearest church, are not acceptable to the Copts. There is no question that the rearing of Coptic village children in the Muslim atmosphere of the compulsory schools is likely to lead in the future to an increase in the number of those who embrace Islam. The government primary and secondary schools, also, are becoming more Islamic in tone than formerly, through the erection of mosques and places of prayer in close proximity to the school buildings.

The Christian communities are allowed to open schools of all grades. A permit is supposed to be secured and is usually granted, provided buildings are satisfactory. All schools come under the provisions of the law of 1904 regarding ' unhealthy, insanitary and unsuitable ' buildings, and are subject to inspection as to their buildings and sanitation. If Christian schools receive a government subvention, either a ' conscience clause ' is imposed,

or Muslim pupils are forbidden to attend Christian devotional exercises. During the year 1937–1938, the Government made religious instruction a required subject in such schools, but not a subject for presentation at the baccalaureate (or matriculation) examination. Whereas, however, a syllabus was prepared by the Government for the teaching of Islam in each year's course of study, no parallel course was drawn up for the teaching of Christianity. Each student is to receive instruction in his own religion and, if there are more than fifteen Muslim pupils in a class, they must be taught Islam. This regulation has not, however, been rigidly enforced.

Considerable difficulty was at first experienced in securing recognition for Christian elementary schools, but in December 1937 the Minister of Education promised that such schools would be recognised, provided their standard of education was at least equivalent to that of the compulsory schools in accordance with Law 46 of 1933. At first, the Government insisted that Muslim pupils must attend the compulsory schools, so as to receive instruction in Islam, but eventually it agreed that Muslim children might continue to attend Christian elementary schools, so long as they passed an examination in the Quran each year and on condition that the headmaster of the local compulsory school had the right to make sure that the Muslim parents were making adequate provision for the instruction of their children in Islam.

In the summer of 1938 a proposal was introduced into the Senate to forbid the teaching to young people under sixteen years of age of any religion other than that of

their parents or guardians. Later, the age was raised to eighteen. Contraventions, if repeated, were to be punished by the closing of the school. This measure has not yet been made law, but, even if it fails to pass the two Houses, it illustrates the attitude of some Muslims towards Christian schools.

v. *Civic Rights and Responsibilities.* The poll-tax on *Dhimmis* was abolished in Egypt towards the end of the nineteenth century. To-day there is absolute equality as regards taxation. In government service, however, there is irrefutable evidence that Muslims are given preference in the matter of appointments, promotions and locations. The excuse sometimes put forward is that the proportion of Christians in government service is higher than their proportion of the total population, and so all considerations of ability or experience are ignored.

There is no special representation of the Christian minority in Parliament, though higher ecclesiastical officials are eligible for election or nomination to the Senate. The fact that Makram Pasha Obeid, the able Finance Minister in the Wafdist Cabinet, was a Christian, was made the basis of an election campaign against the Nahas party, as being disloyal to Islam.

(c) *The Status of Converts.* For reasons which have already been specified, many hundreds of Copts become Muslims every year, though numbers of these return to their original faith after the lapse of several months or years. Not long ago the Coptic Patriarch had reason to complain that these conversions were made the occasion for popular demonstrations, and that the rule which allowed a priest to interview first the person proposing to change his religion was not always observed. The

only form of registration of change of community recognised by the Government is that to Islam. There is no way of registering officially a conversion from Islam to Christianity.

Though the law of apostasy has not been enforced in Egypt since 1883, the legal position of the convert is still most unsatisfactory. There is in this matter the same clash of points of view as characterises so much Egyptian legislation at the present time. On the one hand, we have such pronouncements as that of the Chief of the Parquet, who in 1934 declared that 'the Government has no control over adult women who embrace Christianity,' and again that of Tawfiq Pasha Naseem, who, in correspondence with the Coptic Patriarch in the year 1935, used the words: 'Seeing that for a long period steps have been taken to guarantee freedom of religion in Egyptian territory, and that everyone has freedom to embrace the religion he desires, and that the Government has paid special attention to the case of Christians and others who desire to embrace the Muslim religion . . .' Yet, on the other hand, we find in practice that even adult women converts are handed over to the guardianship of their nearest male Muslim relative, and that some have disappeared. A legal decision of the *Sharia* court at Tanta, in 1933, contains the words: 'Seeing that the apostate has, by Muslim law, no religion, so that if he repents his repentance is accepted, and, if not, he is killed . . .' while the Prime Minister, Ismail Sidqi Pasha, in 1932 made it clear that religious liberty in Egypt means the right of each community to worship in its own way, but not the right of a Muslim to become a Christian.

No convert in Egypt can claim inheritance from his Muslim relatives, and, in most cases, his wife is separated from him. Should he revert to Islam, his Christian wife cannot secure the custody of the children. They, too, are presumed to be Muslims.

(d) *Foreign Missions.* At the time of the abolition of the Capitulations by the Montreux Convention of 1937, certain guarantees were given regarding the future of missionary work in Egypt. These are quoted in full on page 289 of the Appendix. Nevertheless, objections to missions have been raised, even in recent years, by both Copts and Muslims. The reason for the Coptic dislike of missions is due in part to the policy of certain societies in drawing most of their adherents from the Coptic Church and in part to the prevailing spirit of nationalism. Muslims object to missions just because they are evangelistic and also on account of the methods they are supposed to adopt. In the serious anti-missionary newspaper campaigns of 1933, grave charges of bribery, hypnotism, immorality, kidnapping and coercion were brought against missionary organisations and were given credence in some quarters. All these accusations were effectively rebutted by representatives of the Egypt Inter-Mission Council.

The disabilities attending the activities of foreign missions in Egypt are, in the main, the same as those imposed upon Christian minorities, but we shall, in the following paragraphs, call attention to one or two special features of the present situation.

i. *Evangelism.* All out-of-door preaching is forbidden, as liable to disturb public order. Religious propaganda is disliked and resented by all classes, though not if it is

pro-Islamic. It is even maintained that all ' proselytism ' is illegal. Missions are frequently charged with exploiting the helplessness of the sick, the poor and the young, and are said to use ' moral ' and ' spiritual ' coercion to effect a change of faith.

ii. *Education.* Efforts were made a few years ago to bring all mission schools under the direct control of the Government, by the terms of Law 40 of 1934, but the proposal was not pressed home. The Ministry of Education did, however, try to insist that inspected institutions, receiving a subvention, should not have Muslim students attending non-Muslim religious teaching, and that it should, also, provide courses in Islam for Muslims. These institutions met this difficulty by the adoption of a conscience clause. At the Montreux Convention it was agreed that mission schools should be governed by their own curricula, though it is asserted in some quarters that this does not justify the teaching of Christianity to Muslim pupils. An undertaking was also given at Montreux that missions might employ either Egyptians or foreigners on their staffs, subject to the general regulations about passports.

iii. *Literature Work, etc.* Restrictions are imposed upon the importation of certain Christian books, such as *The Apology of Al-Kindi*, while all new publications must be submitted to the Press Bureau. A recent judgment given against a colporteur of the Nile Mission Press for circulating two books, which were considered to be derogatory to Islam, threatens the work of all publishing bodies in Egypt, as the books in question contain but the slightest reference to Islam. An appeal has been lodged.

At one time, the use of the sound version of the film *King of Kings* was forbidden, because it was said to contravene the regulations prohibiting films which show 'pictures of prophets.' The film has, however, been released.

Though there are daily, almost hourly, readings from the Quran in the Arabic broadcasts of the Egyptian State Broadcasting Co., permission has hitherto been consistently refused for the broadcasting of Bible readings or Christian services, even in English or French.

This brief summary of present conditions indicates the difficulties that stand in the way of the development by evangelism of the Christian Church in Egypt. Apprehension, too, has been felt at the stricter regulations which have been enforced recently in regard to visas for missionaries, though it is said that the main purpose underlying these regulations is economic. The future is uncertain and much may depend, humanly speaking, upon whether the reactionaries or the progressives gain control of government policy. One thing is clear, and that is that the Government, under the influence of the growing nationalist spirit, will press for ever tighter control of all educational, social and medical services rendered in the country, and so the freedom of Christian activity may be strictly limited.

For the NORTHERN SUDAN, which is under the joint rule of Egypt and Great Britain, see pp. 148–50.

TURKEY

(a) *The General Situation.* Whereas Egypt illustrates a continuous struggle between the progressive and the

conservative elements within Islam, Turkey gives us a picture of what may happen when the progressives gain complete control of the reins of government. Not only has religion been completely dissociated from politics, but there has also sprung up a powerful movement away from religion itself, even in private life. The characteristic feature of this new policy has been aptly described as ' a militant race-conscious nationalism.'

We have already had occasion to mention in an earlier section the effect of western intervention upon the position of Christian minorities within the Ottoman Empire. We shall now take up the thread of the story from the period immediately after the Great War. The first event of special significance for our study was the adoption by certain Turkish deputies in Constantinople in 1920 and by the Angora Assembly in 1921 of ' The National Pact,' of which Article 5 contains the important words : ' The rights of minorities as defined in the treaties concluded between the Entente Powers and their enemies and certain of their associates shall be confirmed by us, in reliance on the belief that the Muslim minorities in neighbouring countries will have the benefits of the same rights.' What makes this declaration of special importance is, firstly, its voluntary character and, secondly, the idea of reciprocity in religious freedom, a thought quite alien to the history of orthodox Muslim doctrine. A few months later this was followed by action against the Caliph. On November 1st, 1922, an unprecedented distinction was drawn between his temporal and spiritual powers. On October 29th, 1923, Turkey was declared to be a republic, and on March 2nd, 1924, the Caliph was banished. Thus there was revealed

with dramatic vividness the revolutionary intentions of the new régime.

The Treaty of Lausanne, which was signed on July 24th, 1923, and put into execution on August 6th, 1924, included some far-reaching clauses, guaranteeing the religious freedom of Christian minorities. The relevant articles are given in full on page 290 of the Appendix. The significance of these guarantees will be considered in detail below. What should be noted here is that, henceforward, the provisions for religious liberty in Turkey 'constitute obligations of international concern and shall be placed under the guarantee of the League of Nations' (Article 44). Perhaps, however, the guarantees given by the Constitution, which was voluntarily adopted by the Grand National Assembly on April 24th, 1924, are of more ultimate value than the international undertakings of the Treaty of Lausanne. Section 5 on *The Public Law of the Turks* contains the following articles :

ARTICLE 68. All citizens of Turkey are endowed at birth with liberty and full right to the enjoyment thereof. Liberty consists in the right to live and enjoy life without offence or injury to others. The only limitations on liberty—which is one of the natural rights of all—are those imposed in the interest of the rights and liberties of others. Such limitations on personal liberty shall be defined only in strict accordance with the law.

ARTICLE 69. All Turks are equal before the law and are obliged to respect the law. All privileges of whatever description claimed by groups, classes, families and individuals are abolished and forbidden.

ARTICLE 70. Inviolability of person ; freedom of conscience, of thought, of speech, of press ; freedom of travel and of contract ; freedom of labour ; freedom of private property, of assembly, of association ; freedom of incorporation, are among the natural rights of Turks.

ARTICLE 72. Personal liberty shall not be restricted or interfered with except as provided by law.

ARTICLE 75. No one may be molested on account of his religion, his sect, his ritual, or his philosophic convictions. All religious observances shall be free on condition that they do not disturb the public peace, or shock public decency, or exist in violation of social conventions or the law.

Up to this period, Turkey regarded herself as a Muslim state, though of a western type. Article 2 of this same Constitution declared that ' the religion of the Turkish State is Islam ' ; Article 26, that ' The Grand National Assembly is responsible for the enforcement of the *Sharia* law ' ; and Articles 16 and 26, that the oath taken by the members of the National Assembly and by the President of the Republic should be in the name of Allah. But there soon appeared signs of a still further weakening of the grip of Islam upon public policy. In 1926, three new legal codes were adopted, of which the most significant from our point of view was the civil code, copied from that of Switzerland, which involved the complete discarding of the *Sharia* law. The final blow was delivered on April 9th, 1928, when the Grand National Assembly decided on the ' disestablishment ' of Islam. The words ' The religion of the Turkish State is Islam ' were omitted from Article 2 of the Constitution, Article 26 was amended so that the administration of the *Sharia* law ceased to be a function of the Assembly, and Articles 16 and 26 were altered, and in future the oath was to be taken on a man's honour and not in the name of Allah. In 1937 the Constitution was again modified and the Turkish State was declared to be ' republican, nationalist, populist, *étatist*, laicist and revolutionary.' It is a curious anomaly that, despite these facts, the

state budget still includes an item for the maintenance of religion and that there is a department for the regulation of religious affairs.

In no country in the world has there been so revolutionary a break with orthodox Islam, nor in any, perhaps, was it less expected. An account of the measures passed against Islamic practices and institutions falls outside the scope of this study, but it has some importance for us, as we must remember, when considering the restrictions placed upon Christian activities, that the motive behind the general restrictive legislation was more frequently the desire to limit Muslim institutions than Christian ones.

Two factors may, however, introduce some change in the trend of the Government's secularist policy. The first is the appointment of the new President, who is reported to be a devoutly religious Muslim. The second is the growing sense of the need for some influence to strengthen character-building in the schools. An article published in 1928 contained the following significant words: 'The continuous decline in the sacredness of religion may eventually result in a conclusion of the emptiness of religion, and such an outcome may seriously affect the belief in moral concepts also. Then the real problem comes. How can we find a substitute for the religion which was performing these duties so far?'

Dominating Turkey's policy at the present time is the desire for national strength and, as a means to this end, for national homogeneity. In so far as the presence of Christian minorities or of foreign missions is considered as a stumbling-block in the way, to this extent they are

liable to open or veiled hostility. Whatever disabilities they suffer from to-day are imposed not on account of Islam, but because of the nationalism of the new Turkey, and this too, primarily, because Christianity is regarded as a foreign importation.

(b) *The Position of Minorities.* A drastic solution to the problem of non-Turkish minorities was sought in the interchange of populations after the Great War. All the Greek Orthodox Christians resident in Turkey, with the exception of those in Constantinople, were to return to Greece, while the Turkish Muslims in Greece, apart from those in Western Thrace, were to return to Turkey. During the Great War, as well as after it, there was a systematic deportation of Armenians, and hundreds of churches in Asia Minor were destroyed, so that Christianity was virtually wiped out there. It is an interesting fact, however, that in recent years certain Turkish communities, resident in the Balkans, who are Christians by religion are being invited to return to Turkey.

There are indications that the attitude of the Government towards the Christian minorities that remain has not always been friendly or conciliatory. In January 1925 the Œcumenical Patriarch of the Greek Orthodox Church was expelled at a moment's notice and in July 1928 the Vatican removed the Armenian Catholic Patriarchate from Constantinople to Beirut, because of the intolerant attitude of the Government. The regulation controlling the dress of ecclesiastics was deeply resented by many.

i. *Worship.* Freedom of worship is guaranteed. See especially Articles 38 and 42 of the Treaty of Lausanne.

Article 75 of the old Constitution was still further modified in 1937 to read as follows: 'No one may be censured for the philosophical creed, religion and faith to which he may belong. All religious services not in contravention of public order and morals and the law are authorised.'

ii. *Evangelism.* The Government regards it as its duty to protect all persons, especially minors, from undue influences of a proselytising nature. Evangelistic work, direct or indirect, amongst minors is strictly forbidden.

iii. *Community Organisation and Personal Status.* Though Article 42 of the Treaty of Lausanne envisaged the continuance and reconstitution of the Community Courts, and though at first measures were taken in this sense, the adoption in 1926 of the Swiss civil code, which was applicable to all citizens, rendered the continuance of such courts unnecessary. In all questions of justice and personal status all citizens are on an equality. An article in *Vakit*, dated October 17th, 1931, states: 'We have not the slightest notion of subject races such as there was in the old régime.'

iv. *Education.* In 1931, the Government decreed that Turkish children must receive their primary education in Turkish schools. Minorities are, however, allowed to have their own schools and, according to Article 41 of the Treaty of Lausanne, are entitled to subventions from the Government. It is stipulated that the Turkish language, history and geography must be taught by Turkish teachers, whose appointment is in the hands of the Government. All private schools, like official schools, are subject to the inspection and observation of the government inspectors. Also, all schools must be

secular, that is to say, there must be no member of a religious order among the teachers, no special place of worship in the school and no religious instruction of Turkish pupils. Christianity may, however, be taught in schools for Jews, Greeks and Armenians.

v. *Civic Rights and Responsibilities.* There is no discrimination in questions of taxation or, by Article 39 of the Treaty of Lausanne, in matters of admission to public employment, honours, etc. Non-Muslim citizens may vote at elections and are eligible for membership of the Grand National Assembly. In the elections held in February 1935 four non-Muslim Turks were elected.

(c) *The Status of Converts.* The suspension of the application of the law of apostasy in the Ottoman Empire was first secured in 1844. By Article 266 of the civil code of 1926 'an adult is free to choose his religion.' A person becomes adult on attaining the age of 18, or on marriage. There is no legal procedure for the registration of conversion, because there is no need for it, now that Community Courts have ceased to function and the same civil code applies to all. A person may register himself as of any religious belief he wishes. If his parents change their religion the minor follows them in their new faith, until he attains the age of majority, when he too may choose for himself. Whenever questions have been raised concerning the right of conversion, the central authorities have invariably stood for absolute freedom, but the influence of the local authorities and of Muslim social opinion may still make its power felt against the convert.

(d) *Foreign Missions.* By the Treaty of Lausanne in 1924 Capitulations were abolished in Turkey. Missions

in general are suspect as the forerunners of western imperialism, whether this is regarded as political, cultural or economic. Thus action was taken in 1939 against reading-rooms, because they were said to exist 'either to spread a foreign religion, or to spread in Turkey the doctrines of a foreign ideology' (*Tan*, May 4th, 1939). It was recently stated that 'the spirit hidden behind the concealed religious and humanitarian teaching in the colleges that are not "religious" on the surface is the spirit of propaganda for American nationalism.' Evangelism as such is disapproved, and educational and medical institutions are restrained from doing anything, either formally and publicly or quietly and privately, which can be supposed to influence the minds of those whom they directly benefit towards a change of religion. It was on account of a supposed infringement of the law against the religious teaching of minors that the Broussa School was closed in 1928.

Certain other restrictive measures have been taken against the activities of foreign missions. The University does not accept the diplomas of foreign colleges without examination, while a new and severe property-tax has been imposed on schools which were formerly exempt. No fresh licences are granted to foreign doctors, and medical work has now become so expensive that several hospitals have been closed. The publication and circulation of Christian literature are subjected to the most stringent censorship.

In short, we may say that the missionary work of the Christian Church in Turkey to-day is hedged about with difficulties and restrictions of all kinds, though the reason for this is not the strength of Islam, but the dominating

influence of nationalism. At the same time, freedom of thought and liberty to change one's religion are guaranteed, and there are signs that as the years pass the hurdles of the present day may be removed and the way opened to greater Christian activity. This will come the sooner when it is realised that Christianity is not in its essence a ' foreign ' religion nor to be identified with the intrigues of western Powers.

THE HATAY

With the vicissitudes in the history of the Hatay, formerly known as the Sanjak of Alexandretta, and with the struggles between Turkey, France and Syria for its control, we are not directly concerned in this study. Seeing that the area has now passed into Turkey's hands, it may be appropriate to consider briefly at this point the position of Christian minorities and Christian missions there, in so far as this is not covered by a later section on the mandated territory of Syria.

In 1937, a Statute and a Fundamental Law were drawn up by a Committee of Experts, appointed by the Council of the League of Nations, on the assumption that this area would constitute a separate entity with full independence in its internal affairs, but with close relations with Syria. The Statute and the Fundamental Law contained admirable provisions safeguarding religious liberty, similar to those found in the constitutions of mandated territories. The most interesting of all the Articles was No. 30 of the Fundamental Law, which read as follows: ' There shall be absolute freedom of conscience. Citizens shall be entitled to choose any religion they wish. The Sanjak shall have no official religion.

No advantage may be granted to any religion or creed to the detriment of any other.' Nothing could be more satisfactory or more comprehensive in a former Muslim land.

It is as yet too early to say what effect the transfer of the Hatay to Turkey will have upon the position of the Christian Church. Already there have been signs of restrictions. Turkish soldiers have been forbidden to attend Christian services ; there have been difficulties in the way of securing passports ; and the British and Foreign Bible Society's colporteur was at first forbidden to sell Christian literature, and later expelled from Antioch. Naturally, there has been consternation in the ranks of the Armenian and other Christian communities whose memory of Turkish policy during the Great War is still vivid. However, there have as yet been no radical restrictions imposed upon Christian schools and the reports of the treaty between France and Turkey give assurances that the rights of minorities have been safeguarded.

The future alone will reveal what Turkey intends to do in the Hatay, whether to enforce the present nationalistic, secularist policy, or whether to modify this to any extent, to suit local conditions. The Hatay furnishes us with one more example of the uncertainty of the position of the Christian Church in Muslim lands, and the danger to which it remains exposed through changes in the international situation which have no connections at all with religious questions.

IRAN

(a) *The General Situation.* It might be said with some truth that ' what Turkey does to-day, Iran will do

to-morrow.' There is the same bent towards national homogeneity and national strength, and the same desire to assimilate the most serviceable elements of western civilisation, but the measures adopted to attain this end have been rather less drastic in Iran than in Turkey, while the forces of Islam retain more of their inherited influence. It is often difficult to discern whether the policy of the Iranian Government is primarily Islamic or nationalistic, though there are numerous indications of a movement for the separation of ' Church ' and State. One thing is certain, and that is that the Government is determined to maintain its hold over all forms of education and propaganda, and in this regard it may be influenced by memories of foreign intervention in pre-War days.

The Islam of Iran is of the Shia, not the Sunni, type, but in its normal orthodox form it is just as oppressive towards non-Muslims. There are the same doctrines of the subordination of *Dhimmis*, and of the right to slay an apostate out of hand. Iran to-day has, however, moved a long distance from the strictly orthodox standpoint. It is true that in the new Constitution there is an Article stating that the authority of the religious law of Islam is accepted as it is recorded in the commentaries of the Imam Jaffar ;[1] but, on the other hand, four religions are now officially recognised, namely, Islam, Christianity, Judaism and Zoroastrianism, so that Islam has lost its exclusive pre-eminence. Furthermore, the movement for emancipation from Islamic orthodoxy is evidenced in the abolition of the fez for men and of the veil for women and in the adoption

[1] See Zwemer's *The Law of Apostasy in Islam*, p. 149.

of a new Swiss penal code, which has virtually replaced the *Sharia* law. The life of the local Christian Church is not looked upon as 'foreign' to the same extent as in Turkey, but there is the same fear of foreign propaganda, and this, in part at least, accounts for some of the restrictions imposed upon foreign missions. The actual degree of liberty enjoyed by church or mission varies according to the locality, as the influence of the local official is strong.

(b) *The Position of Minorities.* Persian Christians evince a deep nationalistic spirit and thus help to disarm any official suspicions of their intentions. Certain problems have, however, arisen in regard to the Armenian and Assyrian minorities which have shown a disposition to resist the Government's policy of assimilation.

i. and ii. *Worship and Evangelism.* While freedom of worship is assured, religious propaganda is forbidden. 'Proselytism' in any form meets with official disapproval and is absolutely prohibited amongst minors. According to the law, meetings are not allowed in the open air nor in private houses nor in public conveyances, but only in churches.

iii. *Community Organisation and Personal Status.* Through the adoption of modern codes of law the Community Courts have ceased to serve their original purpose. All citizens are now equal before the law. Certain restrictions in regard to personal status still remain, however; for example, a Christian man may not legally marry a Muslim woman.

iv. *Education.* In government schools the teaching of the Quran and of Islamic law is compulsory, but is not always treated with great seriousness. Schools conducted

by Christian Persian nationals may include in their curriculum instruction in Christian ethics and may observe Sunday as a day of rest, but they are also obliged to teach the Quran and Islamic law. The Government aims at securing a uniform system of education throughout the country and insists that everything Persian shall receive emphasis in the curriculum.

v. *Civic Rights and Responsibilities.* Whereas there is now equality as regards taxation and whereas certain Christian communities have direct representation in Parliament, there is still discrimination against Christians in government circles in some areas, though this attitude is not necessarily official.

(c) *The Status of Converts.* Some uncertainty surrounds the legal position of the convert from Islam to Christianity. There is no official way of registering conversion as such. On the other hand, under the new scheme for the registration of all Persian citizens, converts have been registered as Christians, while the official marriage office at Teheran has stated that an adult when marrying may register as a Christian, whether or not he has a Muslim name and whether or not he was once enrolled as a Muslim. A high police official has declared that ' Christians have a right to their opinions and will receive police protection.' Women or minors who are under the guardianship of Christians are free to become Christians if they wish to do so.

In Iran, converts need not necessarily be separated from their own people, as is so often the case in other Muslim lands. In all probability they could inherit from their relatives, though this might depend upon local conditions. Generally they can retain their em-

ployment. They also enjoy all their civic rights, the only known exception being that of a young Kurd who was refused a passport to re-enter the country.

In order to avoid difficulties with the people, marriages between converts are conducted by government officials according to the Muslim form, though the marriage of two converts according to the Christian form has recently been registered.

(d) *Foreign Missions.* Capitulations were abolished in Iran in 1928, but this act has made little difference to the position of foreigners. Such difficulties as face missionaries in Iran arise from the laws about income tax, residence permits and entrance visas, which are particularly hard on foreigners. There are no restrictions on engaging missionaries for work in Iran.

The restrictions which have been imposed on the evangelistic and other activities of foreign missions are probably not directed against missions as such, but against foreign propaganda, especially communism. The forced withdrawal of the American mission from the Urumia district was due to the latter's strategic importance in the defence of the country.

i. *Evangelism.* Because of the laws against propaganda, missionaries have been obliged to give up their itineration trips.

ii. *Education.* For some time after September 1932 missions were not allowed to conduct primary schools. These were to be in the hands of Persian nationals only. This prohibition has now been withdrawn. Negotiations were carried on for a long period with the Ministry of Education before permission was secured to relax the obligation to teach Islam to Muslim pupils in mission

schools. The present arrangement is that Muslims must sit for the examinations in Muslim law, but they may receive their instruction in this subject outside the school. Though the teaching of Christianity as a religion to Muslims is forbidden it is permissible to quote from the Bible in the ethics classes. There are no restrictions on the religious instruction of Christian pupils and complete freedom in regard to extra-curricula work is allowed. Mission schools may close on Sundays.

Difficulty has been experienced in securing official recognition for mission secondary schools. Their diplomas will be recognised only if they follow the full government course, which includes the teaching of Islam, and it is only on the same condition that their pupils are exempted from military service.

iii. *Literature Work.* All Christian literature imported into Iran is inspected and hundreds of volumes have been confiscated, including Bible portions, which are expressly permitted for circulation in the country. Every new publication must be submitted first to the Ministry of Education and then to the political division of the General Police Headquarters, and in both these departments it is censored and corrected. No permit will be given to anything with a direct appeal to Muslims. This is all part of the general policy against religious propaganda. Circulation of Christian literature is allowed, though there have been several instances of confiscation.

iv. *Medical Work.* All foreign doctors must have had five years' previous experience before they are allowed to practise in Iran. They may, however, work under other doctors if they cannot meet this qualification. Doctors are located to one town and may be moved only

with the permission of the authorities. This permission is usually granted without difficulty.

All things considered, the general situation regarding religious liberty in Iran is hopeful, at least for the indigenous Church. The law against religious propaganda places serious restrictions upon evangelism and curtails the activities of foreign missions. A turn in the political wheel may at any time change the situation for better or for worse, and the future of religious freedom may depend to a great measure upon whether the forces of nationalism or of Islam gain the upper hand.

MANDATED TERRITORIES

Certain territories formerly part of the Ottoman Empire were, after the War, placed under the mandatory system. Though in the Covenant of the League of Nations itself the insistence on 'freedom of conscience and religion subject only to the maintenance of public order and morals' is found only in reference to 'B' mandates, and not to the 'A' mandates, with which we are now concerned, yet all mandates included certain clauses guaranteeing religious freedom. Christian minorities thus passed under the protection of the League of Nations, instead of being, as so often in the past, under the wing of foreign powers who used their interest in the minorities' problem to further their own political ends. It was the express wish of the Assembly of the League of Nations that minorities should not look outside the boundaries of the State to other Powers for political protection, but should 'co-operate as loyal fellow citizens with the nations to which they now belong.' (Resolution of the Assembly of September

4th–30th, 1922.) Arrangements were made for dealing with petitions either from the minorities themselves or from others, and a Permanent Mandates Commission was established. When in 1931 this Commission suggested a procedure which should be followed in all cases when it is proposed to terminate a mandate, it laid down as part of the undertakings to be given by the new State 'the effective protection of racial, linguistic and religious minorities . . . freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration.' It is a curious fact that whereas the Capitulations of the former Ottoman Empire are not applicable during the operation of a mandate, they are to be restored as soon as it expires.

The general trend of policy in any mandated territory is inevitably determined in part by local conditions, and in part by the outlook and policy of the mandatory power. This latter factor accounts for the different method of approach to certain questions such as that of the Community Courts, which we find for example in French and British mandated countries. The attitude of the various colonial powers towards Islam and its problems will become clearer when we pass to an examination of the present situation in Muslim areas directly under their control.

IRAQ

(a) *The General Situation.* Though Iraq is now an independent state in full membership of the League of

Nations, its former position as a mandated territory makes it convenient to consider it here. Actually, in lieu of a mandate, the League consented to a special treaty relationship between Iraq and Great Britain.

The Constitution of Iraq which was drawn up in 1924 and amended in 1925 is still operative. Its more important clauses are given on p. 293 of the Appendix. In some respects this Constitution resembles that of Egypt, for while Article 13 declares that 'Islam is the official religion of the State,' other Articles promise a far-reaching measure of liberty to all Iraqis.

When the mandate was terminated in 1932, the Iraqi Government made an important declaration of which certain Articles are quoted in full on p. 295 of the Appendix. Inasmuch as this declaration will probably form the model to be followed on the termination of any mandate, its clauses are deserving of careful study. It, in turn, is largely based upon the declaration which was made before the League of Nations by Albania on October 2nd, 1921. There is, however, one significant difference. The Iraqi declaration does not contain the very important phrase which is found in Article 2 of the Albanian declaration: 'They will have the right to change their religion.' It does, however, include an Article (No. 15) which is not found in the minorities' treaties, guaranteeing the free exercise of the activities of religious missions of all denominations. It should be noted that both the Articles safeguarding the religious freedom of Iraqis and those guaranteeing liberty for missionary work are 'obligations of international concern' under the League of Nations. Should any questions arise concerning these Articles they would

presumably be dealt with by the Council of the League, acting as in the case of minority treaties, through minority committees.

The Assyrian 'incident' of 1933 came as a violent shock to all who pinned their faith to the goodwill of Iraq in making the declaration first mentioned. This is not the place to enter into an appraisal of the rights and wrongs of Mar Shimun, the Assyrian Patriarch, on the one side, and of the Iraqi Government on the other. Suffice it to say that the crucial question centred in the Patriarch's claims to temporal as well as spiritual power, in accordance with the medieval conception of the identification of Church and State, while the Iraqi Government stood for a common system of law and administration, applicable to all citizens, whatever their race or religion.

The general policy of the Government would appear to favour secularisation within reasonable limits. The *Sharia* law has been confined to matters of religion and personal status. There has, however, in recent months been a tendency to strengthen the movement in the Near East for Arab unity along Islamic lines, and to make use of the educational system as a means to this end.

(b) *The Position of Minorities.* i. and ii. *Worship and Evangelism.* Freedom of worship is guaranteed both by the constitution and the declaration. Evangelistic work is allowed so long as there is no abuse of another religion, nor any disturbance of public order.

iii. *Community Organisation and Personal Status.* Article 75 of the Constitution refers to 'The spiritual councils of the communities,' and Article 79 defines the limits of their competence. They may 'deal with (*a*) matters

relating to marriage, dowry, divorce, separation, alimony, attestation of wills . . . and (*b*) any other matters of personal status relating to members of the community if the parties so agree.' The reorganisation suggested in Article 80 has not yet been effected by law though certain of the communities have reorganised their own internal affairs. Article 6 of the declaration promises that questions of family law and personal status shall be settled 'in accordance with the customs and usage of the communities' to which the minorities belong.

When one of the subjects mentioned in Article 79 of the constitution comes up for consideration and there is no regulation governing the case, a decision is given in accordance with the *Sharia* law. All property also is inherited according to the *Sharia*. All other questions, apart from those specified in Article 79, are referred to the newly-established civil courts whose code is based in the main on the Indian judicial code. This latter code has largely replaced the Ottoman criminal and civil codes. In judicial matters generally, all Iraqis are in a position of equality in the eyes of the law. It is interesting to observe the loyalty of minorities to their community organisation, even when religion itself has ceased to maintain its hold upon them.

The Government has the right of confirming appointments to headship of the various communities and this has led, in one case at least, to its active interference in the election itself.

iv. *Education.* In government schools instruction in Islam is provided for Muslim pupils but no Christian teaching is arranged for Christian pupils. The communities have the right to establish their own schools

and to receive an equitable share of government subventions. In practice most church schools come fully within the government system of education. They are under government inspection, receive government subsidies and have their teachers appointed by the Government. They have, however, the right to give religious teaching to their pupils, and this naturally takes the form of the religious beliefs of the community to which the school belongs. In towns where there is only one school, the tone of the school is generally that of the majority of the residents. In schools where all sects study together, Christian students are allowed to take their work in religion from the recognised teachers of their own sects and are given credit for it. Teachers of religion though appointed by the Government must be acceptable to the church authorities. Schools which receive no government subsidy may appoint their own teachers. Actually there are Christian teachers in government schools and Muslim teachers in church schools.

v. *Civic Rights and Responsibilities.* In matters of taxation and of appointments equality is guaranteed to all Iraqis. In practice we find here as in many other Muslim countries that in selecting pupils for education abroad or candidates for government service preference is given to Muslims. The declaration of 1932 guarantees the equitable representation of minorities in parliament (Article 4). The small Protestant community is not entitled to such representation as it is not fully organised into a ' community.'

(c) *The Status of Converts.* Though as we observed above the declaration of Iraq does not include, like that of Albania, the statement concerning the right of change

of religion, there has existed since 1924 a procedure for the registration of change of community, thus giving legal recognition to conversion. This procedure was modified in 1927 and by Article 13 of the Census Registration Law (No. 54 of 1927) its form was defined as follows : ' If a person registered in the General Census Register changes his religion he shall inform the Mukhtar of the place or village thereof. A certified declaration shall be handed to him by the spiritual authorities of his former and present religion. The Mukhtar shall inform the Census Department within a period of seven days.' Theoretically there appears to be no reason why a convert should not be able to inherit from his Muslim relatives.

(d) *Foreign Missions.* Capitulations were abolished in Iraq in 1930 and foreigners still inherit under the *Sharia* law. But missionary work is constitutionally well safeguarded under the terms of Article 15 of the declaration of 1932.

i. *Evangelism.* The only restrictions placed upon evangelistic work are such as are necessitated by the requirements of law and order.

ii. *Education.* The law provides that the Department of Education must satisfy itself as to the nature and adequacy of any proposed mission school. A permit is granted on the basis of this investigation. It is revocable if a school fails to fulfil its undertakings or contravenes government regulations. By the Tripartite Convention between Great Britain, Iraq and the U.S.A., dated the 9th of January 1930, the Government undertook not ' to interfere in matters concerning the curriculum, such as the time-table, discipline and purely internal administration,' but this does not exclude the right of the Govern-

ment to insist on the carrying out of the terms of the Public Instruction Law of 1929, of which Article 28 states : ' It is obligatory to teach the Arabic language and the history and geography of Iraq and the history of the Arabs in accordance with the programme of the Ministry of Education in all non-technical private schools, both primary and secondary.' Each year government inspectors visit the schools and monthly reports must be sent to the Department of Education. Mission schools may appoint their own teachers.

iii. *Literature Work.* All Christian literature imported into Iraq must be submitted to a special section of the Department of the Interior, while all new books printed in the country must secure the approval of the Press Bureau. Up to the present, no discrimination has been shown against Christian literature.

In general the Iraqi Government has shown fairness and impartiality in dealing with the Christian Church and foreign missions. Such difficulties as have arisen have usually been due to the personal prejudices of local officials.

SYRIA AND THE LEBANON

(a) *The General Situation.* The mandated territory of Syria, apart from the Sanjak of Alexandretta, with which we have already dealt, was divided by the French authorities into the four administrative divisions of the Lebanese Republic, the State of Syria, the Government of Latakia and the Government of the Jebel Druze. Each of these has its own constitution or organic law.

The mandate for Syria and the Lebanon as approved by the Council of the League of Nations on July 24th,

1922, contains a number of articles guaranteeing religious freedom. For these see p. 299 of the Appendix. In addition, each constitution or organic law promises absolute liberty of conscience, and freedom of expression and of education. The text of these documents, so far as they relate to our present study, will be found on pp. 301–5 of the Appendix. It should be noted that only the constitution of the State of Syria contains the words : ' the religion of the President is Islam ' (Article 3).

During the negotiations which have been proceeding in recent years for the termination of the mandate, both the Lebanese and the Syrian authorities have given guarantees that the rights of minorities will be respected. Latakia and the Jebel Druze are, for their part, to be linked more closely to Syria proper. There has, however, been some uneasiness in France concerning the position of the Christian minorities in Syria proper after the termination of the mandate, and this has been given as one of the reasons for delay in the ratification by France of the proposed treaty.

(b) *The Position of Minorities.* i. *Worship.* All four constitutions guarantee freedom of worship subject to the requirements of public order.

ii. *Evangelism.* There are no special restrictions on evangelistic work, apart from those relating to public order and respect for other religions. All four constitutions promise freedom to communicate ideas.

iii. *Community Organisation and Personal Status.* Various efforts have been made by the French authorities to regulate the position of the Community Courts, but without much success. First in 1921, Article 156 of the Ottoman Family Code of 1917 was repealed. This had

been promulgated by the Turks during the War and deprived the Christian and Jewish courts of their right to hear and decide matters of personal status, conferring this right upon the *Sharia* courts instead. Then, in 1926, the High Commissioner sought to transfer to the civil courts all questions at that time decided by the *Sharia* courts for Muslims and by the Community Courts for Christians and Jews, other than questions concerning marriage, divorce, separation, annulment and alimony, which were left to the Muslim and Community Courts. This meant the reduction of the *Sharia* courts to a position similar to that of the Community Courts. The *Arrêté* (No. 261 of 1926) was opposed by Christians and Muslims alike as an encroachment upon their privileges. On June 30th, 1926, the Lebanese authorities, in the absence from the country of the High Commissioner, issued decree No. 102, suspending indefinitely *Arrêté* No. 261, and the reform has remained a dead letter since. Endeavours on the part of the Lebanese Cabinet in 1930 to regulate questions of personal status of Christians and Jews were equally unsuccessful. Finally on the 13th March, 1936, *Arrêté* No. 60 L.R. was promulgated, to settle the same problems and was supplemented on the 18th November, 1938, by *Arrêté* No. 146 L.R. The text of these important documents is given in full on pp. 305–15 of the Appendix.

These two *Arrêtés* have evoked a storm of protest from the Muslim community. Objection is taken to Article 1 of *Arrêté* No. 60 of 1936 on the grounds that it places the Muslims on the same footing as the non-Muslim communities. Articles 8 and 9 of the same decree are said to confer on the heads of communities

powers which Muslims give to no individual, however exalted his position. Exception especially is taken to Article 11, which allows adults to change from one religious community to another, thus sanctioning conversion. Articles 12, 23 and 25 are said to infringe the explicit requirements of the *Sharia* law. The creation of a Higher Court of Justice by Article 27, to decide on the conflicting judgments of different courts, is regarded as an insult to the *Sharia* law, whose judgments to Muslim thought are final. In general, the *Arrêté* is denounced as threatening the position of Muslim courts, interfering with religious endowments and encouraging apostasy. The Muslims maintain that whereas the former Turkish Government, because of the Caliphate, might legislate in regard to religious endowments, the French Government, being non-Muslim, has no right to do so.

In the face of these protests, the Mandatory has not deemed it wise as yet to enforce these decrees, which have received the approval of the Christian communities. The bitterness of the outburst in the Syrian Muslim press reveals the strength of orthodox Muslim opinion there and augurs badly for the future of minorities in Syria proper.

The Permanent Mandates Commission, on the other hand, at one time encouraged the Mandatory to restrict the scope of the *Sharia* law in so far as it is made to apply to Christians, but the French authorities, recognising the sensitiveness of Muslim feeling, maintained that the time was not ripe for such action.

iv. *Education.* Religious instruction is given in government schools, in accordance with the religious affiliation of the majority of the pupils. Muslims are not obliged

to attend lessons in Christianity, nor Christians to attend lessons in Islam. Pressure is, however, being put upon the Mandatory by the Muslim community to have Islam taught in all government schools.

Both the mandate and the four constitutions guarantee the rights of the non-Muslim communities to open schools of their own 'for the instruction and education of their own members in their own language.' Each school should have a permit, though this regulation is sometimes ignored. If a school is closed for more than two years a new permit must be secured. Sometimes the Government allows a community to select a site for a school free of charge, on condition that buildings are erected within a specified period. There are no restrictions upon Christian teaching in Christian schools and no conscience clause is enforced. Community schools receive government subsidies. It is the Government's laudable desire to standardise education as far as possible.

v. *Civic Rights and Responsibilities.* By Article 8 of the mandate 'no discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of difference in race, religion or language.' This applies to employment in government service as much as to other privileges. There are also provisions for the representation of minorities in the parliaments of the Lebanese Republic and of the State of Syria and in the legislative councils of Latakia and the Jebel Druze.

(c) *The Status of Converts.* In the Lebanese Republic there has existed since 1924 a very satisfactory arrangement for the registration of change of religious community, of which women as well as men have been able

to take advantage (see p. 315 of the Appendix). The only criticism that might be levelled against this procedure is that the time limit for registering change of religion by the administration is not fixed in the same way as it is for registering, for example, change of domicile.

In Syria, whereas regulations have been made in regard to registration for all other questions of personal status, no provision is made for change of religion.

As we have already recorded, *Arrêté* No. 60 L.R. of the 13th March, 1936, contains ample provisions for registering a change of religion (see especially Article 11 of *Arrêté* No. 60 L.R. and Article 2 of *Arrêté* No. 146 L.R. of 1938). During the year 1938 this *Arrêté* was enforced in the Latakia district, even against the wishes of the Governor.

A convert, however, cannot inherit from his Muslim relatives.

(d) *Foreign Missions.* Article 10 of the mandate stipulates that no restrictions shall be placed upon religious missions (see p. 316 of the Appendix). While this stipulation applies to missions in existence at the time (i.e. 1922), new missions might experience some difficulty in securing permits for their work. Permits for mission schools can be obtained, provided their requests are reasonable, though unfriendly officials occasionally interpose a delay. Missions are unrestricted in the appointment of teachers for their schools.

On the whole, the free development of the life and work of the Christian Church and of foreign missions has been secured under the mandate in Syria and the

Lebanon, but there is solid ground for apprehension as to their position after the termination of the mandate, especially in the strongly Muslim state of Syria.

PALESTINE

(a) *The General Situation.* The mandate for Palestine, besides making special provision for the Jews, includes safeguards for 'the civil and religious rights of all inhabitants, irrespective of race and religion' (see p. 317 of the Appendix). These far-reaching safeguards were still further implemented by the Palestine Order-in-Council of August 10th, 1922, of which the most important Articles are given on p. 318 of the Appendix. When the Royal Commission of 1937 recommended that the mandate should be terminated and replaced by a treaty 'in accordance with the precedent set in Iraq and Syria,' and that the country should be partitioned between the Jews and the Arabs, it also stipulated that 'the treaties would include strict guarantees for the protection of minorities in each State.' The partition plan has now, however, been abandoned.

There has, on the whole, been greater freedom for the Christian Church, the convert and the foreign mission in Palestine since the War, than in any other country of the Near East. No administration has gone further in safeguarding the legal rights of the convert from Islam to Christianity, and none has so generously co-operated with missionary bodies in the conduct of educational and social work. Relations between the Arab Christians and the Muslim majority have been most cordial in recent years, because of their common antipathy to Jewish immigration. Whether this goodwill would

survive a change in the political situation remains problematical. A unique challenge faces the Christian Church in Palestine, with its Hebrew and Arab converts, to transcend the obstacles created by barriers of race, religion, culture and nationalism.

(b) *The Position of Minorities.* i. and ii. *Worship and Evangelism.* Freedom of worship is covered by Articles 13 and 15 of the mandate and by Article 17 (i, *a*) of the Order-in-Council. Evangelism is unrestricted so long as there is no disturbance of public order and no attack on another faith.

iii. *Community Organisation and Personal Status.* One of the first acts of the new administration was to repeal Article 156 of the Ottoman Family Code (see p. 133). The mandate itself contained a stipulation that ' respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed ' (Article 9). Then, in 1922, the Order-in-Council defined and enlarged the activities of the Community Courts, which were empowered to decide on questions of inheritance and succession as well as on marriage, divorce, separation and ancillary matters arising therefrom. By the Succession Ordinance of 1923 it was decreed that in dealing with questions of succession the law of the community should be followed, though Ottoman law might be applied ; such questions could, however, be transferred to the civil courts, which were to follow the law of the community and, failing this, the Ottoman law. In the case of individuals who belonged to communities with no religious courts of their own, application might be made to the civil courts, which would apply the law of the parties' own community

in so far as this was known. The Religious Communities Organisation Ordinance of 1926 allowed those communities which were recognised in Turkish days to have autonomy and to set up their own courts, while communities not yet organised could take the necessary steps to qualify for internal autonomy. Thus the Community Courts were reorganised without serious interference with their inherited rights. A new criminal code was also introduced, based on English criminal law and superseding the Ottoman code.

iv. *Education.* Article 15 of the mandate allows 'each community to maintain its own schools for the education of its own members in its own language.' The criticism has been made that the Mandatory might, in the general interest, have aimed at a closer unification of the educational system, so as to draw the various communities more closely together, rather than leave them so much freedom to develop each along its own lines.

v. *Civic Rights and Responsibilities.* By Article 15 of the mandate and Article 17 (i, *a*) there is to be no discrimination of any kind between the inhabitants on the grounds of race, religion or language.

(c) *The Status of Converts.* The Change of Religious Community Ordinance of 1927, which is quoted in its present modified form on p. 319 of the Appendix, contains very satisfactory provisions for notifying a change of religious community. The original text of this Ordinance also included the sentence: 'In this Ordinance words importing the masculine shall be deemed to include the feminine,' and an additional clause that 'any Ottoman regulations, and any regulations or notices issued by the Government of Palestine, prior

to the date of the entry into force of this Ordinance concerning the change of Religious Community, shall no longer have effect.' The only criticism levelled against this Ordinance is that it leaves the position of the convert's children still uncertain.

One of the most interesting and important changes effected by the Mandatory is the inclusion in the Palestine Succession Ordinance of 1923 of a provision whereby a convert may inherit from his Muslim relations. This is unique in the Near East. The relevant Articles read as follows: 'The Court shall in all cases determine any question of personal status in favour of legitimacy if the claimant would be deemed to be legitimate under the law governing the personal status of the deceased from whom succession is claimed. No change of religion or nationality on the part of the claimant or the deceased shall be taken into account' (Article 23 (*d*)); and: 'No person shall be deemed to be under a legal incapacity to take any share in a succession to property in Palestine or to take under a will by reason only of his nationality or religious belief' (Article 24 (i)).

(d) *Foreign Missions.* The Mandatory has given every encouragement to the educational, social and cultural activities of missionary organisations, and no restrictions, beyond those pertaining to public order and respect for other religions, have been imposed.

There is probably no country in the Near East which promises and ensures greater religious freedom for the Church and the mission than Palestine. It is by no means certain that the replacement of the mandate by a treaty would leave the present situation in regard to religious freedom unchanged.

TRANSJORDAN

(a) *The General Situation.* By Article 25 of the mandate, the Mandatory is empowered to exclude from application to Transjordan those provisions of the mandate which it does not consider applicable, on condition that no action is taken which is inconsistent with Articles 15 and 16, which guarantee religious freedom within the mandated territory. While Article 10 of the Organic Law of Transjordan of 1928 declares that 'Islam shall be the religion of the State,' this same Article, as well as others, promises adequate religious liberty (see Appendix, p. 320).

(b) *The Position of Minorities.* i. and ii. *Worship and Evangelism.* Article 10 of the Organic Law guarantees freedom of worship. Evangelistic work is allowed, so long as it does not contravene public order or respect for other faiths.

iii. *Community Organisation and Personal Status.* In 1933 a non-Muslim Religious Communities Ordinance was passed, empowering certain named communities to register and form their own courts.

Article IX of the Agreement between His Britannic Majesty and His Highness the Amir of Transjordan, dated February 20th, 1928, includes the statement that 'His Highness the Amir undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the law and jurisdiction with regard to questions arising out of the religious beliefs of the different religious communities.'

Naturally it has not been possible to institute in

Transjordan the same legislation as has been effected in Palestine itself.

iv. *Education.* Article 14 of the Organic Law contains the usual provision about community schools.

v. *Civic Rights and Responsibilities.* By Article 5 of the Organic Law: 'there shall be no difference in rights before the law'; while Article 25 makes provision for the fair representation of minorities in the Legislative Council.

(c) *The Status of Converts.* The *Sharia* law still operates in Transjordan. No liberal measures to ease the position of converts have been possible here as in Palestine.

(d) *Foreign Missions.* Missionary work may be carried on, but with discretion. The Foreign Corporation Immovable Property Law of 1927 makes it possible for religious bodies, properly incorporated, to acquire land.

As contrasted with Palestine, Transjordan presents a less satisfactory picture in its provisions for religious freedom, but, in consideration of the strongly Arab, strongly Muslim, nature of the State, we must admit that remarkable progress has been made since the War.

Our study now brings us to an investigation of the position of the Christian Church, the convert from Islam, and the foreign mission in those Muslim lands, other than mandated territories, which are under non-Muslim rule. To be exact, this section should possibly be placed in that part of the present book which is concerned with the policies of colonial Powers and of other States, both European and non-European, which include Muslims among their nationals. In view, however, of the strongly-

entrenched position of Islam in many of these areas, it may not be amiss to say something about them in this section also. No attempt is made to deal with all 'Muslim' lands—for, indeed, Muslims are to be found in almost every part of the world—nor, in the nature of the case, is the treatment of the problem of religious liberty so full or so systematic as in the previous pages. We have tried only to record the more salient features of the present situation, and, so far as our information goes, to give a true picture of conditions to-day.

In general it must be remembered that, from the standpoint of Islamic orthodoxy, the subjection of Muslims to a non-Muslim government constitutes an anomalous and purely temporary situation, and that it is a duty incumbent on all Muslims everywhere to terminate it as quickly as circumstances allow. Though in the countries which we shall now review it may not be possible for Muslims to restrict the freedom of Christian minorities or converts by the direct action of the state, they can nevertheless exercise considerable pressure upon them through social, economic and occasionally legal channels. Which particular form these restrictions take we shall endeavour to make clear in the pages which follow.

AREAS UNDER BRITISH RULE

INDIA

Though there are more Muslims in India than in any other single country, namely, about eighty-two millions, they constitute only a minority of the total population. This has had an important effect upon their attitude on political questions, without, however, weakening their sense of community not only with Muslims in India but

also with their co-religionists in other parts of the world. Certain Indian States have a Muslim ruler and are strongly influenced by Islamic law.

The policy of the British *raj* has been to encourage the maximum of religious freedom for all communities consonant with respect for their particular religious beliefs.

(a) *The Status of Converts.* At present there is in India no registration of conversion, because none is needed to ensure individual rights. Recently a proposal was submitted to the Mysore Legislative Council by a Hindu delegate that all changes of religion should be registered, but the measure, meeting with government opposition, was rejected. The British Government has for many decades refused to allow the law of apostasy to be enforced in Muslim areas. The Queen's Proclamation reads: 'We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall enjoy the equal and impartial protection of the law.'

There is no legal objection to a convert's claiming his inheritance. The Caste Disabilities Removal Act XXI of 1850 states that 'So much of any laws or usage now in force within the territories subject to the Government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from, the communion of any religion, or being despoiled of caste, shall cease to be enforced as law.' However, notwithstanding this provision, many converts fail to obtain their inheritance.

When a convert is baptised, his marriage is usually dissolved, unless the wife of her own free will and accord desires to continue to live with him. By the Muslim Dissolution of Marriage Act, passed this year, 'The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam, shall not by itself operate to dissolve the marriage.' She may, however, after such conversion, obtain a decree for the dissolution of the marriage for certain specified reasons, which include 'that the husband treats her with cruelty, that is to say, (*a*) habitually assaults her or makes her life miserable, (*b*) associates with women of evil repute, (*c*) attempts to force her to lead an immoral life, (*d*) disposes of her property, (*e*) obstructs her in the observance of her religious profession or practice, (*f*) if he has more wives than one, does not treat her equitably.' Thus married women converts will, in future, be expected to remain with their husbands.

There is no law against the baptism of minors, but the minor remains when baptised under the same guardian as before. He has, however, the right to ask the court for a change of guardian.

By the Government of India Act of 1833, 'No person by reason of his birth, creed or colour shall be disqualified from holding any office.' Thus, legally, the position of the convert from Islam is well safeguarded in India. Nevertheless, he almost invariably suffers disabilities from the attitude of his family and his neighbours. Only a few days ago, a Muslim told a convert who was visiting Mysore that 'he regretted that Tipu was no more, for had he been here to-day, apostates from Islam would have met the fate which they amply deserve.'

The various religious communities in India profess their adherence to the principle of religious liberty, and at the Delhi Unity Conference of 1924, which was attended by representatives of several faiths, it was stated that 'every individual is at liberty to follow any faith and to change it whenever he so wills, and shall not by reason of such change of faith render himself liable to any punishment or persecution at the hands of the followers of the faith renounced by him,' and that 'every group is at liberty to convert or re-convert another by argument or persuasion, but must not attempt to do so, or prevent its being done, by force, fraud or other unfair means, such as the offering of material inducement.' The introduction, however, of representation in Parliament on a communal basis has added a new political significance to community membership, and has led the Hindu group to favour legislation for the registration of conversion and for the prohibition of efforts to persuade people to change their faith. Owing to the anomalous situation in India we find the Muslim community protesting against such proposals and the Christian community benefiting by their attitude.

(b) *Foreign Missions*. The restrictions which the British Government imposes upon missionaries entering India are of a purely administrative character.[1] Several of the Indian States do not admit Christian missions.

NORTHERN NIGERIA

The policy of 'indirect rule' pursued in Northern Nigeria by the British Government, together with the promise given to the Muslim Emirs that there would be

[1] See p. 216.

no interference with their religion, has tended to work out in the past to the exclusion of Christian missions, except from pagan areas. More recently, however, Muslim rulers have thought fit to invite missions to open work in their territory ; missions are also co-operating with the British Government in establishing leper settlements and in starting other forms of medical and social service.

Converts are protected by the British administration, though no form for the registration of conversion exists. As the *Sharia* law still remains in force as regards inheritance, a convert is automatically deprived of his rights of inheritance. Theoretically, Christians may be appointed to posts in the Native Administrations, but they usually find themselves in a very difficult position. There is little likelihood of a Christian being appointed to membership of the Emir's Council.

Converts from Islam in the town of Zaria have been given a plot of land outside the town, on which has sprung up the Christian village of Wusasa. This is ruled by a Christian Chief who, like all other village chiefs in the area, is responsible to the Emir of Zaria.

Naturally, no open-air preaching of Christianity is allowed.

THE NORTHERN SUDAN

Since 1899 the Northern Sudan has been administered under a condominium, or joint rule of Egypt and Great Britain. The Treaty of 1936 between these two countries confirmed this arrangement. We might, therefore, have aptly considered the situation in the Northern Sudan immediately after the section on Egypt, but, inasmuch

as the British Government has been from the outset the predominating partner in the condominium it seemed better to deal with it here.

(a) *Foreign Missions.* On the whole, the British Government has shown itself sympathetic towards Christian missions, especially in recent years, on account of their educational and medical value. More pressure is, however, being put upon the administration from Cairo to encourage the development of missions conducted by Muslims amongst the pagan tribes.

While Chapter XIX, Section 1, of the Regulations stated that 'no Christian mission station is allowed to be formed north of the tenth parallel of latitude in any part or district of the Sudan, which is recognised by the Government as Muslim,' permission can readily be obtained to enter closed areas, provided due discretion is exercised. At one time a rigorous form of conscience clause was demanded from mission schools, whereby the consent in writing of the parent or guardian had to be secured before Christian instruction might be given to a Muslim pupil, but this was altered later to the more usual form, whereby exemption from such teaching may be claimed by the parent or guardian who so wishes. Evangelistic work in hospitals is permitted so long as it is conducted discreetly and without offence to the feelings of the hearers.

(b) *The Status of Converts.* Since 1912 there has existed a form for the registration of conversion from one religion to another. See p. 321 of the Appendix. It was stated at the time that the purpose of this procedure was 'to prevent quarrels arising between religious communities, or allegations of compulsion or unfairness

being made against Qadis, priests or other religious heads, which otherwise occasionally happen, especially if the applicants are minors or women.' This procedure is the only one of its kind in existence in the Near East from pre-War days. An adult woman convert acquires the legal status of an independent Christian woman, and does not come within the jurisdiction of the Muslim religious courts. Converts cannot, however, claim their rights of inheritance. On questions of succession, inheritance, wills, legacies, gifts, marriage, divorce, family relations or the constitution of religious endowments, the civil courts give their decision according to either (*a*) any custom applicable to the parties concerned which is not contrary to justice, equity, or good conscience, or (*b*) Muslim law, in cases where the parties are Muslims, except in so far as that law has been modified by such custom as is referred to above.

BRITISH SOMALILAND

Islam here is very strongly entrenched, and no Christian missions are allowed.

CYPRUS

At one time a strict censorship was imposed upon all printed matter, but this has now been lifted. To malign any other religion is a punishable offence.

There is full religious freedom in Cyprus for both the Church and the mission.

ADEN AND THE ARABIAN COAST

Where missions are allowed they must carry on their work with great discretion. Converts are still subject to

the disabilities of the *Sharia* law and it is known that drugs and spells have been used upon them.

AREAS UNDER FRENCH RULE

ALGERIA

The French administration offers protection to the convert from Islam. The law of apostasy cannot be enforced, and to be a Christian is a distinct advantage in French circles, such as the administration or government schools. As regards civic status, converts are included among the European Protestant or Roman Catholic groups. On the other hand, in Muslim circles converts are subject to many forms of hardship and persecution. The use against them of brain drugs and hypnotism can be substantiated.

When the French Government offered facilities to Algerians to acquire French citizenship and thus come under French civil law, many pressed for permission to become French citizens and yet remain under Muslim law. The Government has viewed this request sympathetically. The more conservative elements among the Algerians, on the other hand, oppose vigorously this policy of ' assimilation,' and some religious leaders have refused to bury Muslims who have accepted French citizenship.

Religious instruction in Islam is given only in government secondary schools, not in primary schools, and pupils desiring it must pay extra and receive such lessons out of school hours. Quranic schools are treated as on the same footing as the confessional schools of the Protestant and Roman Catholic communities.

Freedom for missionary work is assured, provided there is no disturbance of public order, and provided due respect is paid to the wishes and policy of the administration.

EQUATORIAL AFRICA

Educational work is here subjected to certain regulations, but 'catechumen schools,' in which the teaching of the Bible is the primary subject, are exempted.

TUNISIA

In Tunisia, also, there is full freedom for Christian missions. Here, too, we find the nationalists strongly opposed to the French policy of assimilation.

MOROCCO

The purpose of the educational system in French Morocco is to foster at one and the same time the development of Muslim culture and of sympathy towards France. Christian missions may carry on their work, subject to the usual conditions regarding law and order. Capitulations were abolished in Morocco on July 29, 1937.

AREAS UNDER ITALIAN RULE

ALBANIA

Albania was one of the countries, recognised after the Great War, which made a declaration before the Council of the League of Nations providing ample safeguards for religious freedom. Prior to the Italian occupation in 1939 a policy of Albanian nationalism received official encouragement and this tended to an increase of religious

liberty. There were practically no restrictions on the publication and circulation of Christian literature, and it is probable that the regulation for closing foreign schools in 1933 was directed primarily against Italian propaganda. Permits had to be secured for mission work, but these were usually granted without difficulty.

The declaration above mentioned ensured to minorities equal legal status and equal right to public employment with members of the Muslim majority. It also granted them the right to maintain their own schools. In the lower government schools optional classes in religion were made the rule.

It is, as yet, too early to say what the effect of the Italian occupation will have upon the Christian Church and the foreign mission. If the experience of Tripoli, Eritrea and Abyssinia furnishes any precedent, the probability is that all activities of Protestant churches and missions will be restricted, and preference given to the Roman Catholic Church.

TRIPOLI

Not many months ago, during a visit to North Africa, Mussolini announced himself as 'The Defender of Islam' and promised that 'no attempt to convert Muslims to Christianity would be authorised by the Italian Government' and that 'old mosques would be restored and new ones built.'

The severest restrictions attend Protestant missionary work. Copies of the Bible are not admitted, nor colporteurs. The only Protestant foreign missionary working in the country, a doctor, was virtually expelled two years ago.

AREAS UNDER DUTCH RULE

THE NETHERLANDS INDIES

Since 1854 full religious freedom has been promised in the Netherlands Indies. Article 119 of the Regulation on the Conduct of Government, of September 2nd, 1854, states : ' Everyone shall have complete freedom to confess his religious beliefs subject to the protection of society and its members against infringement of the general ordinances of the penal code.'

The dominating force in law is that of the ancient unwritten native customary laws, rather than the *Sharia*. Even the civil code is not applied to Natives, unless they individually and expressly request that it should be. The *Sharia* has succeeded in some areas in modifying customary law (*Adat* law) but the latter continues largely unchanged. The competence of the *Sharia*, which is applied byMuslim *Ulama* (inappropriately called ' Councils of Priests ') is restricted in most Muslim areas to questions concerning inheritance, family life and religious endowments, while in Java and in South-East Borneo its competence has been restricted since 1937 to cases of family law. This illustrates the inherited strength of *Adat* law.

Adat law applies to Christians also, except in so far as it in turn has been influenced by Christianity. It is, for instance, a generally accepted principle of *Adat* law as applied to Christians that a Christian can have only one wife or one husband. Special written and unwritten rules deal with legal relations between persons subject to different systems of law. The statute book contains a special law concerning the marriage, divorce, etc., of three of the main groups of Christians.

There is no special procedure for the registration of converts, nor is there any need for it, seeing that *Adat* law is applied to all alike. For the same reason a convert may legally inherit from his Muslim relatives, unless the testator deliberately disinherits him, and this only if *Adat* law allows him to do so. When a Muslim man is converted his wife may be separated from him; when a woman is converted the marriage is almost invariably dissolved. In some cases converts suffer severe hardship from the social persecution of their Muslim neighbours.

There is no obstacle in the way of a Christian's appointment to government service, or of his election to Parliament. Now that education is becoming more widespread, Christians are losing some of the advantages they held over other communities on account of their better education.

Freedom of worship is guaranteed. Article 120 of the Regulation of 1854 reads: 'All public religious services within buildings or enclosed places shall be permitted in so far as these cause no disturbance of the public order. For public religious services outside buildings and enclosed places the permission of the Government shall be required.'

There are no restrictions on missionary medical or educational institutions. As a rule foreign medical degrees are not recognised, but an exception can be made in mission hospitals for the treatment of Native patients. Nor are there limitations on the colportage of Bibles and Bible portions. All engaged in evangelistic work, whatever their nationality, Natives included, must secure a permit from the Government. This decision, based on Article 177 of the Constitution, has given rise to many questions concerning, e.g., the definition of 'a missionary.'

Permits are usually granted without discrimination against any special mission or nationality.

AREAS UNDER AMERICAN RULE

PHILIPPINE ISLANDS

Article 3 of the Act of Congress, dated August 29th, 1916, which applies to the 400,000 Muslims of the Philippine Islands, guarantees a large measure of religious freedom on a secularist basis. The article reads: '. . . that no law shall be passed abridging the freedom of speech, of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievance. That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed: and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated or used, directly or indirectly, for the use, benefit or support of any sect, church, denomination, sectarian instruction or system of religion, or for the use, benefit or support of any priest, preacher, minister or other religious teacher or dignitary as such. Contracting polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages. . . .'

As regards Muslim communities under non-Muslim rule in other parts of the world, we shall in conclusion add a few comments on some of the outstanding features of the present situation, so far as the question of religious liberty is concerned.

In CHINA the sense of Muslim communal solidarity is strong, and the convert is made to suffer many disabilities.

In CHINESE TURKESTAN missionary work has been prohibited, missionaries expelled and converts imprisoned, tortured and even killed, under the influence of Soviet sympathisers.

In TURKESTAN and other areas under direct Soviet rule Muslims were promised religious autonomy, but the 'anti-God' movement has received powerful official encouragement and many Muslim religious leaders have suffered, like Christians, from the Government's destructive policy.

In BULGARIA the Muslims, who constitute an important minority, are guaranteed religious liberty under the terms of the treaty of Neuilly-sur-Seine of November 27th, 1919, between the Allied and Associated Powers and Bulgaria. Relations between Bulgaria and Turkey have been very cordial and many Muslims have migrated to Turkey. There are still about half a million left.

In YUGO-SLAVIA religious freedom is promised to the Muslim minority under the terms of the Treaty of St Germain-en-Laye of September 10th, 1919. Article 10 states specifically that 'the Serb-Croat-Slovene State agrees to grant to Mussulmans in the matter of family law and personal status provisions suitable for regulating these matters in accordance with Mussulman usage.' Most Turkish Muslims have already migrated to Turkey, and, by agreement between the Governments of the two countries, the remainder will do so also. There still remain, however, about one million and a half Muslims of Serbian descent.

CONCLUSION

Our study has revealed to us the uncompromising attitude of orthodox Islamic doctrine towards Christian minorities and converts from Islam, as well as its outlook of suspicion and superiority toward everything non-Muslim. We have passed in review the influences from within Islam and from without, which have tended to modify the point of view of orthodoxy, such as the spread of western social, political and cultural conceptions, the intervention of European Powers and the conquest of Muslim lands by non-Muslim countries. There is no question that the permeation of Muslim thought by definitely Christian ideas has also contributed to this result. Even to-day, however, the legacy of Islamic law and history remains as a dominating factor in many parts of the world. The struggle between orthodoxy and the modernising influences of the West has not yet issued in a clear-cut victory for the latter. Indeed, in many areas there are indubitable signs of the revival of Islam, both as a religion and as a social system. Even where the power of Islam has weakened the day of religious liberty has not necessarily dawned. There is a new menace from the unprecedented growth of the nationalist spirit, embodied in the structure of the totalitarian state. Secularist nationalism of an extreme type will brook no rival loyalty to itself, whether it be directed toward God or man. When Islam and nationalism unite, as in many lands of the Near East to-day, there is a double threat to religious freedom.

We have also seen that the position of the Christian minorities in Muslim lands, and indeed the whole issue

of religious freedom there, is often bound up with political and international problems which have little or no connection with the minorities themselves and over which they have no control. Similarly, the missionary activity of the Christian Church in foreign lands may be seriously impeded because of the antipathy of governments in mission areas to the political, cultural or economic power of the country from which the missionaries come.

How these factors combine to impede the work of Christian missions and to curtail the natural growth and expansion of the Christian Church can readily be imagined. No one who is aware of the facts can doubt that the absence of religious freedom in Muslim lands is one of the major reasons for the relative lack of success of missions there. The price of conversion is in almost every Muslim land the price of the Cross.

What then are the lessons to be learned from our study ? The first is that by its essential structure, orthodox Islam is utterly opposed to religious liberty, as this is understood in the West. Seeing, however, that Islam, despite its doctrine of the inerrancy of its revelation and the eternity of the *Sharia*, has revealed in the past an extraordinary power of adaptation, there is no *a priori* reason why it should not evolve a new form of political structure, with conceptions of religious freedom more in conformity with western ideas.

Secondly, as a means towards the attainment of this end, the spread of modern—and, still more, of Christian —ideas in Muslim lands should inevitably result in a more liberal attitude towards non-Muslim minorities, though here again the grave danger of nationalist

totalitarianism must be recognised. Whatever influences help to foster a democratic, liberal outlook in the West will carry weight in the Muslim East also.

In the third place, we have good reason to believe that the removal of the spirit of suspicion and tension from international relations would make Muslim governments less antagonistic to the activities of foreigners, including missionaries, within their territories and would promote that true internationalism which is prepared to appraise and adopt whatever is of value in other national systems of life and thought.

Fourthly, there is evidence that an undertaking, given voluntarily and universally by all states, both to observe the same standards of tolerance and justice in dealing with minorities as have been required of certain countries at the time the Peace Treaties were signed, or when admission to the League of Nations was granted, and also to regard such undertakings as matters of international concern, would place the problem of religious freedom in an entirely new setting. The resentment felt by those countries on whom such undertakings have been imposed would cease to exist and religious freedom would become part and parcel of the world-wide system of international law. It is deeply to be regretted that a proposal of this kind introduced into the Assembly of the League of Nations in 1933 and again in 1934 failed to command assent.[1]

Fifthly, we have had occasion to observe the importance of constitutional guarantees of religious freedom within each country and the advisability, if not the necessity, of their incorporation in the legal system. The

[1] See p. 7 of Mrs Davis's *Some Aspects of Religious Liberty of Nationals in the Near East*.

League of Nations recognised this fact in relation to mandated territories, when it laid down the procedure to be followed by the Permanent Mandates Commission in considering petitions. It then stated: 'It is also possible that the absence of legislation on a given matter may render a petition admissible if the principles of the Government and of the mandate called for such legislation and if the Mandatory's failure to legislate on this point may have the result of depriving a petitioner of rights which he could legitimately claim under the terms of the Covenant or the mandate.'

And, finally, our study has revealed to us the impediment to missionary work due to its being regarded as something 'foreign.' No doubt in the past missions have been used to promote political ends, and no doubt missionaries have often failed to distinguish between the message of the Gospel which they are commissioned to bring and the elements of a 'foreign' civilisation in which they have themselves been reared. These mistakes must be avoided in future, if Christianity is to be recognised as indigenous and national in the East as well as in the West. But, perhaps, the most important single factor which would help to eliminate the sense of the 'foreignness' of Christianity would be the unity of the Christian Church. Not only would this eliminate the tendency to identify the Church with the policy of a particular country, but it would also give the Universal Church a new sense of its own catholicity, thus purifying its message and at the same time adding to the spiritual force which it can bring to bear, when the religious freedom of one of its branches is threatened, in any part of the world.

CHAPTER FIVE

LATIN AMERICA

THE purpose of this chapter is to throw some light on the problem of religious liberty as it affects the younger evangelical churches of Latin America. At the outset it is necessary to mark some distinctions which make the treatment of this question differ from that adopted elsewhere in this volume. To speak of the problem of Church and State in Latin America necessarily means the relation of the Roman Catholic Church with the State. The Roman Catholic Church has for four centuries been the dominant, and for long was almost the exclusive, religion of this great region. Latin American civilisation is Christian, in so far as this church has been able to establish and develop a society whose basic principles are drawn originally from the Gospel. How far this tremendous task has been accomplished in the relatively short period of four centuries is not a subject for discussion here. But it should be remembered that the apparent homogeneity of the Christian tradition during this period was not altogether unchallenged. There were many who, while desiring to remain Christians, were seeking simpler and different types of Christian expression. In any event during the nineteenth century it was broken by the introduction, largely through the labour of American missions, of the faith of the Reformation. Just as, in the case of the Roman

Church, it is unnecessary for our purposes to discuss how far it has really fulfilled its commission, so in that of the non-Roman missions and churches, it is unnecessary to raise the question of the legitimacy or advisability of their presence in this region. It is sufficient to record the fact that in all the twenty republics evangelical minorities now exist, sometimes very small, sometimes of considerable influence, and that these churches, in most cases, have been built up from among the nominal adherents of the Roman Catholic Church.

From the outset, therefore, the evangelical churches of Latin America have been faced with a double problem of religious liberty: the State has been able to bring pressure of various kinds upon them, and the dominant Church very naturally sought to limit their freedom. Generally speaking, when the Church sought to restrain evangelical freedom, it did so by means of its influence with the State, while, in some instances, the State made use of the willingness and influence of the Church to suppress or hamper an evangelical minority. It suffices to say that it is not always possible to distinguish between action taken by the State on its own initiative and action suggested to it by a powerful religious majority. Therefore, the problem of Church and State in its relation to the evangelical minority increasingly involves to some degree the problem of church and church, or the relation of one Christian communion to another.

Concurrently with such situations, evangelical minorities have had to consider their position in the common event of serious differences between the State and the dominant Church. It is a matter of common knowledge that anti-clericalism is never altogether absent from most

of the Latin American republics. The earlier anti-clericalism was very largely of French inspiration, and was usually to be found among politically liberal groups. Hence, although allied with a moderate nationalism, and holding that the power of the Church was inimical to the fullest development of the nation, it favoured the ideal of a free Church in a free State, which in practice also meant freedom for religious minorities. Indeed, such régimes have tended to regard the existence of evangelicalism with special favour, inasmuch as they have seen in the existence of dissenting groups a means of weakening the dominant Church. It is safe to say that no evangelical church or mission in Latin America has ever consciously lent itself to the political purposes of the State in this sense, although very naturally they have made full use of the liberty granted to them. More recently there has been some tendency to develop nationalism to the point of requiring the limitation of the freedom of religious minorities, in order to secure an exclusive field for loyalty to the State. This creates an acute difficulty for evangelical minorities. In a few cases the general pressure is such that they can count on the sympathy of selected Roman Catholic leaders, but in others they run the risk of being crushed between a powerful State and a hostile Church. Conversely, it has occurred in the course of Latin American development that the State has decided that exclusive loyalty to the Roman Catholic Church is necessary for its fuller development. In this case the Church is not merely able to secure from time to time such limitations of the freedom of minorities as it may conscientiously believe to be necessary, but it becomes an instrument in the

hands of the State for the complete elimination of all dissent.

Under these circumstances, it is naturally important to ask, What is involved in the establishment of the Church? It is impossible to answer this question exactly, for the interpretation has varied considerably. Indeed, in practice there has been establishment with privilege, establishment without privilege and privilege with, or without, establishment. In the first case, evangelicals would be inclined to claim that there is at least a danger of some of the essential demands of freedom (see pp. 11, 282) being ignored. In the second, not only would this claim be false, but the Church is sometimes the victim of her own position, and becomes the prisoner of the State.

Establishment usually means that the appointment to bishoprics is subject to the approval of the president of the republic, who thus maintains the claim to inherit the right of patronage formerly held by the Spanish monarchy. To this may be added the payment of a subsidy from the State to the Church, either for the purpose of maintaining public worship with due solemnity or for education. Thirdly, the Church alone is officially invited to celebrate national feasts and important occasions, and is expected to sustain the authority of the State by her influence and prestige. Evangelicals in Latin America, although desiring equality of all cults, have not, in practice, regarded these conditions as, in themselves, restrictions of liberty. They are, however, sometimes accompanied by others. Thus, one of the points of controversy up to quite recent times has been the right of access to

cemeteries, which in modern towns have usually become the property and responsibility of local authorities. This apparently small matter has been the cause of acute tension. But the point of greatest interest to evangelicals is always the degree of general toleration, extending to such matters as the right of assembly, of religious education, of building and owning church property, of preaching and giving away literature, which is conceded. Here again, the fact of an established Church has different implications: in some cases other churches are merely 'tolerated', in some 'admitted'; but, as the regional review which follows shows, the tendency, except in some cases of reaction, has been to concede these minimum demands.

It is most important to stress the fact that in Latin America evangelicals have not as a body sought to attack the established position of the Roman Catholic Church. They have been content to fight for their minimum demands (see p. 11) and this not by direct political action, but by general pleading. An example is found in the work of David Trumbull in Chile in the nineteenth century. He found that there was no religious freedom at all and set himself to secure it. He began a controversy in the press with the Archbishop, formed a close circle of politically influential friends and circulated literature. At last, in 1880, minimum rights were secured and Trumbull became a naturalised Chilian citizen. This is a fair example of the method adopted by the pioneers; it may have been regrettably, but inevitably, controversial, but it does not constitute official political action in the sense of open identification with one party or another. George Borrow was another

man of this type, and Sr Azaña of Spain has written of him: 'He unswervingly contended for a minimum of common hospitality and liberty, without which men in society are like to wild beasts. . . .' *The Bible in Spain* is an invaluable document in the history of toleration, not so much in the laws as in the spirit of the Spanish people.

It is, however, only right to recognise that certain demands for liberty have been met largely because men have sought more radical and far-reaching reforms which have contained them. In this sense, evangelicals are under a debt to the early liberals of Latin America, who fought to obtain rights which, if they went further than evangelicals might have considered necessary, made possible the minimum requisites of freedom. Some, or all, of the following measures have at different times and in most of the republics been secured by liberal reformers: religious toleration, civil marriage, legality of divorce, limitation of the number of *fiestas*, abolition of subsidies and tithes, dissolution of monasteries, confiscation of ecclesiastical property, expulsion of religious orders, secularisation of cemeteries, lay education and the prohibition of clerical dues.

That type of modern nationalism which is hostile to the Roman Catholic Church also makes special difficulties for evangelicals. These difficulties generally derive from two sources. A government which pursues a strongly nationalistic course may naturally seek to limit the number, influence and activities of foreigners, who are consequently debarred from teaching or preaching, or from management of societies and institutions. As the evangelical minorities of Latin America (and also the Roman Catholic Church) still

look to foreign missionaries for many such services, they are naturally affected by such limitations. Further, legislation which applies to one religious body must necessarily apply to all, unless a position of unfair privilege, which evangelicals would not wish to claim, is to be created. Therefore, legal provisions which are really meant to limit or abolish what the Government considers to be abuses in the organisation of the dominant church may affect the ministry and practice of minorities. Often evangelicals are given to understand that certain provisions of the law will not apply to them ; in such cases they naturally use such freedom as they have ; but they cannot in Latin America be accused of having sought special favours for themselves. It does, however, occur that certain governments, seeing in the existence of minorities a means of weakening the dominant church, aid them, only when its own purposes have been achieved, to turn against them.

Evangelicals, therefore, have to face the following different situations in any of which their demands for freedom may be compromised. They may incur the opposition of the dominant church, but enjoy the protection of liberal legislation. They may incur the opposition of the church in régimes where it is able to count upon the full support of the Government. They may be crushed between a state wishing to suppress all minorities on national grounds, and a church wishing to suppress religious ones on religious grounds. Finally, they may be the victims of the overtly anti-religious spirit which wishes to eliminate all religion whatsoever.

The modern conflicts between the dominant church and the State, in which evangelicals have been involved,

either as the objects of official displeasure themselves, or else as victims of the hostility between the government and the Roman Catholic Church, have usually turned around three considerations. The first of these is personnel: the State claims the right to limit the number of ministers employed by any denomination, to require of them certain standards of education and certain forms of registration, and to insist that they be nationals. The second concerns education: not satisfied with lay education in the public schools, the State may forbid religious teaching in private ones, and even require definitely secular instruction by means of courses on civic morals, the dialectic interpretation of history and the alleged evidence of science. The third involves property: ecclesiastical property must be nationalised and become the property of the State. In Latin America this demand has arisen through two causes: the wealth of the Church and its institutions has excited resentment and jealousy, and the movement towards agrarian reform has involved the expropriation of large estates. The nationalisation of property has naturally affected the churches and schools of the evangelical minority, although not to an exaggerated degree.

Against this background, we may sum up the situation in individual republics:

Mexico

As the religious situation in this republic has been the subject of much discussion, it may prove useful to outline its development briefly. The background must be

sought in Mexican history, particularly of the nineteenth century, and for this the student must refer to standard works. It is the contention of Mexican political leaders, both liberal and revolutionary, that the Roman Catholic Church has consistently sought to oppose the best interests of the nation, by attempting to control the political machine, by refusing to acquiesce in the nationalisation of its lands and the restriction of its monasteries, and by failing to carry through social uplift and educational reform such as the progress of the times has long made overdue in Mexico. The Mexican revolution, in its more belligerent phase, lasted from 1910 to 1917 when a Constitution was proclaimed. During this period the Church suffered severely, and since 1917 it has both suffered from administrative excesses and from the provisions of the fundamental law. Mexican evangelicals welcomed the social vision of the revolutionary government, but they are, of course, also subject to the religious provisions of the Constitution, and the decrees deriving from them.

Before summarising these, a very brief sketch of the conflict is desirable. The Mexican Church did not immediately and openly dispute the Constitution, and the State correspondingly did not proceed to immediate action. But in 1923 an important religious ceremony was held in the open air and two foreign (Italian) dignitaries were present, both of which facts were contrary to the law. No compromise could be reached, and the Government began both to nationalise church property and compel the registration of priests. The Archbishop of Mexico forbade his clergy to register; the conflict developed; and finally, in 1926, the churches

were abandoned in protest by the clergy, acting under ecclesiastical instructions. The Government, however, was able to control the situation in spite of many local uprisings, and in 1929 a settlement was reached. A curious sequel of this compromise was the revival by the Church of the most vigorous attacks upon Protestants, the director of an evangelical paper even being personally assaulted by night.

In 1931 another elaborate public ceremony was held with many bishops and clergy present. The Government replied with legislation designed to prevent mass demonstrations with many priests. Shortly afterwards (1932) the Vatican attacked the Mexican authorities in the encyclical *Acerba Animi*, but the State replied by enforcing the limitation of priests allowed by the Constitution. A kind of competition followed to see which states would place the most extreme limitations, and at the height of the conflict, in 1935, there were only some 190 priests actually ministering in the whole country, although 307 were nominally allowed. This was accompanied by a movement towards what is known in Mexico as 'socialist education', which amounts in practice to lay education combined with an attempt to eradicate all 'fanaticism' from the pupils' minds, along with a pseudo-scientific materialism. In effect, religious teaching in the school is impossible in Mexico to-day, even in private schools, which can only function under the most stringent conditions.

The religious provisions of the constitution are obviously far-reaching. The popularisation of ideas is free except when public order or morale is threatened (Art. 6). Every man is free to profess any belief and to

celebrate the appropriate ceremonies in his home or in registered churches (Art. 24). The Federal Government has the power to legislate on the external aspects of religious practice, but Congress cannot recognise or prohibit any religion (Art. 130). Monastic orders are forbidden (Art. 5).

Teaching, by the amendment of 1934, is 'socialist', excludes religious doctrines, combats fanaticism and seeks to implant 'a rational and exact concept of the universe and social life.' Only the State can give primary, secondary and normal education, but it can, under certain conditions, grant permission to private persons to teach. But religious bodies or ministers of religion cannot take any part, directly or indirectly, in education or help it financially. Primary education is compulsory and free (Art. 3). Studies made in preparation for religious ministry cannot be officially recognised (Art. 130).

Freedom to write and publish on any subject is guaranteed without censorship, unless subversive of the public order (Art. 7). But 'confessional' publications cannot comment on politics (Art. 130).

Church organisations cannot possess property. Churches belong to the nation and the Government decides which may continue to be used as such. 'Episcopal residences, vicarages, seminaries, refuges or colleges of religious associations, convents or any other buildings which have been built or devoted to the administration, propagation or teaching of a religious cult' belong to the nation and are to be used in the public interest (Art. 27). Church buildings must be registered and new buildings can only open with

official permission and under certain conditions (Art. 130).

Church organisations have no juridical personality, neither can political bodies be formed, whose title indicates any connection with a religion (Art. 130). Social institutions can only acquire the property necessary for their activities, and cannot have connection with religious bodies (Art. 27).

Peaceful meetings can be held with any legitimate purpose (Art. 9), but ' every religious act of public worship ' (*todo acto religioso de culto público*) must take place in a registered church building (Art. 24).

Ministers of religion must be Mexican by birth and are subject to laws of professions. Their number can be limited by the State legislatures and they can take no part in politics. Their rights of inheritance are limited (Art. 130).

Since 1938 a somewhat more liberal policy has been pursued, but the Government shows no sign of allowing the requirements of the Constitution to lapse, or permitting the Roman Catholic Church to resume its former position and influence in Mexico. Governors of states have, however, been instructed that Article 130 (see above) does not allow them to abolish the priesthood and destroy churches wholesale. They must see that reasonable religious provision for the needs of the people is made. In accord with this tendency the most extreme state administration has come under the censure of the central government, and fallen. Similarly, such extreme measures as the decree, in 1935, forbidding the use of the post for correspondence which ' may imply propagation or diffusion of any religious doctrine ' were shortlived.

Evangelicals have from the beginning complied with the successive regulations, although in some cases they have only been able to do so with serious difficulty. It is still possible for missionaries to do certain types of work in Mexico, notably in rural districts among Indians, but most of the large evangelical schools and colleges have had to be transformed into other uses or closed. However, certain other types of religious education, as well as leadership training, young people's work and evangelistic activities remain open to them. At one time it seemed that a serious challenge was being offered to the evangelical conscience, but, except in one or two cases in extreme states remote from the capital, evangelicals have been able to conform to the conditions. Naturally, as a careful study of the provisions listed above will show, it is difficult for a church to function fully and live a fully and socially developed Christian life, with a corresponding application of Christian ethics to the situations which it is facing, under the conditions stated. In other words, while the evangelical church feels that minimum demands of religious liberty are conceded, the actual concessions fall far short of legitimate full demands.

Central America

The conflicts between Church and State in Central America have been severe, particularly in Guatemala and El Salvador, and neither side has seemed ready at any time to compromise. Only with the establishment of liberal régimes, or through the strong influence of liberal ideas, has evangelical work become even possible. The Guatemalan constitution of 1879 (modified in

1887) with its strong anti-clerical provisions, remained in force until 1928 when a concordat somewhat eased the situation; but the anti-clerical laws have undoubtedly hampered the freedom of action of the Roman Church. In Salvador no religion other than the Roman Catholic was tolerated before 1871. Then came the liberal revolution, and the constitution of 1886 embodies several of the usual reforms, but church properties were not nationalised. The struggle was not so bitter as in Guatemala, and relations between Church and State are to-day fairly cordial and the churches are well attended. The separation of Church and State in Honduras dates from 1880. In Nicaragua the position of the Church is easier and it has special influence in the educational field. Relations have been more harmonious in Costa Rica than elsewhere in Central America, and to-day the Roman Catholic is the State Church, but religious liberty is guaranteed. In Panama the Church has been separated from the State, and several of the more moderate liberal reforms have been put into effect; but relations are, in general, smooth.

A few situations in which evangelicals have been involved may be briefly mentioned. Guatemala has shown some tendency to limit the entry of foreign missionaries on nationalist grounds. In Salvador the Government has been active in the suppression of communists, and in the areas affected it has been assumed in certain cases that evangelicals are in sympathy with them, with the consequence that restrictions upon their work were decreed. This illustrates a policy that is becoming increasingly common,

namely, the attempt to attach the label of communism to religious minorities, thus inventing an excuse for their forcible suppression. In Honduras the constitution of 1936 shows some signs of an incipient nationalism operating in the religious sphere, but no action has been taken. 'Aliens may not hold public posts and offices, including those of the various religious bodies established in the country.' In Nicaragua, Church and State are separated, but Catholic instruction must be given in the public schools; the State is authorised to pay priests for this instruction. Evangelicals can, and do, conduct their own schools. Freedom of association for all religious bodies is guaranteed in Costa Rica, but there are special regulations which affect the entry of foreigners into the country. In Panama 'the profession of all religion is free'; religious instruction may be given in public schools by priests, and Catholic schools receive subventions from the national and local treasuries. In the past there have been certain difficulties in regard to the presence of missionaries in special areas of the country, but these were in part due to the attitude taken by the missionaries themselves.

Venezuela

This republic has been the scene of bitter conflicts between clericals and non-clericals, and the atmosphere thus created has made the development of a constructive evangelism on a broad basis very difficult. J. V. Gomez, who was dictator from 1909 to 1935, replied to clerical protests against evangelical work by seriously restricting the entry of foreign missionaries, although those at

work in the country were not interfered with. This, however, was virtually a denial of the toleration guaranteed by the constitution of 1904. This position might eventually have led to the throttling of evangelical activities, but with the death of the dictator the restrictions have been removed. The situation shows how easily a work which is dependent largely on the leadership or labour of foreign missionaries is affected by political changes.

Colombia

The religious issue nowhere dominated politics in the nineteenth century so much as in Colombia and Ecuador. In the early part of the century controversy was acute, but by 1888 the clerical policy which culminated in the concordat of that year was firmly established. Evangelical missions, which had been established in Colombia in 1856, found themselves gravely hampered, and their slow progress is undoubtedly due in part to the severe restrictions imposed. In the liberals' revised constitution of 1936, anti-clerical tendencies found expression. The articles which had given the Roman Catholic Church unique authority as the church of the nation and an essential element of social order were replaced by one guaranteeing freedom of conscience, and the article which stated that education should accord with the Catholic religion by one guaranteeing liberty of teaching and giving control of education to the State. During the recent years of liberal government, there has been a notable expansion of evangelical missions, although the growth of the evangelical church is still small.

Ecuador

Although for many years past Roman Catholicism has nowhere been officially declared to be the religion of the State, there has been no official separation. The Church was, however, reduced to a position of dependence; ecclesiastical property was nationalised and only entrusted to the use of the Church, estates of the religious orders being confiscated and the orders compensated by a pension. The Church was thus State-supported without constitutional influence and disestablished without freedom, and the situation illustrates the peculiar position in which religious bodies can be involved in their official relations.

The new constitution, which came into force on 2nd December 1938, effected the complete separation of Church and State, in the most radical, if noiseless, fashion. Neither religion nor the Church is ever mentioned. On the other hand, it establishes (Art. 159, par. 21) that all official education and that provided by the municipalities is 'essentially secular and lay.' According to paragraph 13 of the same article, the State guarantees 'liberty of conscience in all its aspects and manifestations, in so far as they are not contrary to morality and public order.'

A decree of 1927 forbade the entry into Ecuador of foreign religious ministers, but has not always been enforced against evangelical missionaries.

Peru

The relations between the Roman Catholic Church and the State in Peru since the Independence have been

both harmonious and intimate, in marked contrast to the more northern republics. Correspondingly, persecution of, and social pressure against, Protestants have been particularly severe. The progress of the times and the exasperation of liberals and reformers have, however, compelled a certain degree of toleration. But the Church still enjoys a privileged position and the protection of the State, and owns considerable properties.

The Roman Catholic faith, being the religion of the State, is nominally considered to be the religion of all schools, public and private, since 1929. In practice, however, schools conducted by non-catholics have received a wide tolerance. Non-catholics may have their children exonerated altogether if they so desire. In the official programme for religious instruction, the headings of the various points of doctrine and of sacred history are set forth by the Ministry of Education, but the teacher is left at liberty to develop these in his own way. The catechism is not a compulsory part of the course. It is now the law in Peru that 80 per cent of the teachers in a private school must be nationals, and 80 per cent of the total salaries must be paid to these. There is every indication that this requirement will be rigidly enforced.

Recently, there have been difficulties in the circulation of the Bible, and members of local congregations have been arrested on the charge of working for prohibited political parties. On representation to higher authorities they have, however, secured satisfactory guarantees.

Bolivia

There is no Bolivian concordat with Rome and the Vatican has necessarily acquiesced in the *patronato*

nacional, or national patronage of the Church, which has, however, carried with it financial subsidies. In the discussion preliminary to the promulgation of the constitution of 1938, there was much talk of the separation of Church and State. The Church, however, remains established and subsidised, although an adequate legal charter of freedom is granted to other religious bodies. The real problem in Bolivia is to introduce an understanding of freedom into the spirit, as much as into the laws, of the people.

Chile

The religious settlement reached in Chile, after long historical controversies, is of interest, as it has proved beneficial to the Church, and brought an appreciable measure of toleration to the evangelical minority. The separation achieved in 1928 was supported by the clergy who realised that there was little to lose and much to gain if the Church became an independent instead of a protected organisation. The Church was guaranteed her properties and schools, and the State renounced rights of patronage. Religious toleration was established by law, and State education secularised. The moderation of both sides, State and Church, have alone made this settlement possible.

Argentina

In this country the Roman Catholic Church occupies a place midway between establishment and independence. The federal government ' supports the Roman Catholic religion,' aids the Church financially, exercises the right

of patronage and has control over the Church in matters affecting the fundamental interests of the nation. This compromise has been fairly successful ; but the Church has no control over public education, although religious instruction may be given by authorised ministers after school hours.

In recent years there has been some acute controversy over the educational position. The president of the National Council on Education, in 1936, advocated alteration of the law, so that Roman Catholic clergy might give instruction in school hours. This has been accompanied by similar statements and corresponding practice in the provinces, while the constitution of the province of Buenos Aires has been revised to provide for the instruction of pupils ' in the principles of Christian morals.' Simultaneously the growth of a political fascism in close alliance with Roman Catholicism has led to some revival of intolerance. The provision has been interpreted by the provincial authorities to mean instruction in the Roman Catholic religion. The law has been enforced only where clerical influence is strong. A similar situation exists in the provinces of Santa Fé and Tucuman.

Evangelicals have protested against these innovations, and the situation illustrates a point of some importance in the controversy over religious liberty. Intrinsically, Christian instruction in schools cannot but be desired by Christians, but the lack of confidence in the claims advanced by the majority, compels the minority to interpret this as sectarian or denominational instruction. A similar situation has arisen in Portugal.

Uruguay

Uruguay has followed a more radical policy towards the Roman Catholic Church than Argentina, but the position of evangelicals has not been affected. They have long been guaranteed full religious toleration. By the constitution of 1919, the Church was freed from government control, the patronage was abolished, church property was exempted from taxation, and the Catholic educational system was permitted alongside secular State schools. More radical measures included the abolition of Christian festivals. On the whole the Roman Catholic Church has profited from these circumstances by a revival of loyalty and a renewal of spiritual influence, and recent years have witnessed a pronounced growth in the deference of the Government towards the Church.

Brazil

Greater general tolerance has been displayed in relations between Church and State in Brazil than in most of the other republics. The Roman Catholic Church was disestablished after the fall of the Empire in 1890, but Brazil is a good example from Latin America of the free Church in the free State. Certainly the Roman Catholic Church in Brazil, both in respect of organisation and inner life, can compare favourably with other republics.

In 1931 a decree was issued permitting and regulating religious instruction in public schools. The constitution of 1938 confirms this principle ; religious teaching is now regarded as part of the curriculum of all primary schools, but attendance is not compulsory. It is not included in

the normal and secondary school curriculum, but in normal classes it can be freely taught.

Two tendencies have been discernible in Brazil recently, affecting the progress of evangelicalism : there has been some recrudescence of fanaticism resulting in cases of overt persecution ; and nationalism is increasing its influence. But schools under foreign control may function unless they are proved to be undermining the political bases of the State. The Portuguese language must be taught in all foreign schools, but foreigners can teach in secondary and normal schools. Only primary schools must be under the direction of Brazilians. In the German churches, principally of the south, where German has been used for many decades, preaching in Portuguese, the language of the country, is now being required.

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This brief review does no more than state what is the legal position in the republics, and it is clear that most of the constitutions contain clauses which, if they do not meet all the demands of evangelicals, provide for minimum rights. The real difficulty for evangelicals arises from the fanaticism of the populace in regions where education has done little more than touch the surface of society. It is, unfortunately, still a common experience, in remote villages and smaller towns, that it is not possible to obtain a peaceful hearing for a reasonable message. Similarly, although the laws are good and contain all essential guarantees, it is often easy for a local official to ignore them. This, however, can often be remedied by an appeal to higher powers, but

only a long process of education is able to eradicate popular fanaticism.

It is clear that in the past liberalism has been the political atmosphere most favourable to evangelicalism. But this does not mean that liberalism as a political system has been officially advocated by evangelical bodies, or that they regard the existence of religious freedom as inevitably connected with it. What does seem to be true is that if no constitutional checks are put on the power of the State, and no limitations on that of the Church, authority in either case is sooner or later used against religious minorities. But evangelicals, while recognising the freedom that political liberalism has brought them, are free to criticise its defects, inasmuch as they have never held that any political system of itself could provide a whole solution of the relation of the State and the community. The task that lies before Latin American evangelicals to-day is to examine their relation to modern political theories and systems, formulate their demands in the face of them and demonstrate that these are not only not incompatible with, but are necessary to, the fullest moral development of the community.

The tendency, resulting from the nationalist urge, to limit the religious activities of foreigners, or even to exclude them from the country is not difficult to understand, but it is at the same time disquieting; and it would be a tragedy if, in order to assert their completely national spirit, evangelical minorities were to acquiesce in it without protest. Without a cross-fertilisation of spiritual experience from one country to another, from one church to another, it is difficult for a minority to

resist the petrification that too often results from isolation. The tendency is probably a temporary one, being one of the steps towards a more thorough nationalism which many states feel to be a necessary basis for a wider internationalism; nevertheless, although few missionaries to-day wish to dominate the younger churches, and indeed could not do so, yet it is clear that to terminate artificially and prematurely this fruitful form of Christian fellowship would in many cases be disastrous.

It is also significant that in some cases the accusation of communism has been levelled against evangelicals. The latter are naturally deeply interested in the problem of the social order and the distribution of wealth, but anything of the nature of dialectic materialism, the Marxist interpretation of history, or the Marxist or syndicalist theory of violence, is foreign to their outlook. The fact is that there is not the slightest basis for such accusations, which are merely levied because they are convenient. When political liberalism is unpopular, evangelicals are accused of adhesion to it; when communism, they are inevitably 'Marxists.' In either case there is no attempt to understand what the real demands, as well as the real message, of evangelicalism is.

It is obvious that the evangelical minorities of Latin America cannot afford to relax their vigilance. But much of the study and action in connection with these situations must be done by Christian leaders and Christian councils. Generally speaking, unless the crisis is acute, they have little interest for the rank and file. Some of the duties of the Christian councils in this connection are clear. They must be ready, especially when issues

are put to the vote, to explain clearly what is really at stake, to elucidate the meaning of proposed legislation. They must take up disputed questions, enquire, and make representations to the authorities. They must be prepared to advise evangelical parents, directly or through local pastors, in the right attitude to evangelical problems. They must clear away misconceptions which officials may hold as to the nature of evangelical work and the loyalty of minorities. Finally, they may be called upon to assist the foreign mission in its own special problems of relation with Government.

CHAPTER SIX

MISSIONS AND COLONIAL ADMINISTRATION

IT is well known that Protestant and other non-Roman missions have considerable commitments in the colonies of France, Belgium, Portugal and Italy and the small Spanish possessions in Africa. Their position in these territories gives rise to problems, many of which have been solved as the result of experience and adjustment, but some of which remain acute. They have been due to various causes. These European states themselves have experienced considerable vicissitudes of religious policy. Sometimes the influence of the Roman Catholic Church has been in the ascendant and non-Roman missions are naturally at some disadvantage. Sometimes an extreme anti-clerical reaction may even bring them temporary favours, or may possibly lead to restrictions upon all religious bodies. In all the countries named, the Protestant minority is numerically small, and only in France can its influence be said to be in any sense an important factor. In Spain and Portugal the very effort to keep this minority in existence and to encourage its activity and growth is in certain quarters regarded as a missionary task. Except in the case of France, the missionary work carried on by these minorities of the homelands is on a very small scale, and the links between the evangelical churches of the colonies and the metropolis are slight. Even in the case of France, a large part of the missionary work of the Reformed Church is, for

historical reasons, not in the French colonies themselves, but in other territories.

Missionaries in the colonies of these powers have found themselves faced with a conception of the Church and with a colonising policy with which they have not been familiar, and it has taken them time to make the necessary adjustments of outlook and method. All missionaries working in the colonies of a metropolitan power other than their own have to acquire an additional language and familiarise themselves not only with the customs of the people to whom they are sent, but with the common law and political principles of the state whose Government permits, and makes possible, their work. In this process of education and adjustment many mistakes have been made, but through misunderstanding rather than wilfulness. With this brief introduction we may turn to the situation in the separate areas.

The French Empire

The French attitude to missions in the colonies is based on equality of treatment of the different confessions, but it is also influenced to some extent by the relations between Church and State which have developed in France. The struggle between the lay and the clerical viewpoints has necessarily led the State to regard the Church as a rival power with a claim to its own jurisdiction, possessing a parallel or equal value to that of the State. In Anglo-Saxon countries it is more usual to regard missions as religious associations whose actions are regulated by common law, but which otherwise can be encouraged in their activities and render useful

services, from the maintenance of which the Government itself, charged with the task of civilisation, can profit. The attitude of the Church itself has made it difficult for this view to be accepted in France. It is recognised that missions hold a position of peculiar influence and authority among their people. Their ideals may bring them into conflict with an official who holds a different but equally sincere view of what will contribute to the welfare of the people. It is not always easy for the missionary to exercise the restraint that is due in regard to political affairs. Accordingly, in the French colonies there is a body of special regulations which carefully define the limits within which missions may carry on their activities. Any religious influence which may become strong enough to modify existing customs may be the subject of enquiry or even of suspicion, while there is always the possibility of a foreign missionary being considered the representative of some external sovereign power.

One outstanding feature in certain French colonial territories is the policy of assimilation, whereby nationals are encouraged to look to France as their Motherland, and to apply for French citizenship. The French Government has a strong sense of its call to be the mediator of western civilisation to its colonial empire, and we find, for example, in the Government's educational report for Tunisia in 1921–1922 the statement that, 'It is through the school that France carries forward each day the work of intellectual and moral civilisation, for which she has assumed responsibility throughout the whole of North Africa.'

The policy of assimilation has meant at times a clash

between the Government's desire to draw the nationals of the empire within the orbit of the French legal and social system, and the wish of these nationals to acquire French citizenship and at the same time to retain their local customs. A serious situation arose in Algeria about two years ago because the educated Muslims while seeking French citizenship did not wish to abandon the *Sharia* law. The importance of this issue has already been discussed in the chapter on Muslim Lands.

During the nineteenth century there were some acute controversies between the French Government and Anglo-Saxon Protestant missions. These arose over familiar types of misunderstandings. Missionaries could not see why they should be required to learn French, or they resented the financial and other favours which were then granted to Catholic missions, or they were generally unfamiliar with French principles of colonisation. In the course of time, however, such differences were smoothed out, and missionaries came to see the need and the advantages of adapting themselves to the very reasonable requirements of the authorities. On the other hand, the French Colonial administration is coming more and more to recognise the value of the collaboration of missions. Non-French missionaries, particularly when they are developing practical education —in agriculture, etc.—and medical assistance are welcomed and their work aided. The Presbyterian mission in the Cameroons and the Swedish mission in French Equatorial Africa are examples of this collaboration.

The part played by the Paris Missionary Society in this process of promoting mutual understanding has been, and remains, a considerable one. Had it not been

for the willingness of the society on repeated occasions to assist in making the real motives of the non-French Protestant missions clear it would hardly have been possible to avoid situations of serious difficulty. It has now become the practice for all non-French societies to send missionaries to France before proceeding to the field, in order that they may become acquainted with the French people and see something of French life and make contacts with French Protestants. In this connection the work of the Paris Missionary Fellowship in assisting and advising newcomers deserves recognition.

Some of the conditions under which missionaries work can be briefly mentioned here. Foreign missionaries, as in British Africa, are regarded as immigrants and come under the laws which apply to them. They must, for example, pay a deposit on entry, the sum being fixed by the administration of each colony to cover cost of possible repatriation. Exemption, however, can very frequently be obtained, and a general exemption may be granted in the favour of a well-established mission, holding property in the colony concerned. According to a law of 1935, the requirements for practising medicine in the colonies are the same as those required in France, possession of the French State Medical Diploma and French citizenship. In certain cases, however, these requirements are not enforced. The same regulations apply to the French protectorates, but work started before 1914 can be carried on without restrictions.

Teaching is also subject to certain regulations. For example, according to a decree issued in 1938, a school cannot be carried on in French Equatorial Africa unless a request for the right to teach is placed in the hands

of the local administrator, and certain conditions are fulfilled. All teaching must be in French. But 'catechumen schools' which attempt no more than to teach children or adults to read the Bible in the vernacular are not considered to be 'teaching establishments,' and like the Koranic schools are not affected by legislation. The interpretation of laws is becoming much more liberal. The vernacular is now allowed in 'practical' or 'vocational' education. Teaching qualifications obtained abroad are recognised and a great deal of liberty is now permitted to private initiative.

The status of property was regulated by a decree in 1939. The preamble states that since the principle of separation of Church and State was applied to the colonies in 1911, the status of mission property has been undefined. The text provides for the establishment of 'administrative councils' of mission officials. If properly constituted they will be officially recognised as possessing 'civil personality,' and will be able to hold, acquire and dispose of mission property, subject to certain conditions. Among other provisions, it is stipulated that no mission can receive a gift in kind or of movable property of a value exceeding 10,000 francs, without the authorisation of the chief administrative officer of the colony (see Appendix, pp. 322 ff.).

These references to recent legislation indicate the care that is taken by the French Government to supervise, from the administrative standpoint, the activities of missions. In certain colonies, such as French Indo-China, there are special regulations in force. Naturally, it is the duty of the missionary to make himself thoroughly acquainted with the legal dispositions of the Govern-

ment, and to avoid needless offence through ignorance of the law.

The younger churches encounter no serious difficulties in French colonies. They meet no prejudice of race or colour. There are coloured government officials and judges and they are treated exactly as their white colleagues, enjoying the same authority. The Native pastors, therefore, can quite naturally take their place in colonial society if they are respected for their moral, spiritual and intellectual worth.

The future is in the hands of the missionary societies, if they will send out, now that doors are open, first-rate missionaries to train pastors, evangelists, teachers, for the young church.

Belgian Congo

The Belgian Congo is one of the regions of Central Africa where Christianity is spreading rapidly, but where several important questions as to the standing of Roman Catholic and Protestant missions have not yet been settled, at any rate to the satisfaction of the latter.

The stipulations of international conventions regarding missionary work have not, in the opinion of many observers, been consistently observed in spite of the fact that they agree with the liberal spirit of the Belgian Constitution and with the Colonial Charter (1908) which states that the Governor-General shall protect and favour missions, ' without distinction of nationality and cult.' It is true that Protestant missions incurred unpopularity as the result of the protests of certain missionaries against the treatment of the Natives in the days of the Independent

State. But those days have long since passed and it is not difficult to show that these protests were very remote from having any political motive. The modern political administration of the Congo, in general and without reference to religious policy, finds no keener admirers than many of the Protestant missionaries. It must further be remembered that whereas it is certainly the fact that all, or nearly all, the Protestant missionaries are of non-Belgian nationality, the same is true of considerable numbers of Roman Catholic missionaries.

The following are some of the points at issue. Between 1885 and 1937 land concessions of 118,842 hectares in extent were made to 50 Catholic missions in all, and of 4932 hectares to 31 Protestant ones. In certain years as much as 34 million francs have been paid to Catholic missions, whereas 77,500 francs represent the highest subsidy to Protestant missions. It is true that in 1937 the considerable Protestant medical missions received a subsidy of 733,234 francs, but that given to the Catholic medical missions was much larger. Some 16,000,000 francs are paid over every year as an educational subsidy to the Catholic missions, and nothing at all for this purpose to the Protestant ones. In 1935 there were 485,505 pupils in Catholic schools ; incomplete figures for 1937 show 245,372 in Protestant schools. Many incidents might be quoted to show that Protestant education in the Congo is fully comparable in quality with that given by any other body. Yet in spite of various efforts Protestants have been unable to obtain official inspection and recognition for their schools. Against the accusation that Protestant missionaries are deliberate agents of denationalisation, should be set the fact that

between 1922 and 1938 some 900 missionaries took special courses of study in Belgium itself.

Instances of actual persecution of Native Protestant Christians have occurred, but have now largely ceased. This is due to the energetic action of the Government in invoking the sanctions of the law against any who have been guilty of such acts. To this extent the situation has materially improved. In a sense, however, this represents only a negative attitude. The existing Colonial Charter and the international agreements to which Belgium was a signatory, required, in the view of many, a liberal policy which can be best expressed by the principle of equality of treatment of all cults that do not offend against law and order.

Several measures have been adopted by Protestant missions to secure an improvement of the situation. An important step insecuring the confidence of the Belgian Government was taken when an office in Brussels, representing all the larger missions in the Belgian Congo, was established with M. Henri Anet as *Agent de Liaison.* Numerous negotiations with the Belgian Government have been carried through, and the public in Belgium, as well as the churches, have been kept informed of the work of Protestant missions.

On the field the existence of the *Conseil Protestant du Congo* (Congo Protestant Council) has enabled Protestant missions to speak with one voice against the underprivileged position of the Protestant Congolese in educational matters, and against cases of unjust and cruel persecution of Protestants by Catholics. In many other ways also the Council has sought to defend the position of the Protestant missions, and at international

conferences, such as that held at Le Zoute (1926), the situation has been freely discussed. Special representations have also been made to the King of the Belgians, and his Government in Brussels. It is clear, however, that the position must be continuously watched with unremitting vigilance.

Italy

Seen from the angle of their legal standing, the evangelical churches and minorities of Italy itself can be classified into the following two groups: communities with their legal standing recognised by the State (*enti morali*); and associations not possessing legal standing, but permitted to carry on their activities in Italy. Among the first group the Waldensian Church holds a special place, as it possesses its legal standing *ab immemorabili* and confirmed by various official pronouncements rather than by recent legislation. The others in this group are divided into two classes: those the legal standing of which has been conferred by the Italian Government; and those which possess legal standing in their country of origin and have, without further formality, been permitted to carry on their work in Italy. Among the first are the Brethren and a few other small communities, mostly ministering to foreign colonies; the second include the Baptists, Methodists, Spezia Mission and others which minister to the foreign community. The associations include the Adventists, Pentecostalists and others. The Salvation Army is in a slightly anomalous position in regard to this classification.

The principal legal charter of non-Roman cults in Italy is the Law of June 24, 1929, No. 1159, which lays

down in Article I: 'Cults different from the Catholic, Apostolic and Roman religion are admitted in the kingdom, provided that they do not profess principles and do not follow rites which contravene public order and good customs. The public worship of such cults is free.' The succeeding articles define the legal duties of ministers and congregations. This law is usually known as 'The Law of Admitted Cults,' stress being placed on the 'admitted,' as contrasted with the previous régime of mere 'toleration.'

Although this law was welcomed by Italian evangelicals, it is safe to say that its effects have been disappointing. Since 1929, no new local evangelical church has been allowed to organise. Some congregations in north Italy have been closed; and, in the south, a considerable number of Protestants, mostly simple folk remote from any political ambitions, have been imprisoned on the flimsiest pretexts. Not far from Rome a new evangelical church building was raised by the spontaneous gifts of a local community of evangelicals, but it has proved impossible to get permission to open it. There are, therefore, no grounds at all for viewing the situation in Italy itself with complacency.

During the Ethiopian war several evangelical bodies which had sentimental or financial connections with parent bodies in England, underwent difficulties, but this was only to be expected, and this aspect of the situation has since improved.

Tripoli

The only Protestant mission in Tripoli was closed in 1936. This medical station in Tripoli city had been

established for some fifty years, and the medical missionary in charge had been duly recognised and registered in Rome. A government ordinance of August 26, 1936, authorised the mission to continue on the following conditions: (*a*) that there should be no religious 'propaganda,' (*b*) that nurses should have Italian diplomas, (*c*) that the premises should conform to the hygiene inspector's regulations. The doctor-in-charge was unaware of these regulations, until he was ordered to leave for non-compliance. On subsequent representation, however, it was found that the accusation against him was that of having distributed some religious tracts on the streets of Homs.

Eritrea

Evangelical missionary work in Eritrea was started by a Swedish mission in 1865. When, in 1886, Eritrea passed under Italian control, the mission was promised protection and liberty. Subsequently, however, it was accused of denationalising influence and of neglecting the teaching of Italian. This accusation was not justified, but the mission, in order to strengthen its position, began to employ Italian evangelical Christians in its work. In 1918 it was laid down that only such missionaries could be sent to the colony as were needed to take the place of those retiring, but in 1923 the entry or re-entry of missionaries was definitely forbidden. Meanwhile the Franciscans were able to carry on their work unimpeded. Early in 1936 the Swedish missionaries were required to withdraw altogether from Eritrea and have not been able to return.

Ethiopia

Before the Italo-Abyssinian war there were 184 non-Roman missionaries in Ethiopia; in 1939 there were about a dozen. Swedish, British, German and American societies of various denominations were formerly in the field, which was first entered by modern evangelical missions in 1830. But many of the missionaries, and several of the missions, were comparative newcomers, having entered since the Great War, and much of the work was in an entirely pioneer state. Four-fifths of the evangelical community of 11,540 was the result of the long-established mission among the Falasha Jews.

The Swedish missions, of which there were two, early had to leave the country, and the Italian victory made it impossible for the British to remain. Many American missionaries stayed on, however, but it was made almost impossible for them to work, and by 1939 the great majority had left. It was required that all missionaries should be of Italian nationality, and the French Roman Catholic agents were also required to leave. After the war, however, it proved possible for the German Hermannsburg Mission to obtain permission for several of its missionaries to return, while, in one or two cases, posts formerly held by missionaries have been filled by Italian evangelicals. Obviously, however, the possibilities in this direction are severely limited. Waldensian chaplains are able to reside in Ethiopia to minister to Italian evangelicals, and are supported for this purpose by the State; but this very fact prevents them from possessing the necessary freedom for evangelisation. In addition to this limitation

of personnel, there were still, in 1939, questions outstanding in relation to former evangelical property.

When the Anglo-Italian agreement of 1938 was being negotiated the status of missions in Ethiopia was brought to the attention of the British Government. The final result of these negotiations was ' Annex 7 ' in the Agreement. The latter part of this reads as follows : '. . . As regards other activities of British religious bodies in Italian East Africa in humanitarian and benevolent spheres, such requests as may reach the Italian Government will be examined, the general line of policy of the Italian Government in this matter and the principles of legislation in force in Italian East Africa being borne in mind.' Correspondence with the British Foreign Office elicited the statement that that department would do all in its power to urge favourable consideration of any mission which wished to take up medical or social work under the terms of the Annex.

It is quite evident that a principle has been admitted in the Ethiopian case that runs counter to common equity. If the principle that missionaries in colonies must be of the same nationality as the metropolitan power were adopted in Great Britain, a large amount of Roman Catholic work in the British Empire would immediately cease. As was pointed out during the controversy, official Roman Catholic statistics return 245 Italian missionaries in the Anglo-Egyptian Sudan and 145 in Kenya, apart from those of other non-British nationalities.

In such circumstances an obvious rejoinder would be to press for the closing of British colonies to Italian missionaries. It is, however, in many ways very un-

desirable to deal with such a question on the basis of reprisals.

The net result of a series of unfortunate situations is that non-Roman missionary work is virtually terminated throughout the Italian Empire, after a history of nearly a century. At the same time it should be recalled that difficulties, such as those just recounted, are not peculiar to the Italian occupation of Ethiopia. It is only necessary to glance backward over the history of missions in independent Abyssinia to see the many obstacles which have been opposed to the entry of missions. The open door offered by the late Emperor in recent years was as much due to a desire to enter into cordial relations with western powers as to any intrinsic conviction as to the significance of religious freedom or the value of missions. It is a mistake, therefore, to attempt to illustrate the limitations of the present position by comparison with the immediately preceding years ; a longer view of the whole question is required if a true perspective is to be maintained.

Spain

During the monarchy the restrictions placed upon the Protestant minority were very severe, and were accompanied by many exhibitions of the crudest popular fanaticism. It is the opinion of some well-informed students that Spanish Protestantism was being gradually crushed out, just as, in the sixteenth century when it attracted some of the best minds of the nation, it was exterminated.

The establishment of the republic led to considerable friction between the Church, the people and the authorities, and churches were looted and destroyed. The

Constitution of December 8, 1931, sought to define and settle the position by disestablishing the Church, dissolving the Jesuit order on certain special grounds, and declaring liberty of conscience and religious profession. The principal measure passed to implement the Constitution was the ' Law of Confessions and Religious Congregations,' passed in 1933. It nationalised certain church properties, limited the acquisition of others, and forbade religious congregations to carry on education. The severity of these measures evoked misgivings among many observers at the time : it was, perhaps, in the educational sphere that they were most felt, and Catholics continued to be able to use most of their churches, as previously. The loss of the official subsidy was also a serious matter, as in the last statistical year of the monarchy the appropriation for ' ecclesiastical obligations ' was no less than 68,000,000 *pesetas*.

During the Civil War of 1937–1939, the Church in the territory governed from Madrid, Valencia or Barcelona suffered extremely severely. The Protestant minority were generally unable to keep their churches open in Francoist territory, except in Seville. On the other side, the Protestant churches remained open.

During the republic a decree was issued designed to prevent the carrying on in the colonies of missionary work by foreigners. This was, however, never enforced against Protestants. One new mission in Spanish Guinea encountered many difficulties, but the larger mission there continued its work without interference.

It is not yet clear what will be the future of either the Protestant minority in Spain, or missions in the colonies, under the Franco régime. The ' Law of Political Re-

sponsibilities,' issued early in 1939, is an extremely restrictive document, but it is uncertain how far its provisions as to associations and voluntary organisations will apply to evangelicals.

Portugal

The present Constitution, which came into force in 1933, guarantees the usual liberties for individuals, including that of teaching, of forming associations to which the State will grant legal status and of public worship. The Church continues separate from the State, but the Concordat and diplomatic relations with the Holy See are maintained. The Guardiola amendment to Article 43, dealing with teaching, adds the provision that instruction in civic and moral virtues is to be based on ' the principles of Christian doctrines and morals which are traditional in the country.' Once again, this clause illustrates the difficulties in which evangelicals are placed : the clause itself may not contain anything objectionable, but Portuguese evangelicals felt at the time, and subsequent events have justified their misgivings, that it would be used in a wholly unnecessarily controversial sense, as a weapon against dissent. Much complicated legislation applies to evangelicals, and certain cases of repressive action by local authorities have been reported.

Portuguese Colonies

Here missions have had recurrent difficulties with the authorities, and the situation is possibly more difficult than in any group of colonies, except the Italian.

The Portuguese State is a party to the principal

international treaties by which equality of treatment is guaranteed to missions in Africa, such as the Treaty of Berlin (1885), Brussels (1890), Anglo-Portuguese (1891), St Germain-en-Laye (1919). The Portuguese attitude to non-Roman missions to-day responds to the double influence of nationalism and Roman Catholicism. By the light of the former, non-Roman missions necessarily lead to 'denationalisation' because they are manned by foreigners. In passing, it should be noted that the Roman Catholic missions very largely employ non-Portuguese staff. This attitude in Portugal has been strengthened by certain errors of judgment, such as the presentation of the report on labour conditions in the Portuguese colonies by Professor E. A. Ross to the League of Nations in the first instance instead of to the Portuguese President, the repercussions of which action continued for years. Tactless procedure on the part of some missionaries, due generally to their zeal on behalf of Native welfare, has contributed to make misrepresentation of their real motives common in Portugal, and to arouse the hostility of Portuguese citizens. Even Portuguese evangelical Christians have not infrequently been in doubt as to the real motive of Protestant missions. Controversies with officials in which individual missionaries were involved, and the failure to realise the situation on the part of others whose attention was wholly preoccupied with their local work, also contributed to misunderstanding.

The claim of the Roman Catholic Church to special treatment is ultimately based upon the 'patronate' or privilege granted by Leo X, in 1514, to a certain Order, but which finally devolved upon the Crown. After the declaration of the republic in Portugal, the 'patronate'

became of little importance, but claims of privilege, owing their inspiration to it, have of recent years been vigorously reasserted. These claims were expressed in the Manuel Fratel Amendment (March 1935) to the Colonial Act of 1933, by which *oversea Portuguese Catholic Missions* are protected and aided by the State as educational establishments. Previously, this article referred only to *religious missions overseas*. Inasmuch as many of the Roman Catholic missionaries are non-Portuguese there is an obvious contradiction between the limitations imposed by nationalism and the claims made by Roman Catholicism. It should be noted, however, that Roman Catholic missionaries, whatever their nationality, are under the jurisdiction of a Portuguese bishop : naturally, a parallel arrangement in the case of non-Roman missions is hardly possible at present. In any event, the fact remains that many missionaries, both Roman and non-Roman, are non-Portuguese.

The accusations against evangelical missions arise from both these sources, and may be classified as : impairing the religious ' homogeneity ' of the nation, and thus undercutting the national unity ; teaching in the local vernacular, and thus impeding the spread of Portuguese ; carrying on an underhand campaign against Portuguese sovereignty. Mission education and the work of missions generally are to-day the subject of various legal enactments which cannot be discussed here, but which in the main are aimed at combating the slightest tendency to ' denationalisation ' : such a tendency, as a matter of fact, generally exists more in imagination than in fact, for evangelical missions have taken scrupulous care not only to honour the Portuguese authority, but to teach

the Portuguese language and to make good Portuguese Christian citizens. For the past seventeen years evangelical missions in Angola have secured more passes in open government examinations than have the highly subsidised Roman missions. As these examinations are conducted wholly in the Portuguese language and the subject-matter is entirely Portuguese history, grammar, composition and ideals, the charges made against the evangelical missions of not ' nationalising ' the African is not sustained. The general feeling among missionaries, however, is that the work is getting steadily more difficult, and some consider that its termination is sought in certain influential quarters.

In order to make a constructive contribution, a *liaison* office, under a Portuguese executive secretary, has been opened in Lisbon similar to that in Belgium, but with certain differences. The office is that of the Evangelical League of Educational and Missionary Action. It is subsidised by the missions, but guided by a local committee of Portuguese evangelicals, the missions holding certain vetos in regard to nominations to this committee. The Secretary is also President of the Portuguese Evangelical Alliance, and the work in the colonies is thus brought into closer touch with the evangelical community in the homeland.

The position of the Mozambique Company's territory in Portuguese East Africa is a special case. This company is one of the last of the great chartered companies in Africa to maintain its virtual autonomy, but its charter expires in 1940–1941. For forty years attempts have been made by missions, principally the American Board of Commissioners for Foreign Missions, to work in the

Company's territory. The story of these attempts is evidence of the fact that the Company has not permitted evangelical Christian missions, and a Minister of Colonies on a visit from Lisbon congratulated the Company on this fact. Since 1931, however, it has been possible for some Native Christians to carry on work, on a restricted scale, from Beira as a base; and in 1935 the rules of a 'Portuguese Evangelical Christian Association of Worship, Teaching and Charity, in the Territory of Mañiça and Sofala' were officially approved. But the general position is still far from satisfactory.

Some observations on these situations in the countries of predominantly Roman Catholic culture and their colonies may well conclude this chapter. Naturally, the Roman Catholic attitude to the freedom of missions is coloured by the general Roman Catholic view of the obligations of the State towards the Church. This cannot be discussed in detail here; it must suffice to reply that the non-Roman case is founded on the principle of equality of treatment for those cults that do not contravene law and order. The Roman Catholic view, in effect, is, 'The Truth is ours; every opening you concede to us is the unconscious homage that error pays to truth and we act accordingly; but as the Truth is ours alone, we cannot concede any openings to error.' It has been remarked that the Roman Catholic virtually says to the Protestant: 'We claim freedom for ourselves in the name of your principle, but deny it to you in the name of ours.' Exception may well be taken to this way of summarising a complicated situation, but nevertheless it represents the prevalent Roman Catholic attitude. Non-Romans, however, take a different view of the function

of the State; and, being accustomed to expect that their own different denominations should receive equality of treatment, they cannot but expect that it should be fully conceded to Roman Catholics.

The State which is influenced by one or other of these view-points acts accordingly. The State whose history has been closely bound up with that of the Roman Catholic Church in its midst is prone to consider it the sole effective religious instrument of national colonisation. Subsidies, therefore, must be given to Catholic schools and Catholic welfare work alone: the Catholic atmosphere is a necessary prolongation and forecast of the benevolent protection of the State. No State, perhaps, fully accedes to all the implications of this viewpoint. Non-Roman work commends itself to States of Catholic tradition by its sheer quality and utility; international treaties still have some force; and, periodically, national ambitions themselves demand some limitation of the influence of a dominant religious body. Italy, Belgium and Portugal illustrate the varying interactions of these attitudes.

The States which practise equality of treatment themselves fall into two classes. In the religiously neutral, lay State, such as France, such equality is guaranteed as a practical and fair administrative measure, securing the maximum of order compatible with a minimum of interference. The State grants and the Government protects the rights of missions, but does not use them in any active sense as instruments of civilisation: it merely allows them to be such. The British conception of equality of treatment is allied with a more positive view of the functions of missions and consequently of younger churches. They

are the mediators of a quality of, and outlook upon, life, upon which the administrator can build the edifice of civil organisation and advancement. In order to fulfil this purpose, their work, from the standpoint of the administrator, must reach certain levels of technical achievement in those spheres with which Government is mainly preoccupied. Consequently all mission schools which reach certain standards can obtain subsidies, and, provided they fulfil these conditions, there is no discrimination between them on the grounds of religious views.

The total result of such situations is obvious. Non-Roman missions work at a disadvantage ; Roman missions at an advantage. Whereas, in the British Commonwealth and French Empire, Roman missions are treated on a footing of complete equality with non-Roman, in the colonies of certain other countries there is undeniable discrimination in favour of Roman Catholics. In practice, as has been shown above, this discrimination is effected by handling the situation on a basis of nationality. But this is, in reality, little more than a pretext, as a study of the Ethiopian case and of the tendencies in the Portuguese colonies shows.

It should not be necessary to add that this subject must be kept quite distinct from that of the recognised rapid growth of Roman Catholic missions in many parts of the world, particularly in Central Africa. Non-Romans do not withhold their tribute of admiration for the remarkable missionary zeal of the Roman Catholic Church, and for the decisions by which considerable financial resources have been dedicated to these ends. No one questions the enthusiasm of that church in making every use of the opportunities before it. But,

here again, a non-Roman student is bound to express regret at two features of Roman Catholic expansion which, unfortunately, have often been in evidence : the unnecessary duplication of the effort of Protestant missions, not infrequently with the attempt to seduce Christians away from their original allegiance by unworthy means, and the refusal of Roman Catholics to co-operate in joint planning, or in divisions of the field. As for the first of these, in countries of the size and population of India, China and Africa, with vast numbers of non-Christians, it might have been thought that any appearance of competition could have been avoided. The fact that Protestant missions work in Latin America is sometimes cited by Roman Catholics to justify their attitude, but the true parallel to this is the work of the Roman Church for the conversion of such a country as England. The present writer has always studied to be sober and accurate in estimating the missionary methods and approach of the Roman Catholic Church, and therefore feels justified in making these criticisms.

The evangelical church in the colonies of such countries as Belgium, Spain, Portugal and Italy has, up to the present, been developed on different lines from the evangelical minorities in the homeland ; the whole situation is, of course, entirely different. The evangelisation of Italian or Portuguese Africa has only to a very small degree, indeed, been the responsibility of the evangelical churches in Italy and Portugal. The evangelical churches of Belgium, themselves very weak numerically, have only a small mission in the mandated territory of Ruanda-Urundi. It is indeed a sufficient demonstration

of the fact that Protestant missions have not been dependent on political backing or national policy that a very large part of the work of the Paris Missionary Society is not in the French Empire, but in British territory. But with the growth of nationalism it has certainly become desirable to forge links between the missionary enterprise in the colonies and the evangelical church in the homeland. Some of the steps which have been taken to accomplish this have been outlined above.

But this requires that those responsible for the conduct of missions in the colonies should recognise the evangelical minorities of the homelands as an integral part of the religious life of the country and of the universal Church. Any other position involves quite untenable distinctions. There are, however, some who are reluctant to take such a step, on the ground that it is quite unjustifiable for Protestantism to exist and be active in countries of obvious Roman Catholic culture. A distinction is also sometimes made between the churches which derive direct from the spontaneous awakening in many countries at the time of the Reformation or at other periods, and the churches which are the result, sometimes of a modern spontaneous movement, sometimes of Bible Society or missionary work: that is, the Waldenses and the French Protestant Church are 'legitimate'; the evangelical minorities in Spain and Portugal are not. But this distinction is of no ultimate significance; it may be maintained that it is regrettable that Protestant missionaries should work in such countries as Spain or Portugal, but to deny them the right from religious motives is to attempt by external means to guarantee an inflexibility and unchangeability of religious

alignment which must ultimately wreck ecumenical relations. To establish such a fixity of categories as to give the *status quo* the guarantee of permanence is always dangerous ; and it must not be forgotten that if in such countries the reformed churches have been built up in modern times partly through the activities of foreign agents, this has only been necessary because the original spontaneous movements of the sixteenth century were stamped out by the use of force. Christians cannot afford to recognise the inviolability of a situation so secured. The forging of links between the work of missions in the colonies and evangelical minorities in the homelands is, therefore, a natural process which can only be to the advantage of both the parties concerned.

In the British Empire

The policy of the British Empire is one of toleration or strict neutrality towards the religious beliefs of its members, but against this has to be set the necessity of maintaining order, and there are some regions where this latter consideration overrides the normal tolerance. In areas of fanatical Muslim population or where the traditional rule is maintained with only the minimum of British ' advice ' there is a tendency to restrict missionary work. In Somaliland where Islam is strong, no Christian missionaries are allowed to enter, and in India the rulers of several Indian States do not admit Christian missions. Northern Nigeria was for long a disputed area, Christian missions being confined to pagan tribes as a result of a somewhat rigid interpretation of the promise made to the Muslim Emirs that there would be no interference with their religion. A change in the British government

attitude and new contacts with the modern world have disposed the Emirs recently to allow some mission work (see Chap. IV. p. 147).

From time to time special questions arise in different areas under British administration in which the aims and ideals of missions conflict with administrative practice, but which have not usually amounted to really serious situations in which the whole standing and work of the Church are threatened. Marriage laws are an example of this kind of conflict. In this case the problem is a result of the impact on primitive life of Christianity and European civilisation. The missions are attempting to implant the new ideals of Christian marriage, and the strict laws of primitive society are being disrupted by the entry of European industrialism and the different type of life induced by contact with the West. Governments and missions are both faced with the difficulty of legislation, each in its own sphere. In many cases neither is fully satisfied with its own efforts, still less with the efforts of the other. Anthropology can bring considerable help to both but cannot solve their problems for them. Legislation and mission practice in regard to marriage varies greatly in different areas.

In Nyasaland, for example, a marriage ordinance was introduced with European conditions in view. It was not suitable for Natives for four reasons : the fees were too high ; litigation was relegated to the High Court, which it was impossible for Natives to attend on account of the distance and the costs involved ; the penalties were too severe ; and inheritance was decided according to English law. Proposals were made by the missions for legislation to give legal status to marriages between

Christian Natives according to Christian rites without interference with the usual preliminary customs observed by the various tribes, and without coercion of any individuals, with provision for rules governing divorce drawn up by the head of the several denominations. Difficulties arose from the Government side and the position of the Christian Africans is still anomalous. Other territories, too, have experienced similar difficulties, which usually arise from the difference between the conception of marriage in the mind of the African and of the immigrant European.

Another part of the British Commonwealth of Nations where the religious question has raised peculiar difficulties is Malta. The population of this Catholic island is 220,000, and the non-Roman Catholic population at times numbers 60,000 people, nearly all of whom are non-Maltese. The present Constitution (Art. 56) declares that 'all persons in Malta shall have full liberty of conscience and the free expression of their respective modes of religious worship,' and that 'no person shall be subject to any disability or excluded from holding any office by reason of his religious profession.' The amendment of 1930 made no reference to religion.

The controversy that took place in 1929 and 1930 between the Holy See and the Government of Malta, although throwing much light on the claims and privileges of the Roman Catholic Church in the island, can hardly be discussed here. Many of the relevant official documents have been published by the parties concerned, and the issue at stake was not so much the question of freedom of religion in the sense in which it has been treated here, as that of the political sovereignty.

Any attempt to carry on evangelical work among the Maltese population has been made virtually impossible by the authorities, whose attitude is based on the fact that the British, on taking the island under their protection, agreed to respect the popular religion. The British and Foreign Bible Society began the circulation of the Scriptures in Malta as early as 1809, but great difficulties have always attended this work. Even to-day it is not possible to maintain any such activities among the Maltese population, and all non-Roman Christian work is limited to the English community.

It is evident that the situation in Malta is an exceptional one, and it would be quite false to make inferences from it in regard to the general conditions prevailing in the British colonies and dominions. Nevertheless, it is hardly one which can be regarded with complacency from any standpoint, except that of the Roman Catholic Church itself.

It is in the sphere of education that missions generally enter into close relations with British colonial administration. Here the policy of strict neutrality becomes one of definite and close co-operation with both religious confessions on a basis of equality of treatment and subject to the attainment of certain technical standards. The implications of this attitude on the part of Government, particularly in Africa, have often been discussed,[1] and they do not raise problems of the kind set forth in this book. It only remains to note, in passing, that the entry of Government into the educational field, particularly

[1] See, for example, 'Missions and Government,' chapter xx of *The Remaking of Man in Africa*, by J. H. Oldham and B. D. Gibson. 1931.

that of higher and technical education, is accepted by Protestants with much more goodwill than by Roman Catholics. Roman Catholic missions have great difficulty in acquiescing in arrangements which might result in Catholic scholars attending schools not under Catholic control, although, in point of fact, such attendance is not rare. According to Lord Hailey, however, quoting from Catholic sources, they cannot regard a school under Government or Native Administration as suitable for their adherents.[1]

When war broke out in 1914 there was much talk in missionary circles about the supra-nationality of missions, but as the war went on the difficulties of such a position became clearer. Governments could not overlook the fact that they had in their colonial territories persons who, however correct might be their attitude, were nevertheless of enemy nationality and were also in positions of great influence with the people of the country. After the war was over, with this situation in mind, the British Government, after consultation with the Conference of Missionary Societies in Great Britain and Ireland and the International Missionary Council, issued a document known as Memoranda A, B and C, covering the admission of missionaries of non-British nationality to India. These same provisions were later adopted by the Colonial Office with regard to Africa and certain other British possessions. In this document the Government, although recognising its own obligation to maintain public security, expressed its appreciation of the value of the work of the missionary societies and welcomed their co-operation in the future.

[1] *An African Survey*, p. 1236.

It placed on the Conference of British Missionary Societies the responsibility for recommending to the British Government missionary societies in Great Britain and Europe whose good faith and responsibility they would guarantee, having received from any non-British society a declaration that all due obedience and respect should be given to the lawfully constituted government and that, while carefully abstaining from political affairs, it was its desire and purpose that its influence, in so far as it might properly be exerted in such matters, should be so exerted in loyal co-operation with the Government of the country concerned and that it would only employ agents who would work in this spirit.

The Foreign Missions Conference of North America was asked to act in a similar way for the United States and Canada.

Missionaries of non-British nationality, working under a society thus recommended and recognised by the British Government, secured the visas on their passports on the production of a certificate from the Conference of British Missionary Societies (or the Foreign Missions Conference) stating that they were missionaries of a recognised society. The missionary society is responsible for the behaviour of the missionary, and the Conferences are sponsors for the good faith and reliability of the missionary society.

Memorandum B sets out a similar arrangement for Roman Catholic missions. Memorandum C provides for independent missionaries or workers of societies who are not on the ' recognised list.' Most of these are small societies which have not applied for recognition or who have not yet reached such a position of stability and

centralised authority as would convince the Conferences that they could honestly recommend their inclusion. The Conferences are not put in the invidious position of hindering the work of such persons, who are many of them Christians of real devotion and wisdom, but the responsibility for investigating their suitability from the government point of view is left to the government authorities themselves.

A simplification of this procedure in regard to India for missionaries under Memorandum A, substituting a certificate from the employing society for the certificate of the Conference of British Missionary Societies or the Foreign Missions Conference, is now under consideration. A similar modification was adopted by the Colonial Office some years ago. Other technical changes consequent on the passing of the Government of India Act in 1935 will also be incorporated in the new document.

Although the conditions under which missions work in British territories are usually regarded as satisfactory, it is only fair to recognise that they are not always considered so by critics of other nations. A recent Italian student of this problem maintains that the system by which missionaries and missions wishing to enter India are classified into categories, according to certain divisions of nationality and church, in effect establishes discrimination. In Britain, this question is usually regarded rather as one of administrative convenience than as involving any question of Church and State, and the numbers of missionaries affected by Memorandum C is very small in comparison with those of the 'recognised' missions, Roman and non-Roman. But it is asserted by critics that, for example, the fact that under Memorandum C permissions

can be cancelled at the discretion of the Government, gives the latter powers which it might use with too great elasticity. Similarly the delimitation of spheres in the Sudan is regarded as an unnecessary restriction of 'the freedom of the religious apostolate of missions of the different denominations.'[1] It is difficult, however, to see that these regulations infringe the principle of equality of treatment. That to some extent they restrict freedom is true, but unless it can be proved that they result in unequal discriminations, or that they are maintained when circumstances can no longer afford any justification for them, it is not easy to take strong exception to them. It is further clear that the special cases in Muslim territories quoted above are not typical of the general conditions prevailing in the British Commonwealth of Nations.

[1] Amor Bavaj, *Il Nazionalismo e le Missioni*. Estratto dagli Annali della R. Università de Macerata. Vol. x, 1935, p. 59.

CHAPTER SEVEN

THE BALKAN STATES

AT the Madras meeting reports on the position of some of the evangelical minorities in Orthodox, or mainly Orthodox, countries of Eastern Europe were given to the relevant section. It seems advisable here to develop the subject briefly. The evangelical minorities of the Balkans are of diverse origin. In some cases, as in Greece and Bulgaria, they are the result of the direct work of western missions, initiated in the days of the Ottoman Empire—hence the connection of the subject with the general scope of the Madras meeting of the International Missionary Council. In others, they have arisen from spontaneous, or almost spontaneous, causes : such is the origin of the Baptist Church in Roumania. But perhaps the most important minority churches are those of German or Hungarian derivation, and their present situation is due to adjustments of frontiers and movements of population, and not necessarily to directly religious enterprise or conviction. These facts have affected the standing of Protestant minorities in relation both to the State and to the dominant church. In some cases they may be accused of being merely the visible product of the ' proselytising ' zeal of enterprising foreigners, with relatively little religious foundation or spiritual significance. In others, they may be held responsible for offending the religious sentiment

of the people and impairing its unity. In others again, they may be regarded as the outposts of another state, animated by a sense of political rather than religious mission.

This general situation has either been created, or is to-day moulded, by three forces: the outlook of Orthodoxy and the Orthodox views of, and relations with, the State; the nationalistic and political antagonisms which spontaneously arise from the presence of minorities; and modern movements of religious thought and action drawing Christian churches all over the world more closely together, and bringing the Orthodox churches into closer friendly relations with the Anglican and Protestant communions of the West.

The closest co-operation between the Church and the State has always been cherished by Orthodoxy, and is an inheritance from history, nowhere more potent in determining the forms of to-day than in this field. State and Church, it is held, must co-operate in all matters which seem to demand common action. State law and church law are alike recognised as valid; both are regarded as an expression of God's will for the ordering of a Christian society. The State is bound to protect the Church from heresy and to safeguard the purity of her doctrine. The Church prays for the State and submits to it in temporal matters. Thus, if, faced with the growth of other Christian bodies, the Church looks to the State for a degree of support beyond what many western Christians would regard as justifiable, this is not due to a blind faith in external pressure as a means for securing religious homogeneity. It is rather because of a long tradition, established and

maintained over many centuries, which has led to the conviction that the emergence of other Christian bodies obscures the real nature of the Church itself. Basically, they are considered to be a contradiction of the unity of the Church, and as representing a desire to over-emphasise some element or other which is already present in the church. When it was no longer possible to maintain in practice the traditional authority of Orthodoxy, in the face of the spread of Islam, the Church showed itself fully prepared to suffer martyrdom for the protection of the Christian faith of East and West. When it regained its freedom, its reverence for the past naturally led it to desire to see its ancient position restored. The attitude of the Orthodox Church to Protestant minorities in its midst must not be judged without bearing this background in mind.

When the Church came under the rule of a Muslim power, as in the Balkans, it was no longer possible to maintain the former relations with the State. In most cases, however, the Church enjoyed the protection of the Turkish power and carried on its own independent administration. Instead of an alliance with the State, it chose an alliance with the nation ; it was often the last bulwark and refuge of the national life, and it was closely identified with the aspirations of the people for national freedom. As, however, the successor states of the Ottoman Empire gained their independence, two results followed for the Church. A genuine gratitude was felt by the people for the part which it had played, but the Church itself had become so closely identified with the cause of the new state that it largely lost its autonomy and came under the close control of the

government. For both these reasons, the position of evangelical minorities has been difficult ; there has been little chance of their attracting a popular following, and they have often had to state and maintain their case in the face of a dominant church specially protected by the authorities.

Those Protestant minorities in Eastern Europe, which are of German or Hungarian origin, are placed in a specially difficult position. They very naturally desire to retain the old cultural and religious connections which bind them to the mother church. They see that whereas adjustments take place in the boundaries of states, changing perhaps the political sovereignty under which churches live, the religious tradition which has come down to them retains its validity ; and as the sense of their religious home becomes more valued to them, the interests of their national state seem to be of less significance. Moreover, they are readily suspected, sometimes with justice, of becoming the representatives of alien national ideals or of irredentist sympathies. In some cases they have to live under the ecclesiastical law of the state to which they formerly belonged.

The treaties by which the map of Europe was re-arranged after the war of 1914–1918 contained clauses designed to safeguard the rights of national minorities, which were generally also religious minorities. But the strength of post-War nationalism has been such that in many instances the provisions of these treaties have been disregarded. It is not difficult to see how this has come about, especially when states to which minorities are attached by culture or tradition have themselves openly asserted strongly nationalistic aims.

The reply to this on the part of composite states, with religious or racial minorities in their midst, has been a strong policy of assimilation, pursued by means of school and language laws and restrictions of the freedom of association and organisation. The situation is not an easy one for the Church to handle, and the solution of it remains one of the important problems in which the development of closer ecumenical relations may very greatly assist. The future calls for a much clearer emphasis upon the truth that political frontiers cannot be equated with religious ones, while simultaneously a minority church must, for spiritual purposes, be allowed free communication with the mother church. Isolation tends to be fatal to the spiritual life of small groups.

To an outside observer it would seem fairly clear that in recent decades the Orthodox churches have been quietly but steadily reconsidering the whole question of their relation to the State and to other communions. New conceptions of the meaning of freedom are being discovered. New currents of spiritual life, which indeed are much needed in the churches of the West, are flowing. The tremendous shock of the Russian revolution, with the consequent sufferings of the Russian Church and the lessons learned in exile, has been largely but not wholly responsible for this. The spread of secularism and the need to retain the rising generation within the church have led to a new emphasis upon religious education through teaching and literature. Fraternal relations with the churches of the West have been steadily developed, in particular with the Anglican communion. The participation of the Orthodox churches in the ecumenical conferences of post-War years and the

interest they have taken in the proposed World Council of Churches are evidences of the same tendency. These things directly affect the standing of the evangelical minorities. For free and frank ecumenical relationships necessarily mean that minorities have a court of appeal which they will not be slow to use. Meanwhile there is already a strong conviction among certain Orthodox thinkers that the so-called confessional State, with the consequent threat which it brings to the liberties of minorities, is no longer a desirable or practicable religious ideal.

Greece

In Greece all but some 3 per cent of the population belong to the Orthodox Church, which is an established church controlled to a considerable degree by the State. At the meetings of the Holy Synod there is a government commissioner, and business cannot be transacted unless he is present. He holds a power of veto which can only be overruled by the Minister of Cults and Education.

Successive Greek constitutions since 1826 have, however, granted freedom of worship to other bodies, although ' proselytism ' has been forbidden. There has been a small evangelical church in Greece for many years, but the Union of Greek Evangelical Churches was not formed until 1923, when it was recognised as an association under the Law of Associations.

In 1938 a new law was published establishing a rigid control over the non-Orthodox confessions. Under it, in order to establish a non-Orthodox congregation, the same number of families (600) is required as in the case

of a new Orthodox parish. Existing places of worship which have been opened without official permission are to be closed, failing such permission. No non-Orthodox clergyman or leader can leave his parish without notifying the authorities, or the country without government permission. Lists of adherents and financial statements must be lodged with the authorities. All religious books not endorsed by the Holy Synod must be specially stamped by the local prefect and only circulated in denominational bookshops. No non-Orthodox clergyman can enter Greece except by special permission of the Ministries of Cults and of Foreign Affairs.

' Proselytism ' is specially dealt with. The definition of that word hitherto adopted in the Greek Criminal Code made it clear that only the case of illicit pressure was condemned. ' Proselytism ' is now defined as ' any attempt by force or threats of illicit means or grants of promises of financial or other aid, or by fraudulent means or promises, or by moral and material assistance, or by taking advantage of any person's inexperience or confidence, or by exploiting any person's necessity or spiritual (mental) weakness or thoughtlessness or, in general, any attempt or effort (whether successful or not) directly or indirectly to penetrate into the religious conscience of persons (whether of age or under age) of another faith, for the purpose of consciously or unconsciously altering their religious conscience or faith, so as to agree with the ideas or convictions of the proselytising party ' (Art. 4). This seems designed effectively to stop all religious change or conversion.

According to *Ecclesia*, the official publication of the Orthodox Church, the Primate Archbishop of Athens,

pursuant to a vote of the Holy Synod, ' expressed to the Minister of Cults and Education the thanks of the Church for the promulgation of the new law against foreign religious propaganda, which will put a stop to the disputed interpretation of the term " proselytism " and will restrict the dissemination, under various specious forms, of anti-Orthodox and anti-ecclesiastical ideas, aiming at creating divisions in the Greek family and society.'

In regard to the last phrase, it should be noted that in recent years there have grown up a number of small sects of West-European or American origin in Greece, apart from the Greek Evangelical Church which dates from the early decades of the nineteenth century. But, in fact, it is interesting and curious to record that this emphatic law has but slightly affected the status of the evangelical churches, and local restrictions which may have been imposed have generally been removed on an appeal to higher authority. The law is really aimed at the Roman Catholics, of whom there are two agencies or divisions : those of the Eastern or Pure Greek Rite are Uniates, dating their separation from the Orthodox Church from 1861. A Roman Catholic publication gives their number as 3048.[1] Most Greeks who are Catholics belong, however, to the Latin rite, and there are Roman Catholic schools in Athens, Piræus, Salonica and the islands. It is the restriction of the activities of these bodies rather than of the Protestants that is desired, but there is no reason, on these grounds, to omit a reference to the situation in a general review of the region.

[1] *Eastern Catholics*, by W. L. Scott. Catholic Truth Society, 1934, p. 8.

Bulgaria

The Bulgarian evangelical minority, when explaining their relation to the State or to the dominant Orthodox Church, do not forget that they date their existence from before the liberation of the country from the Ottoman Empire. Before the Bulgarian State was formed and its constitution drafted the evangelical churches were actively carrying on their work. Some of the evangelical leaders, missionaries from North America, have by common recognition rendered remarkable service to the nation, not the least in calling the attention of the outside world to the Turkish massacres. For these reasons the evangelical churches have, in general, enjoyed a large degree of freedom, and their ideals and testimony have won the respect of some of the political leaders.

Four factors have influenced the relations between the State and the evangelical free churches : the political attitude of the Government, the attitude of the State Church, the spiritual enlightenment of society in general and the tact and wisdom of evangelical churches themselves.

In Bulgaria, as in other countries, it has proved true that the more democratically minded the administration has been, the greater is the actual freedom that the evangelical minority has enjoyed. When, as recently, the Government has tended to assume absolutist and far-reaching powers, the churches, like other associations, have come under closer surveillance, and incur the risk of interference with their previous liberties. So far as this is concerned, Bulgaria reflects tendencies

even more clearly and emphatically illustrated in Western Europe. According to the Constitution the officially recognised religion is the Orthodox faith, but Christians of other churches and adherents of non-Christian religions enjoy freedom of confession provided their practices do not conflict with the law. Each church has the right to govern itself.

It is the opinion of leading evangelicals that their difficulties in the matter of freedom come from the attitude of the Orthodox Church, and that they are heightened by the fact that it is a State Church, although all recognised religions have certain rights before the law. Naturally, there are two sides to this question. The Orthodox Church in Bulgaria has been closely and constantly connected with the development of the national life, and has been interested in the subject of freedom, not so much as it affects the recognition of other confessions, but as it is seen in the liberation of the nation. The Church, therefore, considers itself the guardian of the national culture, and the fosterer of the spiritual unity of the people—' one nation, one faith, one church.' This means, however, that evangelicals are regarded in the light of apostates, destroying this unity and undermining the spiritual health of the realm. The State, in the evangelical view, is more tolerant than the Church, and restrictions are often imposed because of the influence of the latter over the former.

Evangelicals further consider that the people in general are not in any thorough sense instructed in the Christian faith and its real meaning for the life of men in community. Consequently intolerance due to ignorance takes the place of mutual understanding. When

state officials have taken the trouble to study the religious question from a broad standpoint the position of evangelicals has been usually appreciated and they have been treated accordingly, but in other cases ignorance has led to prejudice and hostility.

The evangelical churches themselves have contributed at times to misunderstanding. The influence exercised by foreigners has been allowed to give an exotic air to certain features of evangelical development. The Orthodox Church has been unnecessarily attacked and this has led to state intervention, inasmuch as the State feels bound to protect the Church. The protection of foreign embassies has been sought rather than the spiritual resources of the churches themselves. Privileges, and even the assistance of the State in domestic or denominational differences, have been solicited. Denominational divisions in the Church are not easily understood in Bulgaria, as in certain other countries, and are apt to be taken as genuine schisms. Such divergencies are considered dangerous to national unity. One united evangelical church would be in a fair way to receive full and satisfactory recognition by the State.

In modern Bulgaria, therefore, there are two forces the adjustment between which determines the standing of the evangelical churches. On the one side the Constitution guarantees full religious freedom ; in the nation as a whole there is a love of freedom, and many informed government officials exhibit sound common sense and tolerance. On the other side evangelicals fear the influence of the established church, which reasonably and properly looks for extensive co-operation on the part of the State, but which often expects to have this

interpreted in terms of opposition to the evangelical minority. The interplay of these forces has found expression recently in a 'Law of Faiths' which has been drafted but not yet voted upon in parliament. Through this instrument the liberties of evangelicals are much curtailed so that their future progress or even existence becomes problematic. The situation is, therefore, at a critical stage.

Roumania

The religious situation in Roumania is peculiarly complicated and is closely connected with the status of minorities as laid down in the peace treaties. The preponderant and numerically by far the most important church in the country is the Roumanian Orthodox Church.[1] The Constitution promulgated in 1923 declared the Orthodox and Uniate churches to be the dominant Roumanian churches. They possess internal autonomy and enjoy certain privileges. The Orthodox Church had its constitution defined by the State in 1925. The position of the Roman Catholic Church was defined by a concordat in 1929.

Bearing the special position of these churches in mind, there are, from a legal standpoint, three classes of religious bodies: recognised cults, religious associations and those with no standing at all. To the first class belong the Orthodox Church, the Uniate Catholics,

[1] Population by religions (1934): Orthodox, 13,200,000; Greek Catholic (Uniate), 1,800,000; Roman Catholic, 1,200,000; Reformed, 720,000; Lutheran, 400,000; Unitarian, 75,000; Jews, 900,000; Muslims, 260,000; Others, 140,000. *Statesman's Yearbook*, 1938, p. 1264. This estimate takes no account of some of the very small groups.

Roman Catholics, Calvinist (Hungarian), Lutheran (mostly German), Unitarians, Muslims and Jews. The second includes the Roumanian Baptists, Seventh-Day Adventists (two bodies), and the Brethren or Evangelical Christians (in two sections, one being the Tudorists). To the third class belong Russellites, Jehovah's Witnesses, Pentecostalists, Tremblers, Apostolic Church of God, Nazarenes, Reformists, Reapers, Hlistii, Inochentists and Stylists.

The last class of bodies is now completely suppressed, and some 10,000 Pentecostalists are said to have joined the Baptists. Certain difficulties have arisen in regard to groups both in the first and second classes, and these are the subject of the following very brief review.[1]

Under Hungarian rule the churches built up a large educational system and much social work. In 1918 there were 2588 Hungarian and 287 German confessional primary schools in Transylvania, besides 2392 Roumanian schools. The Saxon Lutheran Church enjoyed full ecclesiastical autonomy, and its privileges were recognised by the Minority Treaty of 1929. The Hungarian Reformed Church was similarly, although less favourably, situated.

These churches have had certain difficulties to encounter in the last two decades. They were severely hit by the agrarian reform. This was not directed against the churches as such, but was a measure of economic necessity. Nevertheless, the Reformed Church lost 24,500 acres of church land out of 61,000. The

[1] On the Lutheran and Reformed churches, see *Church and State on the European Continent*, Adolph Keller, Epworth Press, London, 1936, pp. 191–7.

Lutheran Church has complained that the State has withheld 70 per cent of its former contributions to the church, and the school subsidy was abolished in 1936, in spite of the heavy church taxes that are duly paid. Between 1920 and 1926 the Reformed Church was not permitted to elect a second bishop.

The Government early made it clear that it was not prepared to tolerate a marked degree of denominational education in Transylvania. It took steps, therefore, to suppress some former confessional schools, and to place obstacles in the way of maintaining others. A law issued in 1925 recognised confessional schools, but there has been much complaint that neither the spirit nor the letter of the laws has been observed. Protests were sent to the League of Nations in 1925 and 1926, but a full settlement has not yet been found. The Nazi revolution and the aims of Hungarian nationalism have revived and intensified the difficulties, as the churches are often, but generally unjustly, accused of harbouring and encouraging disloyalty. On the other hand, it is very easy to excuse all manner of vexatious regulations on the ground of excluding political partisanship from the churches.

In the second class of religious bodies the Baptists are the most important; they number some 70,000 communicants, or an evangelical community of, say, over 200,000. There are some 40,000 Seventh-Day Adventists and 20,000 Brethren, among whom there is a high proportion of Russians. The Baptist movement was started in 1856 (almost contemporaneously with the union of the principalities of Wallachia and Moldavia, which formed the nucleus of the present-day Roumania)

by an evangelist who had been interested through J. G. Oncken, a German Baptist. In 1924 a Baptist college, with a training school for girls and a seminary for preparation for the Baptist ministry, was opened in Bucharest, and this institution receives support from America.

The Baptists have had many difficulties in recent years in the development of their religious life as a community. In 1939 the restrictive measures which had been decreed against them were revoked and the congregations regained their freedom. The motives which led to this decision, after protests from many quarters had proved unavailing, have never been clearly explained. They may be connected with the general European political situation. In these circumstances it seems unnecessary to discuss the attitude adopted by different parties to the dispute.

It is obvious that under the general political and religious conditions that obtain to-day in Eastern Europe it is by no means easy for a religious minority to steer a safe course between political entanglement on the one hand and the accusation of proselytism on the other. In the one case the suspicion of the State is aroused, in the other that of the dominant church. Neither are these difficulties imaginary or merely invented in order to give a pretext for suppression. It is the plain fact that religious and national minorities are often co-extensive. It is also no less true that, when no nationalist considerations may be involved, purely religious minorities often feel that they have a mission to perform which they would term much-needed evangelism, and their opponents undesirable proselytism.

Yugoslavia

No specific question in regard to the status of churches before the law was raised at Madras. The Orthodox Church was granted a special position by the Constitution. An attempt to define the position and privileges of the Roman Catholic Church by means of a concordat was in 1938 indefinitely postponed owing to Orthodox opposition on the ground that the demands of the Roman Catholic Church were excessive and unfair ; even the Yugoslav Muslims objected to the Roman Catholic demands. The Government of the day withdrew their plan.

In 1930 a Church Law was promulgated giving autonomy and a certain degree of liberty to three evangelical churches—the Slovakian Lutheran, the German Lutheran and the Reformed Church. The right of these churches to affiliate with other churches abroad was recognised, but the State retained the right of financial supervision There are certain restrictions on ' proselytism '—restrictions which, as the term proselytism is often interpreted, are somewhat of a hindrance to evangelical liberty and gospel service.

The area discussed above forms a convenient unit in itself, and is, moreover, one brought into direct touch with the missionary work of the Church through the presence of the Muslim population, and its consequent place as a sphere of interest of the Near East Christian Council. Because certain specific questions have been selected here for comment, what is in reality a complicated politico-religious situation has certainly been

greatly over-simplified. In this area of Europe the general religious position is largely dependent upon political attitudes, and the real standing of Christian minorities exceedingly perplexing to define and to solve with due regard to all the factors involved. The cases cited plainly show that no religious situation is the resultant of religious motives alone. Movements of population due to economic reasons, treaties and national ambitions all intermingle with purely religious motives to make the actual circumstances in which a church lives. Wholly to disentangle these factors is not possible, any more than it is possible that the Church can or should be wholly isolated from the life of the community and the action of the State. Two suggestions may, however, be made. It is increasingly being felt by many that the discovery and demonstration of the true ecumenism of the Church, in the minority as well as the dominant churches, is a way to more satisfactory understanding of the place of Christian minorities. Such minorities may, indeed, rightly benefit both from political treaties, from loyal fulfilment of their obligations as citizens and from the establishment of right relations with the State. But they will probably benefit even more from the new access of spiritual life and new apprehension of Christian duty that come from an increased sense of the Christian fellowship as a whole, with its universal sense of mission. Secondly, there are in the Balkans both a non-Christian population of importance and numbers of persons who must be introduced to a deeper understanding of the Christian faith if it is to remain a vital power in individual and social conduct. In the presence of these formidable tasks which await accomplishment there

should be no place for overlapping or competition among different bodies.

RELIGIOUS PERSECUTION IN POLAND

The following note deals with a country outside the Balkans, but as it illustrates another aspect of the Church-State relationship in which Orthodox churches are involved, it may be in place here.

The persecution of minority cults in Poland differs in motive from the suppression of evangelical sects in the Balkan countries in that it is primarily racial rather than religious. Thus Polish Protestants, though few in number, lead a comparatively untroubled existence, and suffer only from minor restrictions and disabilities.

The Orthodox and Uniat churches, however, which claim the allegiance of the Ukrainian population, have endured constant persecution from the Polish Government; these two churches, formerly bitter rivals, are coming closer together against the common oppressor and the policy of de-nationalisation.

The Orthodox Church has undeniably suffered the worse. Large tracts of land, as well as churches and chapels, have been expropriated on the grounds of having formerly belonged to the Uniat Church which was annihilated by Russia in 1875. Whatever justice there is in this claim, however, is weakened by the fact that it is the Latins, not the Uniats, who have almost invariably benefited by this spoliation.

Then there has been wholesale burning and destruction of Orthodox churches, many of irreplaceable antiquarian interest. In the district of Kholm, for instance,

where the Orthodox element is strong, out of a total of 340 churches in existence a few years ago, there are now only fifty-four to serve an Orthodox population of 230,000. The others have been destroyed, as 'superfluous,' expropriated or closed, following the arrest of the parish priest on some trumpery charge.

The Uniat Church has not suffered so greatly from spoliation and destruction of churches, but has shared equally in the arrest of priests on such charges as keeping church registers in Ukrainian, and from the suppression of Ukrainian cultural societies.

The policy of the Polish Government is further brought out by the fact that, after the 1925 Vatican concordat, the Uniats are strictly forbidden from making converts from Orthodoxy, though the Belgian Redemptorist Fathers are given every opportunity and encouragement to do so.

On the Polish side, it is urged in justification of this de-nationalising politico-religious policy that Russia before the war was equally forceful in suppressing all cults outside the Orthodox Church, and that the Ukrainians now form a seditious and separatist element in league with Germany. However, when Poland again came into being after the war, it was with the understanding that some measure of autonomy and self-determination should be granted to the large Ukrainian population included within its frontiers. This autonomy has never been granted.

CHAPTER EIGHT

CHURCH AND STATE IN THE SOVIET UNION

PAUL ANDERSON

IN the Russian Empire the Orthodox Church was the state church, by law considered pre-eminent and predominant. The Roman Catholic communion, the Lutherans and certain other bodies were recognised and given freedom for all usual religious activities. Some of the sectarian bodies, especially those which had sprung off from the Orthodox Church and were fanatic in character, were at times prohibited, but at the time of the Great War practically all, except those of known immoral character, were allowed some degree of freedom. Up to 1904, transfer from the Orthodox state church to any other was forbidden. Every Russian subject was supposed to be a member of some religious body; the profession of atheism was illegal. The liberty accorded non-Orthodox churches was acknowledged to be relative as compared with the pre-eminent and, in some respects, privileged position of the Orthodox state church. At the same time it is well to note that from the beginning of the twentieth century there was a growing feeling among the Orthodox that their close relations with the State constituted a handicap in many ways. The movement in favour of emancipation from state control was especially strong among the believing intelligentsia and the parish clergy in larger cities, but was not limited to

these groups. It was much discussed during the reform period following the Japanese War, and would have come to a practical issue in the course of a few years even if the March Revolution had not opened the door to this and many other changes of vast significance.

The Temporary Government issued a decree on July 14, 1917, declaring that ' every church recognised by the Government has full freedom and independence in all its acts, administering its affairs according to its own regulations, without any direct or indirect action or interference by the Government.' By this decree the Orthodox Church was in principle disestablished, the Government temporarily retaining an administrative relationship pending the assembly of the Sobor (national council) of the church at which the necessary regulations and organs for self-government could be decided upon and inaugurated. This Sobor had scarcely assembled when, on November 7, 1917, the second revolution established the Soviets in power under the domination of the Russian Communist Party.

Separation of Church and State

The early decrees of the Soviet government went further than disestablishment. On December 4, 1917, church property was nationalised, on the 11th the schools were nationalised, on the 18th civil marriage was instituted, and on January 23 came the decree separating the Church from the State and the school from the Church. While these decrees and accompanying acts of violence abruptly reduced the Orthodox Church to a state of bewilderment and powerlessness, they theoretically improved the condition of the sectarian bodies. This was

not their object, but the Soviet government quickly recognised the advantage of capitalising the goodwill accorded it by the sectarians as well as by the schismatic 'Living Church' which was formed in 1923 out of the Orthodox body, and it granted them freedom of action not permitted to the Orthodox. Thus these bodies were enabled for a time to publish books and periodicals, to establish schools for the training of clergy, and to assemble national conferences, whereas the Orthodox Church in practice was prevented from doing any of these things. In discriminating against the Orthodox Church, the Soviet government acted on the general grounds that the power of the Church as a national institution hostile to the Soviets had to be broken.

It was during this period that many churches, monasteries and shrines were closed and destroyed, large numbers of Orthodox clergy and faithful were killed, and some of the leading bishops were arrested, exiled or executed. The Roman Catholic Church under the Empire had existed chiefly in Poland, but the Catholic parishes lying along the new frontier, and their bishops and clergy in the larger cities, suffered along with the Orthodox. This was true also of the Lutherans, who were chiefly located in north-western Russia and on the Volga. A Soviet official statistical review in 1925 reported the number of churches confiscated up to that date as follows: Orthodox, 1003; Old Believers, 27; other Christian confessions, 29; Mohammedan, 29. It must be borne in mind that the sectarians seldom had regular church buildings, meeting generally in private houses or halls, and they were therefore less exposed to this form of action.

The momentous decree of January 23, 1918, was very

simple and direct in statement, consisting of only thirteen articles.

1. The church is separated from the state.

2. Within the confines of the Republic it is prohibited to issue any local laws or regulations restricting or limiting freedom of conscience, or establishing privileges or preferential rights of any kind based upon the religious confession of the citizens.

3. Every citizen may profess any religion or none. All restrictions of rights connected with the profession of any belief whatsoever, or with the non-profession of any belief, are annulled. Note.—All reference to citizens' membership in religious groups, or their non-membership, shall be removed from all official documents.

4. The governmental functions, or those of other publico-juridical institutions, shall not be accompanied by religious rites or ceremonies.

5. A free performance of religious rites is guaranteed as long as it does not interfere with public order, and is not accompanied by interference with the rights of citizens of the Soviet Republic. Local authorities possess the right in such cases to adopt all necessary measures to preserve public order and safety.

6. No one may refuse to perform his civil duties on account of his religious views. Exception to this rule, on condition that one civil duty be exchanged for another, may be granted in each individual case by decision of the People's Court.

7. Religious vows and oaths are abrogated.

8. Acts of civil nature are registered solely by the civil authorities : the departments for the registration of marriages and births.

9. The school is separated from the church. Instruction in religious doctrine is not permitted in any governmental or common schools, nor in private educational institutions where general subjects are taught. Citizens may give or receive religious instruction in a private manner.

10. All ecclesiastical or religious associations are subject to the general regulations regarding private associations and

unions, and shall enjoy no privileges or subsidies, whether from the government, or from local autonomous self-governing institutions.

11. Compulsory demand of collection of dues for the support of ecclesiastical or religious associations, as well as measures of compulsion or punishment adopted by such associations in respect of their members, are not permitted.

12. No ecclesiastical or religious association has the right to possess property.

13. All properties of the existing ecclesiastical and religious associations in Russia are declared to form national wealth. Buildings and objects specifically appointed for purposes of worship shall be delivered, in accordance with the regulations of the local or the central governmental authorities, to responsible religious associations for their use, free of rent.

It was in fact more a statement of principle than an instrument of practical or juridical procedure. As a result, succeeding months and years saw a vast growth in court decisions, local and national legislation, and administrative orders which, while clarifying separate points and in general implementing the original decree, only complicated the situation. A collection of these decrees and orders made by Guidulianoff and published under the title *Separation of Church from the State* in 1926 (3rd edition) contains over 700 pages. On April 8, 1929, a new decree appeared which codified and brought up to date the legal position of the religious bodies and local religious associations in the U.S.S.R.[1]

This decree is still the basic law regulating the life of religious organisations in the Soviet Union, although it has also been accompanied by many local and national ordinances and instructions.

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[1] Published in English translation by H.M. Stationery Office. London, 1930.

The Soviet Constitution and Religion

The Constitution of the Soviet Union lays down fundamental principles regarding religion which must be considered in connection with current legislation. The relevant parts in successively adopted constitutions are furthermore helpful in showing the trend of Soviet attitude toward religion. The constitution in force in the R.S.F.S.R. and the other Soviet republics up to 1929 stated that 'in order to provide the workers actual freedom of conscience, the church is separated from the state, and the school from the church, while freedom for religious and anti-religious propaganda is recognised for all citizens.' (Article IV.)

In May 1929, the constitution of the whole Union was altered (Article V) to read 'while freedom for religious confession and anti-religious propaganda is recognised for all citizens. . . .' Official commentaries at the time emphasised that 'confession' meant exclusively such expressions of convictions as religious persons might use to one another, while 'propaganda' provided for unlimited dissemination of ideas.

The Stalin constitution, adopted in November 1936, after nearly a year of public discussion in meetings and in the press, contains two articles which define the position of religion in the Soviet Union.

Art. 124. For the purpose of providing to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom for the conduct of religious cults and freedom for anti-religious propaganda is recognised for all citizens.

Art. 136. Election of deputies is universal: all citizens of the U.S.S.R. having achieved eighteen years, without regard to

racial or national adherence, confession, education, place of residence, social origin, property standing and former activity, have the right to participate in the election of deputies and to be elected, with the exception of feeble-minded and persons condemned by the courts to loss of the rights of franchise.

This represents a further narrowing down of the rights of religion in so far as public expression is concerned. On the other hand, the former deprivation of civil rights under which ministers of religion had suffered was removed. This gave rise to a great deal of criticism during the period of discussion on the constitution, with the result that in introducing the constitution at the constitutional assembly on November 25, 1936, Stalin made the following statement :

Some say that there is danger that there may creep into the supreme organs of the country elements hostile to the Soviet power, perhaps some of the former white guards, *kulaks*, priests, etc. But what is there actually to fear ? Those who fear wolves should not enter the forest. In the first place, not all former *kulaks*, white guards or priests are hostile to the Soviet power. In the second place, if the people here and there should elect hostile persons, that will only mean that our agitation (propaganda work) is badly handled, and we fully deserve such shame ; but if our agitation work is carried on in Bolshevik manner, then the people will not let hostile persons get into their supreme organs. This means we must work and not whimper. We must work and not simply expect that everything will be provided ready-made by administrative order.

Guiding Principles

Since the Soviet Union is governed in unique fashion under what is commonly called ' the dictatorship of the proletariat,' it is manifest that there must be some more fundamental guiding principles on the matter of religion

lying behind the laws and constitution, just as the Declaration of Independence and the Preamble contain ideas and principles fundamental to the American constitution. In the case of the Soviet Union, these principles must be sought in the Programme of the All-Union Communist Party, and in the explicit view of Marx, Lenin and Stalin, as well as in the statements of those currently responsible for the expression of policy on religion and religious bodies.

There is yet another source from which these principles can be drawn. This source is suggested in Lenin's remark that communist theory is not communism unless it is embedded in communist practice, and in Stalin's very apt statement in 1938 that one must look for communist truth in the instinctive reactions of the toiling proletariat itself. Neither of these remarks should be interpreted as meaning democracy or opportunism. Rather they should be considered as simple and homely expressions of the highly complicated philosophical system known as Marxist dialectic materialism. Communist truth grows out of the actual day by day conflict between man and man, man and nature, man and ideas, out of the primordial struggle of life itself. It is in dialectic materialism that the roots of legislation on church-state relationships must be found.

From the standpoint of religion, the essential aspect of dialectic materialism is its disavowal of the existence and hence of the action of God, whether in the creation, preservation or redemption of the world. By the same token, that primary quality of life which Christians believe to have been supremely revealed in Jesus Christ, love, is also absent. The whole of the creative process is

non-moral ; it is something to be observed, its laws discovered and defined, and its phenomena thereby to be controlled by men for their common welfare. It is the claim of Marx and Lenin that, if the conception of God could be completely eliminated, and science used to master nature and the organisation of society, human life would be free and filled with abundance. The principles of goodness, justice and mercy are present in this philosophy, but their connotation is peculiar, for they are not virtues proceeding from the Absolute, the eternal God, but regulatory principles related to the government of society during the period of its transformation into communist society. Theoretically, if and when communism is achieved, there will be no need whether for state government or for these principles, in their ordinary connotation, because society, all human relations and the processes of nature will be scientifically adjusted each to the other. This point must not be pressed too far, however, as communist philosophers in 1939 are explicit in noting. The present state, ' socialism in one country,' or even socialism in a number of countries, must continue long before the human race can detach itself from the vestiges of the conceptions and practices of the pre-scientific, pre-Marxist epoch. In fact, contemporary Marxist thought in the Soviet Union shows a tendency toward the view that the dialectic materialistic principle, by virtue of the absolute necessity of struggle, implies also continuing need for such regulatory elements as government and its accompaniments—justice, rewards and punishment—and indeed communism becomes ' a far-off country ' which man must seek but without absolute assurance of achievement in its perfect form.

The Problem of Religion

It is in this connection that the problem of religion is posed. 'Religion,' wrote Lenin, 'is one of the aspects of spiritual oppression.' 'The helplessness of the exploited classes in struggle with the exploiters inevitably gives rise to belief in a better life beyond the grave, just as the helplessness of savages in the struggle with nature gave birth to gods, devils, miracles, etc. To those who all their life work and are in need, religion teaches humility and patience, comforting them with the hope of heavenly reward.' Hence, 'religion is the opium of the people.' Whether consciously or not, Marxist spokesmen in the Soviet state have recognised the continuance of religious belief by insisting that Soviet society will continue in need of government because even socialist (pre-communist) society embraces predatory and punitive elements, and those who suffer from them. While there is therefore no longer exploitation of class by class, the *feeling* of oppression, which classical Marxism associated exclusively with this struggle, is still present as a result of these predatory and punitive elements. It is possible therefore to deduce that according to Lenin's own explanation of religion as 'one of the aspects of spiritual oppression,' the very nature of human society based on the dialectic materialistic principle gives rise to religion and inevitably leads to its continuance.

These paragraphs on Marxist theory are by no means a diversion from the practical problem of church-state relationships. Theory plays a rôle in Soviet life which is quite unknown in the practical life of liberal democracy.

The theory that religion is opium creates an attitude toward religion ; the theory regarding its relative permanence determines the manner of dealing with it. A widespread opinion in the Union held that religion would die of itself, as socialistic society advanced. This has been combated during recent years by drawing emphatic attention to the Party Programme on this point. The party view was established at the VIII Party Congress in 1919, but it is still quoted in July 1939 as the official position on religion.

Art. 13. As regards religion the Party does not satisfy itself with decreeing the already separated church from state and school from church, i.e. measures which bourgeois democracy present in their programmes, but nowhere in the world has carried through to the end, thanks to the varied actual connection of capital with religious propaganda. The All-Union Communist Party directs itself by the conviction that only the realisation of rational planning and conscious action in all public-economic activity of the masses will result in the complete dying out of religious prejudices. The Party strives for the complete destruction of the connection between the exploiting classes and the organisations of religious propaganda, aiding the actual release of the working masses from religious prejudice, and organising the very broadest scientific enlightenment and anti-religious propaganda. However, it is necessary carefully to avoid any offence to the feelings of believers, leading only to the strengthening of religious fanaticism.

It is against this background of Marxist philosophy, the Party programme, the Soviet constitution and current legislation, that contemporary practices in relations of Church to State may be studied. We may deal with this matter in four of its aspects : (*a*) the conscience or ' feelings of believers,' (*b*) religion as opium or escape, (*c*) religious organisations, and (*d*) the ministers of religion.

Freedom of Conscience

Freedom of conscience is considered basic to the constitution and is implied in Stalin's view that communist truth lies in the instinctive life of the conscious proletariat. The qualifying factor here is the classical Marxist view that a truly class-conscious proletariat is devoid of religious feeling, or conversely, that it is only as a toiler has rid himself of religious feeling that he becomes truly proletarian. This is the reason for the programme to 'aid the actual release of the working masses from religious prejudices.' It is this which has given rise to the anti-religious character of all education, formal and informal, in the school, theatre, press, etc., and to the Godless Society, which seeks to stimulate voluntary individual and collective effort in anti-religious propaganda, together with a complete embargo on all propagation of religion in school, literature or any other way. The fact that the entire school system is not only non-religious but anti-religious clears the ground for a conscience devoid of God. Nominally with patience, but too often with intimidation, terrorism and violence, each individual citizen is obliged to search his conscience and either rid it of religion or accept such consequences as opprobrium, discrimination or punishment, the latter usually meted on some other pretext. Always and everywhere the citizen is made practically to feel that he is not a *bona fide* citizen, despite his electoral rights, until he has done with religion.

The emphasis on freedom of conscience has another, an historical aspect. The laws of the Empire assumed that every man was religious and belonged to some

religious body—Christian, Hebrew, Muslim, etc. Atheism was not recognised and its profession was considered a contravention of the law. Russian Marxist revolutionaries, who were agnostic materialists by conviction, struggled for freedom to profess no religion, under the slogan of freedom of conscience. This was proclaimed by the Revolution, and, as noted above, still finds a prominent place in the constitution. In view of its historical background, however, the connotation of this phrase is not that of objective and general freedom for anyone to believe as his conscience dictates, but rather and only a proclamation of freedom for convinced agnostics to hold and propagate atheism. There is a return to pre-revolutionary mentality but with the situation reversed—the assumption that all men are agnostic and, in practice, the oppression of religious belief.

'Religion is opium'

The view that religion is opium leads naturally to attempts at eradicating it. For those who consider religion, especially the Christian faith, to be a dynamic, creative force, this view must seem unintelligible. It is well therefore to note how communists in the Soviet Union explain that religion is opium.

1. 'All religion is contradictory to science' (Stalin). Science gives man a correct understanding of the world and of the laws of nature. Equipped with knowledge, man in the process of working actively transforms nature, adjusting it to his needs. Science arms the workers in the struggle for the reconstruction of social life, for the destruction of exploitation and oppression. The workers of our country, mastering science, are successfully building communism under the leadership of the Party of Lenin and Stalin.

2. Religion at its very roots is inimical to science. It teaches man to have blind faith and not to study, not to carry on research. Religion gives the believer a wrong, distorted conception of reality. The origin of the universe, of life on earth, of man, of mind—all this is wrongly, anti-scientifically, primitively explained in religious books. Religion holds man in darkness and ignorance.

3. Religion teaches the would-be existence of a special unearthly, supernatural world, unsubordinated to any natural laws : god, devils, hell, paradise, life beyond the grave, and so on. All that happens on earth depends, according to religious teaching, on ' the will of God.' . . . Religion thereby inculcates the idea of the complete passivity of man, the idea of predestination from above of the whole pathway of life of a man, the idea of his uncomplaining subordination to his ' destiny,' ' fate.'

4. Religion makes all sorts of prejudice and superstition, which play a harmful, reactionary rôle, sink into the mind of the believer.

5. Religion teaches that true human happiness is not on earth but ' in heaven,' that earthly life is simply a stage to the attainment of happiness after death. In order to procure ' eternal bliss ' after death, believing workers, according to religious teaching, must uncomplainingly carry their ' cross ' on earth. Patience, humility, love of enemies—these are the rules of conduct recommended to workers by religious ' morality.'

6. ' Religion is the opium of the people ' (Marx). Poisoning the mind of the workers, it turns believing workers and peasants into submissive slaves, simplifies the mastery of exploiters in class society. Religion is a weapon in the hands of the exploiters, by means of which they restrain the workers from revolutionary struggle against their enslavers.

7. Religion spreads national jealousy, arousing enmity between people of various faiths.

8. By pacifistic preaching of peace, calling for love and universal forgiveness, religion and religious organisations seek to modify in capitalistic countries the alertness of workers and to disarm them before the face of wars now in preparation by the imperialists.

9. In our beautiful country, the land of triumphant socialism, religion is a vestige of capitalism in the minds of part of the workers. Religion favours the strengthening in actual life, in the habits and minds of the believing workers, of a whole range of harmful, reactionary, capitalistic vestiges.

10. Religious customs (especially religious holidays) bring vast material loss to socialistic economy, and put a brake on the rise of culture in the masses.

11. Religious vestiges still resting in the minds of a not unimportant part of the workers, favour reactionary activity of anti-Soviet elements.

12. Every religion brings harm to the workers. . . . Lenin taught that the more refined the religion, the more harmful it became, because the more difficult for believing workers to comprehend its reactionary rôle. . . . No matter how churchmen and sectarians greet and praise the Soviet power, no matter how they try to 'adjust' their 'gods' to Communism, the essence of religious activity is profoundly reactionary and at its root inimical to socialism.

13. The Communist Party always has considered and considers anti-religious propaganda one of its most important tasks. 'Our propaganda must include the propaganda of atheism,' taught Lenin. 'We conduct propaganda and shall conduct propaganda against religious prejudices,' teaches Stalin. The struggle against religious poison is struggle for the new man, for the mastery of science and technics, for the dawn of culture and of the whole human process, for Communism. The overcoming of religious vestiges is one of the most important political tasks (*Agitator's Guide*, No. 8, May, 1937. Moscow).

The conviction that religion is harmful and a brake on cultural and economic advance is thus arrived at both through philosophy and through study of religious influence throughout the course of history. Refutation of this view is considered religious propaganda, for which there is no place in the state. During the last two or three years the Soviet press has been at pains to present such venerated saints and heroes of Russia as Vladimir,

who brought Christianity to Kiev, Alexander Nevsky, Dimitri Donskoy, etc., in the rôle of patriots and founders of culture, explaining that their being religious was simply a characteristic of the epoch and without positive bearing on their achievements. Similarly it is recognised that millions of the loyal and productive workers and peasants in the Union are believers, but it is held that their loyalty and productive power would be greater as they rid themselves of religious ' opium.' It is for this reason that no religious person may enter the Party or achieve any post of influence or authority. In the Soviet Union as abroad there are those who believe that a good Christian can also be a good and loyal member of communist society. In fact many are proving it in practice to-day in the Union. The official view claims this to be a misconception, due to the fact that the soviets are still only socialist, not yet communist ; the advance into communism can only be made in the measure in which God is left behind.

Organised Religion

These observations on the general attitude toward religion and toward individual conscience are necessary to the understanding of the technicalities of relations between Church and State. Religious organisations (churches) in the Soviet Union are recognised primarily as local associations for the conduct of religious worship. During the early years of the Revolution, there were many dealings with the Patriarchate of the Orthodox Church, leaders of evangelical bodies, etc., but since 1929 these central organs have, in some cases, disappeared and in others, particularly in the Orthodox Church, become

authoritative only in the spiritual sense. Relations between Church and State are chiefly between local soviets and local organisations, except for general propaganda.

General supervision of these relationships lies in a Permanent Commission of the All-Union Central Executive Committee established for this purpose. It is charged with ' supervision of the proper realisation in life of the policies of the Party and the Government in the sphere of applying the laws regarding cults.' (Resolution of Præsidium of Central Executive Committee, May 30, 1931.) The Commission takes the place of a ministry of cults. It does not issue decrees, but administers the law of April 8, 1929, in light of the Instructions of January 16, 1931. All registrations of religious associations, ministers of religion, agreements covering rent of churches or other premises for purposes of worship, and disputes arising locally over such registrations or agreements, come before the Commission, which may secure also specific resolutions of the Central Executive Committee as needed.

Those who have come into contact with the Commission have on the whole found it to be an able and fair body. Churches closed by local soviets without due process of law have occasionally been re-opened on appeal to the Commission. The heads of churches have appealed to the Commission for amelioration of taxation, excessive or unwarranted assessments, etc., and it is believed that the Commission consulted with them on the text of the 1936 constitution before its adoption.

The scope of the Commission, however, does not cover cases of individual belief, or infringement of the

liberty of conscience. It has to do exclusively with the organised form of religion.

The policy of the Government since 1917 has unquestionably been one of destroying central authority and power in the Church, and of reducing the very grounds for organisation to the minimum. The nationalisation of all property, including church buildings, monasteries, lands and enterprises, broke the power of the central church authorities and of the bishops or ecclesiastical institutions who had had economic as well as spiritual means at their disposal. The Revolution played heavily on this key. Its second strong measure, the discrediting and arrest of Patriarch Tikhon, with evident intention to execute him, was blocked largely by the threatened reaction of the whole Christian world. Similar measures have, however, been applied persistently, even to the present time, involving the blackmail, arrest, exile and execution of thousands of bishops and priests of the Orthodox and Catholic churches and of ministers of the Lutheran and sectarian bodies. All these acts, however, come up as cases of civil disobedience or crimes, and not under any of the laws dealing with freedom of religion or the administration of religious organisations. They are technically not related to the problem of Church and State, though in fact the purpose of such acts has been generally to decentralise, decapitate and, so far as possible, to destroy religious organisations.

A third measure used effectively in government policy to break the power of the Church and help to ' release ' the toilers from religious prejudice, has been the fostering of schism and division. It was in this connection that the sectarians were treated well in the early days of the

Revolution, in contrast with the Orthodox, that the 'Living Church' was established, and that hindrances were placed in the way of achieving unity in Orthodox church administration after the death of Patriarch Tikhon. Such measures were of necessity sporadic, but they were effective.

In the law of April 8, 1929, the principle of decentralisation is thoroughly applied. Not only is the parish rather than the nation-wide church or sect made the recognised unit, but each minister is permitted to serve only the believers belonging to the specific parish which employs or appoints him. There is provision for district, area or national conferences, but the decisions taken there are valid only for the local units which accept them. Any church body may have a permanent organ, nominally an interim organ functioning between assemblies, but such an organ may not collect or use funds except for the personal maintenance of its members and for its official business. The law gives no recognition to hierarchical status, yet does not deny to the spiritual authorities the right to function administratively in the measure in which the parishes or congregations are in accord.

The state recognises the several national bodies as confessional organisations. Thus the Permanent Commission has issued a blank to city and district soviets for submission annually on June 20th, covering information on church buildings used by the following 'cults': Orthodox—Tikhon branch, Renovated branch—Catholic, Lutheran, Muslim, Hebrew, Old Believers, Evangelicals, Baptists, other sects. The Soviet press during 1938 and 1939 called attention to a tendency, even among the Orthodox, toward autonomous dioceses and even in-

dependent local parishes, and also to cases of ' ecumenic ' relations between Orthodox and evangelicals. These are generally explained as being an attempt on the part of local religious organisations to avoid seeming to share responsibility for what may be charged against those of the same confession in other parts of the Union.

It is desirable to note the conditions for legal existence and the range of activity permitted to religious organisations by the law of April 8, 1929, and the instructions of January 16, 1931. The law states that ' for the common satisfaction of religious needs, citizens of one and the same cult, having achieved 18 years, may form a religious association or a group of believers. Believers entering a religious association or group may (*a*) conduct religious ceremonies, (*b*) arrange prayer-meetings of believers and meetings related to the conduct of the cult, (*c*) manage the property appertaining to the cult, (*d*) make agreements of private character related to the management of cult property and the conduct of religious ceremonies, (*e*) participate in assemblies of religious unions, (*f*) appoint or employ ministers of the cult for the conduct of religious ceremonies. Religious unions do not have the right of a legal person.'

A minimum of twenty persons is required to form a ' religious association ' (parish) ; if less than this number, they form a ' religious group.' Not being a legal person, the parish cannot own property, but can only apply for and receive the use of a church building. While no rent is charged, the twenty or more persons forming the association severally and jointly under a signed agreement accept responsibility for maintenance, repair, insurance and taxes on the church building used by them,

and on the articles of the cult (chalice, ikons, etc.) inventoried in the building. The number of signers may exceed twenty, but if it drops below that number, the agreement lapses. It is not required that all members of the parish or congregation sign, but none may be refused permission to sign. The ' twenties ' may not be elected, but the whole membership of a parish or congregation may elect an executive committee of three persons. Collections may take place among members, but there may be no monthly or annual dues or assessments. Aside from the expenses of maintaining the church building, money may be spent only for the salary of priest or other minister, for choir and for the articles required for the cult.

The ' religious association ' exists solely for conducting the service of worship peculiar to that confession. The law is strict and explicit in excluding other activities :

> Art. 17. Religious associations are forbidden : (*a*) to establish mutual aid funds, co-operative and productive associations, and in general to use the property at their disposal for any other purpose than the satisfying of religious needs ; (*b*) to give material aid to their members ; to organise either special meetings for children, youth, women, for prayer and other purposes, or general meetings, groups circles, departments, biblical, literary, handworking, labour, religious study, and so on, and also to organise excursions and children's playgrounds, to open libraries or reading-rooms, to organise sanatoria and medical aid. Only such books as are necessary for the performance of services are permitted to be kept in the church buildings and house of prayer.

It is in connection with these prohibitions and in one-sided alterations in the financial agreements between the ' twenties ' and the local soviets that conflicts most

frequently arise between Church and State. During the ten years since the law came into effect, countless cases have been reported in the Soviet press where the parish has ' illegally ' conducted religious education among youth, organised philanthropic works, games and sports, musical and literary evenings, etc. It is impossible to learn what has been done about these cases. In any case, the number of parishes has greatly decreased. At the same time the number of ' illegal ' religious associations, monasteries, schools for clergy training, is reported to be on the increase. Wandering priests in civilian clothing appear and conduct secret baptisms, sometimes for whole groups of infants or youths, also weddings, funerals, ordinations, where necessary by token or *in absentia.* Laymen and even lay-women learn the New Testament and the rubric of services by heart and, even uncanonically, celebrate various services of the Church, trusting in the grace of God.

Ministers of the Cult

Recognising that the ordained ministry constitutes a peculiar authority and link joining the whole body of Christians together, the Soviet government has sought to prevent recruiting for the ministry and indeed to diminish its power both in number and in authority. The four great theological academies and the thirty-six seminaries of the Orthodox Church were automatically closed by the nationalisation of educational institutions. The ' Living (Renovated) Church ' maintained two feeble institutions up to about 1930. Since that time apparently no theological training school has existed for any Christian body in the Soviet Union. Priests and ministers are

trained privately, though ordination is often public. The whole scheme of life, and especially among youth, is against the spiritual vocation, so probably the clergy is recruited chiefly from among mature Christians who choose this calling in full recognition of its high but adventuresome character.

The campaign which preceded the constitutional assembly of 1936 devoted great attention to the ministers of religion, endeavouring to discredit them in every way. This was to offset the franchise granted them by the new constitution and to prevent the believers from putting up ministers or believing workers as candidates. In a few cases this was done, but they, as all local candidates, fell into the background when the central government undertook to nominate all candidates.

Since 1936 the campaign against bishops, priests and other ministers has gone on almost unabated. They have been charged with espionage, wrecking, Trotskyism, immorality and infidelity. The general argument is that the ministry is not a spiritual vocation but a lucrative profession. While few of the clergy in the Soviet Union can have any assurance of bread for the morrow, the examples of pre-revolutionary and foreign prelates, also of American Protestant ministers of well-to-do churches, are cited to prove the point. In connection with this campaign, several score of Orthodox bishops have been executed, condemned to prison or concentration camps or banished from their diocese. A particularly insidious method of discrediting the clergy is to give an arrested or exiled priest his chance of becoming an agent of the secret police while tending his flock, or of perpetual incarceration or worse.

The Condition of the Churches

Before attempting a summary on the specific question of Church-State relationships, and in order to help to understand the consequences of the interplay between Church and State, it is desirable to assess the present numerical position of religious bodies. Such an estimate cannot pretend to accuracy since, except for the unpublished and scrapped census of 1937, no figures have been accumulated to show the adherence or non-adherence of citizens to religious confessions in the Union.

The Roman Catholic communion was never widespread in Russia proper, its membership being principally in Poland. In 1932 it was reported that three bishops were in prison, two provisionally at liberty, 110 priests at liberty, 200 in prison. All chapels and seminaries were closed, 182 churches remained open. By 1935 there remained only 73 Catholic priests in Soviet Russia, of whom 14 were in prison. This number has been further reduced.

The Evangelical Church at the end of the war numbered about 1,100,000 members on the territory of the U.S.S.R., with 192 parishes, 230 ministers. In 1935 it was reported that there were 85 ministers in the Union, of whom 47 were in exile and only 38 in various degrees of liberty. It is believed that in 1939 no Evangelical ministers are at liberty to serve their congregations; those released from prison or exile are immediately arrested anew.

The Baptist membership was at one time estimated at over five million, consisting of various sects grouped under this general title. By 1935 their central organisation had been practically dissolved. They have used few

churches or regular houses of worship, and in general do not lend themselves to statistics; it is especially among Baptists and other sectarians that the strength of religion cannot be counted by registered membership so much as by unrevealed 'conscience.' In 1939 it was reported in the Soviet press that twelve new sects had been recently registered in the Ukraine.

Only estimates appear regarding the number of Orthodox faithful. *Antireligioznik* No. 5, 1939, states that 'about a half of the workers in the village and three-fourths in the city have broken with religion.' Jaroslavsky, head of the Godless Movement, estimated that one-tenth of Moscow's population is still connected with religion. *Antireligioznik* for June, 1939, in a leading article asserts that 'about 20,000 religious organisations (registered local associations or groups) and as many ministers—that is all that remains of the former mighty Church.' A reliable report showed that in May, 1936, there were over 7000 Orthodox bishops and priests in prison or prison camps, besides those banished but not in prison.

Conclusion

This brief sketch will have revealed some of the realities of relations between Church and State in the Soviet Union. Being a product of Marxist theory and practice, the state is purely agnostic. The Communist Party, which is dominant in all aspects of Soviet life, is avowedly militant in hostility to religion, on grounds of dialectic materialist philosophy and because of the supposed harmfulness of religion in daily life. Yet the Party recognises that education and persuasion are more

effective than violence in eradicating religious belief. While violence is still used on a scale that is difficult to believe, the more openly accepted means for struggle against religion are (*a*) discrediting and removing its leadership while (*b*) educating the new generation without knowledge of God, and (*c*) using personal work and all the instruments of press and propaganda to rid the present generation of religious feelings. Being thus sapped from below and decapitated from above, the church organism is expected by its opponents to wither away and disappear. For the present, legal local and national organisations exist, having as sole purpose the conduct of services of worship. Stripped of all means of defence, educational, literary or public action, the Church is resisting only by the power of the Spirit in the eucharistic life of the Church and in the minds and hearts of individual believers. The number of religious leaders and organisations is being reduced, but this is partly compensated by the spontaneous growth of lay leadership and unorganised religious activity. Neither the State nor the Church anticipates an early end to the struggle.

CHAPTER NINE

FINDINGS OF THE TAMBARAM MEETING

The Church and the International Order [1]

The Church Confronts the Problems of the International Order

WE are met in circumstances which burden our hearts with the suffering of the world. Nations about us are in the throes of war or under its shadow of fear. We are awed by the solemnity of the hour. We are moved to deep penitence as we reflect on our personal and corporate responsibility for this situation. We are condemned by our lack of faith and courage, our disunity and ineffectiveness. And yet we have been reminded of the unlimited resources of God, and that the day of our despair may be the day of His opportunity. Our very coming together has renewed our courage and deepened our sense of responsibility. This ecumenical gathering of folk from many nations, drawn together by common fellowship in and devotion to Christ, is evidence that God is making His Church more and more representative of the whole world.

In the Gospel men must seek the spiritual and moral basis for ordering national life and international relations, if humanity is not to succumb to the conflicts which threaten the ruin of civilisation. Our conviction springs

[1] Findings of Section XIV.

from our common faith in the eternal and almighty God revealed in Jesus Christ, before whose judgment-seat all people stand. God is love, and His judgments are in truth and righteousness. Only righteousness exalteth a nation. The prophets of the Old Testament denounced nations and rulers for cruelty and inhumanity, for robbery and lies, and their message is applicable to-day. Patriotism is clearly not enough. The two great commandments of love require that love to God become our supreme loyalty, which must be exemplified in brotherly consideration for the welfare of all men.

As Christians seek to apply their principles to world problems they realise that they themselves are deeply affected by the various situations of their nations as well as by different cultural and ecclesiastical traditions, which manifest themselves in divergent interpretations of Christian duty and of the coming of the Kingdom of God. The very fact of difference, however, is a call to continued struggle to arrive at a common understanding of the will of God.

We believe that Christian principles have the following implications for international relations. In practice between nations the love of neighbour means doing justice. Justice among nations will involve some qualification of the sovereignty of the State in its international relations. No nation may deliberately pursue its own interests at the expense of its neighbours. Injustice drives nations to desperate courses, including war. More equitable access to natural resources and markets, a fairer distribution of wealth within the nations and economic co-operation on the international scale are essential.

We condemn the effort to impose the will of one people upon another by force, and especially the invasion of the recognised territory of one people by the armed forces of another. Responsibility for aggression and oppression must be borne by all who derive profit therefrom. Individual Christians and Christian organisations should in this respect carefully examine their sources of income and means of livelihood. Private trade in munitions of war with its accompanying evils of militaristic propaganda and aid to aggression should be eliminated. Justice requires the elimination of the domination of one people by another. Whether this can be effected only by stages, and if so by what stages, is not a matter for generalisation on an international scale. Where government of one people by another exists, its goal should be that the people so governed comes freely to order and control its own life.

God has made all peoples of one blood. No race can therefore disregard the rights and interests of other races. Racial persecution is particularly abhorrent. The Church should exert its influence on the side of all movements working for the full and equal sharing by all races in the common life of mankind. In doing this the Church must purge its own life of any racial discrimination. We call upon churches and individual Christians to do whatever is within their power to help in the solution of the acute and tragic world problem which has arisen as the result of the persecution of the Jewish race in many countries. We urge that Christians free themselves from race hatred and easy acquiescence in popular prejudices which lend unconscious support to such persecutions.

While the Christian Church is not called upon to determine the purely technical aspects of government, Christians should commit themselves to the promotion of international co-operation. An effective system of international organisation is necessary to provide peaceful and legal means for political and economic change and to co-ordinate national policies to meet economic and social problems. It should also open the way to the disarmament which is essential if nations are to avoid war and bankruptcy. International law should be developed to meet the needs of our day, and every effort should be made to discover fair and adequate means for its enforcement. Many hold that the commitment to international organisation would constrain Christian citizens to withhold support for military action (other than defence on domestic soil) begun without a genuine recourse to agreed methods of peaceful adjustment, such as arbitration or adjudication. (In this connection we refer to the treatment of this subject in the Oxford Conference Report.)[1]

Christian Duties and Opportunities in Times of Conflict

Especially in situations of open conflict the maintenance of the Christian standard of righteousness, justice and mercy becomes at once more urgent and more difficult. This standard is outside and above any purely national interest, and Christians must apply it to themselves, to their own groups and nations, more rigorously than to others. In concrete situations of great complexity this application is fraught with difficulty, and will require

[1] *The Churches Survey Their Task*, Report of the Conference at Oxford, July 1937, on Church, Community and State.

patient effort, put forth if possible with the co-operation of Christians of other nations. It is necessary before God to endeavour to reach a definite judgment, and to choose in any given situation the course of action that seems in line with God's will. Personal neutrality on an important question of human relations is seldom justifiable and indifference is plainly unchristian.

In facing the problem of war we find among ourselves both an agreement and a diversity of opinion similar to those stated in the relevant section [1] of the Oxford Conference Report, which we recommend for thorough study. We agree that: 'War is a particular demonstration of the power of sin in this world. . . . No justification of war must be allowed to conceal or minimise this fact.' Modern warfare is so devastating and demoralising that its use as an instrument of policy is indefensible. We differ when we appraise Christian effort for liberation from the burden of war: 'One view hopes for the elimination of war by the power of God working in history, the religious and moral enlightenment of men and the exercise of their free wills; the other view regards man as so bound in the necessities of a sinful world that war will be eliminated only as a consequence of the return of Christ in glory.'

Brought before the possibility or actuality of armed conflict, Christians have to examine the use of violence. Some believe that war is always sin and that the use of violence in international conflict is never justifiable, being in itself a contradiction of the fundamental Christian principle of love; and that the technique of non-violence, in the application of which men choose to suffer wrong

[1] Section V, *The Churches Survey Their Task.*

rather than to inflict it upon others, is fundamentally Christian and can be effectively applied to international situations. Others believe that in cases of aggression or the breach of international law it may become the duty of the State to resist by armed force. They feel that non-violence may have considerable significance in given national situations, but that its application raises difficult moral and practical issues ; and that in any case it is not effective against international aggression.

Among these latter the question of the individual Christian's action in case of war is variously answered. Some believe that he should conscientiously examine the causes, purposes and probable results of the conflict, knowing that there is no realm in which propaganda and social pressure are more effective, and should obey the call of the State to fight, only if he is convinced that the war is just and necessary. Others hold that since it is the responsibility of the State under God to determine the issues of war and peace, and since it is impossible for the individual to arrive at an independent judgment concerning the reasons for the war, he must obey the call to arms. We are agreed that whatever opinion we have upon these heart-searching questions, we are all entangled in the common sin of mankind, and must seek the forgiveness of God.

The very difficulties of maintaining the Christian spirit and the ecumenical fellowship in the midst of war, emphasise the need for constructive effort in time of peace. Once plunged into modern warfare in which all the resources of the State are mobilised, men can do comparatively little to remedy the situation. Christians should, nevertheless, refuse to accept a break in fellow-

ship, and should use every material and spiritual means to cherish their sense of brotherhood in Christ. Moreover, in the very course of war Christians of the conflicting nations and of the whole ecumenical fellowship should pray and strive for peace, not the mere cessation of hostilities, but the establishment of just relationships.

The methods of modern warfare bring widespread suffering and privation, at the very time when resources are strenuously marshalled for military purposes. Thus there is great demand upon the practical sympathy of Christians, who moreover should give especial consideration to groups excluded from normal forms of assistance, such as prisoners and enemy aliens. The victims of political and racial persecution also make appeal. Christians must respond to these needs in appropriate service and sacrificial giving, remembering the words of Christ: 'Inasmuch as ye did it unto the least of these my brethren, ye did it unto Me.'

The Continuing Task of the Church: Spirit and Methods

In approaching its task in international relations, the Church is conscious of failure. How often have concern for its own material interests, and too close connection with the State or with the existing social order, reduced the Church to cowardly silence or rendered her testimony suspect in the ears of those to whom it is addressed! How easy it is for the Church to become censorious and pharisaic, forgetting the difficulties of statesmen and the complexity of their tasks! Again the Church, or Christian leaders in the name of the Church, have often sought to use forms of authority which are political, and modes of influence which are unworthy. The methods of the

Church should always be consonant with her own principles.

The primary appeal of the Church must ever be through the preaching of the Word and the demonstration of its fellowship. Since the causes of war always impinge upon the moral sphere, the Church must convince men of their sin writ large in conflict and suffering. By life and word it must proclaim the gospel of forgiveness and the transforming power of God's redeeming love in Christ.

The Church has a rare opportunity to influence international affairs through her teaching work. Children and young people need to be trained in right attitudes towards other races and nations. Missionary education is most helpful in this respect. Education for peace is badly needed. The cinema and radio can be very effective in cultivating international understanding. The Church should use these facilities itself, as well as oppose their misuse by others.

In these days of partisan propaganda, and of education politically directed, the search for truth on international questions is critically important to the Christian mind. The Church should seek to maintain the right, to learn and spread the truth in matters of international concern, and when necessary should supplement existing means of information by special organs of enquiry and communication, such as the Department of Social and Industrial Research of the International Missionary Council. Christians have unusual opportunity and responsibility to bring together facts and interpretations from various nations, with the aim of reaching the full truth, and of gaining a more-than-national approach to international

problems. Controversial questions should be faced co-operatively and courageously, in the light of all the facts.

The Church should inspire individuals and groups to engage in tasks of interpretation and reconciliation. We put high value upon the appeal of truth to the Christian conscience, as practised in personal, direct relations. There are situations in which the open confronting of sin is necessary. Before any such action is taken, there should be careful consideration of the methods and the probable results upon all parties concerned. Usually the witness of a church body will be most effective when directed to its own nationals. But on occasion the churches of various lands may be called upon to give united witness to Christian teachings, in order to arouse and enlighten public opinion at home and abroad. In particular, moral and social questions that extend across national boundaries, such as disabilities imposed upon whole races, the traffic in women and children and the disintegration of personality by the trade in narcotics make special demands upon the Christian conscience. Christians should be sensitive to all possibilities for helpful co-operation with movements working for peace and a better international order.

In the difficult realm of international questions we cannot over-emphasise the creative power of prayer. By intercession the Church can exert an influence beyond our expectation. But we must pray with understanding ; our prayers need to be informed and specific.

Implicit in the life and work of the Church, whether in peace or in war, is the courage to see and to accept the consequences of its witness in international relations, even unto death.

The Missionary Enterprise and the International Order

In the missionary enterprise the Christian movement makes an indispensable contribution to the international order. International disorder springs ultimately from the fact that men and nations cling selfishly to their powers, privileges and possessions until compelled by force to share them. The missionary movement springs from a sense of indebtedness to God who has shared His very best with us in Christ, and an eager desire to share any good thing that we may have, and most of all the Gospel itself, with men of every land and nation. Here international and inter-racial contact may reach its highest level. The true missionary comes as a friend, not a ruler or exploiter. Disinterested service makes plain God's love for all, particularly the unprivileged and despised. Under the ægis of this enterprise diverse peoples meet as brothers, not as rivals or enemies, and through their intercourse reach fresh apprehension of the riches in Christ and more appreciative understanding of each other. The wall of partition between nations and races is broken down in the ever-widening fellowship of the ecumenical Church.

World-wide conflict and stress intensify the problems of the missionary. Clearly he must identify himself with the best aspirations and interests of the people he serves, in all things seeking their welfare. At the same time he must be ever mindful of the world-wide fellowship he represents, and of the common citizenship of all Christians in the Kingdom of God. He must be unswerving in his devotion to the Christian standards of truth and right. He should help to interpret the country to which he goes

and the country from which he comes each to the other, and thus promote international understanding. In this valuable service of interpretation all Christians who have international contacts should share. The missionary should carefully avoid even the appearance of serving any selfish interest of his native land. He should be particularly mindful of his limitations and obligations as a guest in the country. Often the missionary is called to be a minister of healing reconciliation. Or he may be able to render essential service by challenging and exposing gross forms of exploitation and oppression. At all times the true missionary is a messenger of Christ and an exponent of His suffering love.

In view of the present international situation the value of the international character of the missionary movement is more than usually apparent. We are therefore deeply concerned because of the number of countries forbidding missionary work within their borders. Some countries also discriminate against missionaries of certain nationalities or churches. Admitting that in exceptional situations an area of unrest may be closed temporarily for missionary work, we must protest against the systematic and prolonged closing of whole countries, and would ask the International Missionary Council to take the matter up with the authorities concerned. While asking for the right of bringing the Gospel to all peoples, we recognise that missionaries should be mindful of all the effects of their activities, so that these activities may be a constructive force in each society.

Missionary societies should demonstrate the ecumenical character of the missionary enterprise by seriously considering the appointment of other nationals than their

own as missionaries. Thus they might give opportunities of service to men and women from countries which have no missionary societies, or are unable to send out all those prepared and willing to go. This would have the additional value of widening the international character of the missionary enterprise.

The problem of the Church and the international order is rightly approached in the spirit and fellowship of the ecumenical Church. But it is equally true that the insights thus gained can only be embodied in the life of men as the local and regional churches throughout the world seek in thought, prayer and acts the true way of witness in their respective circumstances. We are profoundly convinced that the Church has a unique opportunity and responsibility to bring its gospel to the world of nations at this tragic time, looking humbly to God to bless that witness to His gracious purpose. God's wisdom never faileth, and God's hand is not shortened that He cannot save.

SPECIAL RESOLUTION

During the discussion of the report of Section XIV it became apparent that a considerable number of delegates would be unwilling to approve of the report without any explanation of the omission of any definite reference to the acute situations in different parts of the world. Accordingly the following resolution was adopted by the Council :

Throughout our session, we have been vividly conscious of the areas in the world where aggression or persecution prevails to-day. And we are not unaware of the widespread expectation that this representative world gathering

of Christians should seek to voice the overwhelming Christian opinion in these matters.

We are penitently conscious that in the past all our nations have sinned, and that we are all involved in the system which has resulted in the present international tension and conflict. Our own gathering has been to us a convincing promise of a world fellowship in Christ which transcends all divisions of nation and race, and thus condemns the strife and conflict which so largely dominate the peoples of the world to-day.

We are even more keenly conscious of the sufferings of our fellow Christians in those areas who strive to be loyal to their consecration to Christ, and of the still greater dangers which constantly threaten them. While several of our reports express our convictions regarding international conflict and its causes, we are unwilling that words of ours, which cost us nothing, should aggravate the problems and hazards of our fellow Christians ; therefore, after careful and prayerful consideration, we have deliberately refrained from any further pronouncement which might injure them. But we express to them and to all of whatever faith who suffer under aggression or persecution, our profound sympathy in their difficulties. And we call upon Christians everywhere to pray for them, to bring them practical aid, and to redouble their efforts to remove the basic causes of their suffering.

THE CHURCH AND THE STATE[1]

Our Approach

In considering the problem of the Church and the State, we have kept the younger churches principally, though not exclusively, in mind. Our approach has been practical rather than theoretical and our conclusions are based upon a study of existing situations in many parts of the world. If the Church has sometimes failed in the past to understand adequately the nature of its relations to the State, we believe that this has been due in part at least to the fact that we as Christians have not sufficiently sought the mind of Christ on the whole problem and its implications, and so our most sincere and earnest attempts to solve it have often led us astray. We call upon the whole Church to unite in prayer and thought and action in seeking to ascertain the will of our Heavenly Father in regard to what is admittedly, and perhaps necessarily, a difficult and intricate subject.

The Positive Attitude of the Church

Our basic conviction is that the attitude of the Church (and by this we mean both the Church as an organised body and also its individual members) towards the State should be positive and constructive, and not merely negative and critical. The Church should acknowledge with gratitude the function of the State as the preserver of law and order, without which society would disintegrate, and also as an instrument for the promotion of a better and fuller common life. Sincere loyalty and willing obedience should be the Church's normal attitude.

[1] Findings of Section XV at Tambaram.

For the people, the State and the Government it should continually offer its prayers.

There is a contribution which the Church, and the Church alone, can make to the common good, and if it fails to make it, it has failed in part of its function. One element in this should be its insistence on the recognition in all legislation, administration and jurisdiction of those fundamental principles of righteousness and justice which alone exalt a nation. While the Church must itself be continuously examining these principles anew, its very presence reminds the State of the latter's limitations. Further, towards the progressive uplifting of the standards of national life the Church should continuously work. It should endeavour to permeate the public mind with a Christian spirit and train up Christian men and women for this end. It should denounce social, economic and civic wrongs, arouse and educate public opinion about them and assist the State in their removal.

The Church can also co-operate whole-heartedly with the State in the promotion of the welfare of its citizens. It can best do this by refraining from identifying itself as an organisation with particular movements or programmes, lest it thereby weaken its own spiritual witness and lose that power of criticism which enables it to judge all issues by ultimately significant standards. By courageous and positive pronouncements on principles and, where possible, on concrete issues, and by encouraging its members to share fully as citizens in the life of the community, the Church can help to guide and serve the State. Naturally its words will carry the greater weight when it applies faithfully in its own

affairs the principles it teaches, and when it can show the real ends to which all human welfare must be related.

The history of the younger churches justifies us in recording with thankfulness the part played in national life by Christian statesmen and officials, thus enabling the Christian community to make a contribution often out of all proportion to its numbers. Many public services have been initiated by the Christian Church and its missionary representatives, and many public evils exposed and abolished.

The Church must also fearlessly criticise the State when the latter contravenes principles of justice and righteousness. Its loyalty to God and to its own conscience, and its firm stand for what it is convinced is right, are ultimately in the best interest of the State itself. But history shows that there are three dangers which beset every church. There is always the grave risk lest the Church, in its desire to serve, suffer its own thought to be too readily assimilated to that of the majority of the people. Again the Church may become so dependent on the State, or fall so completely under its influence, that it does not exercise its positive, constructive, critical function. Finally the pressure of the State may persuade the Church to withdraw from any attempt at public service to the nation and people.

The Tension between Church and State

While endeavouring by every means to serve and co-operate with the State, the Church must always be on its guard lest it surrender to Cæsar the things that belong to God. In many parts of the world there is tension

between the Church and the State, and there are numerous indications that this tension is more likely to increase than to diminish. It is our conviction that the Church itself, by its weakness, its failures and its mistakes, is partly responsible for the present crises. But this is by no means always the sole or the main cause of our existing difficulties. From many countries there comes conclusive evidence of the endeavour of the State to encourage among, and even in some cases to impose upon, its citizens an outlook on life the implications of which are antichristian. Such attitudes deny the value of personality and repudiate world brotherhood. Youth is being given a form of education which is often antagonistic to Christianity. Against such dangers the Church must make its stand both for the sake of the State itself, and also so as not to lose its own essential life and witness. As to the precise point in each case at which the Church must say, 'Thus far and no farther,' we believe that this must ultimately be left to the judgment and conscience of the church most concerned and its members, though the whole Church can render invaluable assistance by its prayers, its counsel and its wider outlook. In general, wherever obedience to the State would mean disobedience to God, or where the honours which the Church reserves for God alone are demanded elsewhere, there the Church must declare in the words of the Apostles: 'Whether it be right in the sight of God to hearken unto you, rather than unto God, judge ye.'

The Church's Rights

Another grave source of tension between the Church and the State arises from the imposition of such re-

strictions upon the Church as prevent it from fulfilling its proper function in obedience to its Lord and Master. There are minimum rights of religious freedom upon which the Church should insist, else it will be unfaithful to its calling, and its own power and effectiveness crippled. Without endeavouring to make a final or exhaustive statement on the content of these rights, we hold that they should comprise at least the right :

(*a*) to assemble for unhindered public worship
(*b*) to formulate its own creed
(*c*) to have an adequate ministry
(*d*) to determine its conditions of membership
(*e*) to give religious instruction to its youth
(*f*) to preach the Gospel publicly
(*g*) to receive into its membership those who desire to join it.

There are other elements of religious freedom closely connected with these, the recognition of which the Church should also claim, such as the right :

(*a*) to carry on Christian service and missionary activity both at home and abroad
(*b*) to organise local churches
(*c*) to publish and circulate Christian literature
(*d*) to hold property and to secure support for its work at home and abroad
(*e*) to co-operate and to unite with other churches at home and abroad
(*f*) to use the language of the people in worship and in religious instruction

(*g*) to have equality of treatment in countries predominantly Roman Catholic, similar to that accorded by Protestant Governments

(*h*) to have legal recognition for Christian marriages between nationals.

Again to the church chiefly involved must be left the ultimate decision as to when it must refuse to submit to such State laws, regulations or administrative action as will curtail essential activities, and to its individual members to choose when to suffer persecution or even death, rather than to disobey God and the dictates of their conscience. One thing, however, should be stressed. Whenever a church anywhere has for conscience sake refused acquiescence in the demands of a State, other churches should recognise the principle that is at stake and render such assistance, spiritual or practical, as may be wise.

The Grounds of the Church's Claims

It is of great importance that the Church should realise afresh the grounds of its claims to religious freedom. These are primarily the rights and obligations of men as children of God, and its own existence as the Body of Christ, in which the Head speaks to the members and through which He makes Himself known to all men. But, whereas these are the grounds which are valid for the Church itself, experience has shown that they often fail to convince a non-Christian Government, and so the Church must rely upon such other reasons as are likely to weigh with the State. The Church can show, for example, that a progressive dynamic community needs a variety of view-points to stimulate spiritual and mental

activity and avoid stagnation through uniformity. Further, it can always show that its teaching supports the authority of law and ultimately makes the very rule of the State possible.

Present Restrictions

One of the most startling revelations of a survey of world conditions to-day is the serious extent to which the rights specified above are curtailed or denied, and the dangers to which many churches are being exposed through subjection to demands which violate their conscience. There is ample evidence of the restriction of missionary work, State interference in the inner life of the Church and even of persecution. This whole situation will be most vividly illustrated by a reference to some of its graver features.

In Muslim lands, we find that the severest disabilities, sometimes legal, sometimes social and economic, attend conversions from Islam to Christianity. Where freedom of conscience is guaranteed in the constitution of these countries, it is interpreted by the State in the light of the prevailing Islamic conception of the inferiority of all non-Muslims. In Egypt such social pressure is brought to bear upon the Christian minority of the ancient Coptic Church as to lead many of its members each year to embrace Islam. There are still some Muslim countries closed to all evangelistic work.

In the Far East there is a vexed shrine question officially stated to be purely national in character, but involving attendance at ceremonies which, for some at least, have a religious significance, with consequent violation of conscience. A nationalistic policy threatens to impose

an interpretation of life which in the view of some denies the essential rights of the Church, and insists on doctrines which they as Christians cannot conscientiously accept.

In many Roman Catholic and Orthodox Christian countries restrictions are imposed upon Evangelical churches by the State, either through pressure from a dominant Church, or, by reaction, from the desire of the State to rid itself of such domination. As an instance of the former type, there are countries in Latin America, and in South-East Europe, where the Government has placed crippling restrictions on Evangelical churches. An instance of the latter type is found in Mexico, where all church property has been declared the property of the State, religious teaching in primary schools is forbidden and the number of ministers has been limited.

In Europe there are disquieting proofs of the emergence of theories of life under the ægis of the State which violate the Christian conscience, and have already endangered the life of all the churches—Roman Catholic, Orthodox and Evangelical.

Three Aims of the Church

As the Church all over the world faces these tensions, and sees signs here and there of a growing tendency towards their intensification, it must ask itself the question, What is the will of God for it and its members ?

To us it seems that the Church must have three aims in dealing with these problems. Its first and immediate aim should be to secure by Christian methods relief from the disabilities to which it is subjected. Inasmuch as such disabilities are often due more to the attitude of

officials than to the law itself, much may be accomplished by the cultivation of the friendship and confidence of those in authority. Where treaty rights are at stake, diplomatic channels may be used, though great care must be taken not to alienate the sympathies of local nationals. Some have found a wise and cautious use of publicity to be of great service, while others have aimed at educating public opinion and the Government itself on the importance of religious freedom and the values of Christian missionary work. One or two lessons may be learned in this connection from experience in different fields, namely, that a united approach of Christian forces to the Government is usually preferable to a divided one, and that, wherever possible, the approach should be in the name of the national church rather than of the foreign mission. We believe that in every area there should be a recognised centre of experienced thought on these questions, to which reference can be made in dealing with local situations, and through which a common approach to the Government can be secured.

The second and more far-reaching aim of the Church should be to ascertain the underlying causes which have led the State to impose restrictions on religious freedom, and, as far as lies in its power, to remove them. Where such restrictions are based on a misunderstanding of the nature of the Church and its teaching or of the purpose of missions, or when the Church has made unreasonable demands, it can itself ease the situation; or, again, where a policy of national solidarity, resulting in a restriction of religious freedom, is the direct consequence of the tension or fear prevailing between the nations, the whole Church can make a definite contribution by

working for a more Christian international order. But, at other times, the Church finds that the ultimate cause is the recrudescence of an ancient faith, or the dominance of a pagan philosophy of life, or some other cause or set of circumstances, over which it can exercise little or no control, and it can then only continue its work and its witness in loyalty to its Lord, whatever the consequences.

And this brings us to the Church's third and continuous aim, namely, in all its relations with Government, and in all its decisions, to bear witness to its complete, ultimate loyalty to God, and to show forth the spirit of Christ even if it involves suffering or martyrdom. It is quite possible that the Church will give its most spiritual witness in those circumstances, when even its minimum rights are denied, and will reveal by the way of the Cross the power of suffering and redeeming love. That the Church, if it is to be faithful to its Master, will be called upon increasingly in the coming days to suffer for its convictions, as it takes its stand against the unreasonable demands of the State, is a deduction from several converging lines of evidence.

Working under Restrictions

Two other problems emerge for the Church out of the situation we have been considering. The first is how, in the face of restrictions which it may temporarily be obliged to accept under protest, it can still carry on its essential functions. For example, when educational work is restricted, there are still opportunities for Christian influence which should not be neglected. Or even when educational work is prohibited, the Church can improve the standard of its teaching in the congrega-

tion, the Sunday school and the home, open hostels for students, and impress upon Christian teachers the supreme value of a living faith revealed in character dedicated to Christian ideals.

Minorities and Refugees

The second problem is its attitude towards Christian minorities and refugees. We hold that on the one hand the Church should most emphatically protest against all forms of persecution, wherever practised, and that on the other hand it should be conscious that the suffering of one member impairs the life of the whole. To all who are so suffering, the Church should extend its right hand of fellowship, supporting them in its prayers, and helping them as generously as possible. By its efforts as a body, it should seek to relieve suffering, and, by the sympathy of its members, to comfort the distressed. Each church should bring its influence to bear on its own State to urge it to a more generous policy towards minorities and the admission and relief of refugees.

And, finally, we express to all those who are at present suffering for Jesus Christ's sake our profound sympathy and love, praying that they may be strengthened and comforted, that their witness may not be in vain, and that God may give us grace to stand firm, should ever our faith be tested. To the whole Church we would appeal that a day of prayer be set aside in the near future for the remembrance of our brethren in their afflictions.

APPENDICES

Appendix 1. Correspondence annexed to the CAPITULATIONS CONFERENCE, MONTREUX, *8th May* 1937

Moustapha el Nahas Pasha, to the Head of the British Delegation :

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions :

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application

of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United Kingdom of Great Britain and Northern Ireland on condition that there is no offence against public order or morals.

A list of the institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland.

I have, etc.,

(Signed) MOUSTAPHA EL NAHAS.

Appendix 2. The Relevant Clauses of the TREATY OF LAUSANNE, *signed on July 24th*, 1923.[1]

ARTICLE 37. Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 38. The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Muslim minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

[1] See Vol. XXVIII of the Treaty Series. Published by the League of Nations.

ARTICLE 39. Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts.

ARTICLE 40. Turkish nationals belonging to non-Muslim minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control, at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

ARTICLE 41. As regards public instruction, the Turkish Government will grant, in those towns and districts where a considerable proportion of non-Muslim nationals are resident, adequate facilities for ensuring that in the primary schools the instructions shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Muslim minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided

out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

ARTICLE 42. The Turkish Government undertakes to take, as regards non-Muslim minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

ARTICLE 43. Turkish nationals belonging to non-Muslim minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their weekly day of rest.

ARTICLE 44. Turkey agrees that, in so far as the preceding articles of this section affect non-Muslim nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these articles between the Turkish Government and any one of the other signatory powers or any other power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Article 45. The rights conferred by the provisions of the present Section on the non-Muslim minorities of Turkey will be similarly conferred by Greece on the Muslim minority in her territory.

Appendix 3. THE CONSTITUTION OF IRAQ [1]

March 21, 1925

(*Passed by the Constituent Assembly, July* 10, 1924 [*as amended by the Law of July* 29, 1925]. *Official Translation*)

PART I. THE RIGHTS OF THE PEOPLE

ARTICLE 6. There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.

ARTICLE 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis within such limits as may be prescribed by law.

[1] League of Nations, C. 49. 1929. VI.

ARTICLE 13. Islam is the official religion of the State. Freedom to practise the rites of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom to practise the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.[1]

ARTICLE 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

ARTICLE 18. Iraqis shall be equal in status as regards the enjoyment of their rights and the discharge of their obligations. Government appointments shall be bestowed upon them alone, to each one without discrimination, in accordance with his capacity and fitness. No persons other than Iraqis shall be employed in Government appointments, except in such exceptional circumstances as may be prescribed by a special law. Foreigners who must or may be employed in accordance with treaties and agreements shall not come within the scope of this article.

PART V. THE JUDICATURE

ARTICLE 80. The procedure to be followed and the fees to be levied in the Spiritual Councils of the Communities shall be prescribed by special law. Succession, freedom of testamentary disposition and similar matters relating to personal status not coming within the jurisdiction of the Spiritual Councils of the Communities shall be regulated by a law.

PART VII. ADMINISTRATION OF THE PROVINCES

Article 112. Each Community shall have the right of establishing Councils in important administrative districts, competent to administer buildings and properties dedicated to Waqfs (pious foundations) and bequests for charitable purposes.

[1] See H. C. M. Davis, *Religious Liberty in the Far East*, p. 82.

They shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof, in accordance with the wishes of the donor or with the custom in use among the Community. Such Communities shall also undertake the supervision of the property of orphans in accordance with law. The Councils referred to above shall be under the supervision of the Government.

PART X. GENERAL PROVISIONS

ARTICLE 122. The Department of Islamic Waqfs shall be considered to be an official Government Department, its affairs being administered and its finances regulated in accordance with a special law.

Appendix 4. DECLARATION OF THE KINGDOM OF IRAQ

Made at Baghdad on May 30th, 1932, on the Occasion of the Termination of the Mandatory Régime in Iraq, and Containing the Guarantees given to the Council by the Iraqi Government.[1]

CHAPTER I

ARTICLE 1

Protection of Minorities. The stipulations contained in the present chapter are recognised as fundamental laws of Iraq, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action now or in the future prevail over them.

ARTICLE 2

1. Full and complete protection of life and liberty will be assured to all inhabitants of Iraq without distinction of birth, nationality, language, race or religion.
2. All inhabitants of Iraq will be entitled to the free exercise,

[1] League of Nations, Document A. 17. 1932. VII.

whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 4

1. All Iraqi nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

2. The electoral system shall guarantee equitable representation to racial, religious and linguistic minorities in Iraq.

3. Differences of race, language or religion shall not prejudice any Iraqi national in matters relating to the enjoyment of civil or political rights as, for instance, admission to public employments, functions and honours, or the exercise of professions or industries.

4. No restrictions will be imposed on the free use by any Iraqi national of any language, in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

ARTICLE 5

Iraqi nationals who belong to racial, religious or linguistic minorities will enjoy the same treatment and security in law and in fact as other Iraqi nationals. In particular, they shall have an equal right to maintain, manage and control at their own expense, or to establish in the future, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 6

The Iraqi Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law and personal status, measures permitting the settlement of these questions in accordance with the customs and usage of the communities to which those minorities belong.

The Iraqi Government will communicate to the Council of the League of Nations information regarding the manner in which these measures have been executed.

ARTICLE 7

1. The Iraqi Government undertakes to grant full protection, facilities and authorisation to the churches, synagogues, cemeteries and other religious establishments, charitable works and pious foundations of minority religious communities existing in Iraq.

2. Each of these communities shall have the right of establishing councils, in important administrative districts, competent to administer pious foundations and charitable bequests. These councils shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof in accordance with the wishes of the donor or with the custom in use among the community. These communities shall also undertake the supervision of the property of orphans, in accordance with law. The councils referred to above shall be under the supervision of the Government.

3. The Iraqi Government will not refuse, for the formation of new religious or charitable institutions, any of the necessary facilities which may be guaranteed to existing institutions of that nature.

ARTICLE 8

2. In towns and districts where there is a considerable proportion of Iraqi nationals belonging to racial, religious or linguistic minorities, these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

ARTICLE 10

The stipulations of the foregoing articles of this Declaration so far as they affect persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

Any Member of the League represented on the Council shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such measures and give such directions as it may deem proper and effective in the circumstances.

Any difference of opinion as to questions of law or fact arising out of these articles between Iraq and any Member of the League represented on the Council shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II

ARTICLE 12

Judicial Organisation. A uniform system of justice shall be applicable to all, Iraqis and foreigners alike. It shall be such as effectively to ensure the protection and full exercise of their rights both to foreigners and to nationals.

The judicial system at present in force, and based on Articles 2, 3 and 4 of the Agreement between the Mandatory Power and Iraq, signed on March 4, 1931, shall be maintained for a period of ten years from the date of the admission of Iraq to membership of the League of Nations.

Appointments to the posts reserved for foreign jurists by Article 2 of the said Agreement shall be made by the Iraqi Government. Their holders shall be foreigners, but selected without distinction of nationality; they must be fully qualified.

ARTICLE 15

Freedom of Conscience. Subject to such measures as may be essential for the maintenance of public order and morality, Iraq undertakes to ensure and guarantee throughout its territory freedom of conscience and worship and the free exercise of

the religious, educational and medical activities of religious missions of all denominations, whatever the nationality of those missions or of their members.

ARTICLE 16

Final Clause. The provisions of the present chapter constitute obligations of international concern. Any Member of the League of Nations may call the attention of the Council to any infraction of these provisions. They may not be modified except by agreement between Iraq and the Council of the League of Nations acting by a majority vote.

Any difference of opinion which may arise between Iraq and any Member of the League of Nations represented on the Council, with regard to the interpretation or the execution of the said provisions, shall, by an application by such Member, be submitted for decision to the Permanent Court of International Justice.

Appendix 5. MANDATE FOR SYRIA AND THE LEBANON [1]

ARTICLE 1

The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

[1] Class A, French Mandate, League of Nations, C. 528. M. 313. 1922. VI.

ARTICLE 6

The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 8

The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of difference in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9

The Mandatory shall refrain from all interference in the administration of the Councils of management (*Conseils de fabrique*) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10

The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenanace of public order and good government;

the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

Appendix. 6. CONSTITUTION OF THE LEBANESE REPUBLIC [1]

PART I. FUNDAMENTAL PROVISIONS

ARTICLE 9. There shall be complete freedom of conscience. While acknowledging the Most High, the Government shall respect all creeds and safeguard and protect the free exercise of all forms of worship on condition that public order is not interfered with. It also guarantees that the personal status and religious interests of the populations, to whatever creed they belong, shall be respected.

ARTICLE 10. There shall be no interference with public instruction as long as it is not contrary to public order and morals and does not affect the dignity of the various creeds. The communities shall be entitled to maintain their own schools, provided that they conform to the general requirements relating to public instruction laid down by the State.

ARTICLE 13. Freedom of speech and of writing, the freedom of the Press, freedom to assemble together and freedom of association shall be guaranteed within the limits laid down by the law.

PART VI. FINAL AND TRANSITORY PROVISIONS

ARTICLE 95. As a transitory measure and in accordance with the provisions of Article I of the Mandate, and for the sake of justice and concord, the communities shall be equitably

[1] League of Nations, C. 352. 1930. VI. Promulgated on May 23, 1926. Amended by the Constitutional Laws of October 17, 1927, and May 8, 1929.

represented in public employment and in the Ministry, without, however, the welfare of the State being prejudicially affected thereby.

Appendix 7. CONSTITUTION OF THE STATE OF SYRIA [1]

PART I. FUNDAMENTAL PROVISIONS

CHAPTER I

ARTICLE 3. . . . The religion of the President is Mohammedanism. . . .

CHAPTER II. *Rights of Individuals*

ARTICLE 6. All Syrians shall be equal in the eyes of the law. They shall enjoy equal civil and political rights ; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, faith, race or language.

ARTICLE 15. There shall be absolute liberty of conscience ; the State shall respect all creeds and religions established in the country ; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals ; it shall also guarantee for all peoples, to whatever creed they belong, the respect of their religious interests and their personal rights.

ARTICLE 16. Freedom of thought shall be guaranteed ; all persons shall be entitled to express their views verbally, in writing, in speeches, or graphically, subject to the limitations provided by the law.

ARTICLE 17. Freedom of the Press and of printing shall be guaranteed, subject to the conditions laid down in the law.

ARTICLE 19. Education shall be free, in so far as it is not contrary to public order and good morals, and is not detrimental to the dignity of the country or of religion.

[1] Promulgated by a Decree of the High Commissioner of the French Republic, No. 3111 of May 14, 1930, League of Nations, C. 352. 1930. VI.

ARTICLE 28. The rights of the different religious communities shall be guaranteed, and such bodies may found schools for the education of children in their own language, provided always that they conform to the principles laid down by law.

PART II. PUBLIC POWERS

CHAPTER II. *The Legislative Power*

ARTICLE 37. The electoral law shall institute the system of the secret ballot and shall provide for the representation of religious minorities.

Appendix 8. ORGANIC STATUTE OF THE GOVERNMENT OF LATAKIA [1]

DECLARATION OF RIGHTS

ARTICLE 1. All citizens shall be equal in the eyes of the law. They shall enjoy civil and political rights, and shall be liable to public charges and obligations without any distinction in regard to race, religion or language.

ARTICLE 4. Freedom of conscience shall be guaranteed to all persons, as also the free exercise of all forms of worship which are consistent with public order and good morals.

ARTICLE 5. Education shall be free, in so far as it is not contrary to public order and good morals and is not detrimental to the dignity of the religions. No step shall be taken to prejudice the rights of the communities to have schools of their own, subject to the general rules for public education laid down by the law.

ARTICLE 6. Freedom to communicate ideas and opinions, both verbally and in writing, and freedom of meeting and of association shall be guaranteed within the limits prescribed by the law.

ARTICLE 7. The Press shall be free within the limits pre-

[1] Promulgated by Decree of the High Commissioner of the French Republic, No. 3113 of May 14, 1930, League of Nations, C. 352. 1930. VI.

scribed by the laws and regulations designed to maintain public order and respect for the rights of individuals and communities.

ARTICLE 9. Relations between individuals, in regard to matters not covered by the text of a law, shall be governed by custom, so far as it is not inconsistent with the principles laid down in the present Statute.

Appendix 9. ORGANIC STATUTE OF THE GOVERNMENT OF THE JEBEL DRUSE [1]

DECLARATION OF RIGHTS

ARTICLE 1. All citizens shall be equal before the law. They shall enjoy civil and political rights, and shall be liable to public charges and obligations without any distinction in regard to race, religion or language.

ARTICLE 4. Freedom of conscience shall be guaranteed to all persons, as also the free exercise of all forms of worship which are consistent with public order and good morals.

ARTICLE 5. Education shall be free, in so far as it is not contrary to public order and good morals and is not detrimental to the dignity of the religions. No step shall be taken to prejudice the rights of the communities to have schools of their own, subject to the general rules for public education laid down by the law.

ARTICLE 6. Freedom to communicate ideas and opinions, both verbally and in writing, and freedom of meeting and of association, shall be guaranteed within the limits prescribed by the law.

ARTICLE 7. The Press shall be free within the limits prescribed by the laws and regulations designed to maintain public order and respect for the rights of individuals and communities.

ARTICLE 9. Relations between individuals, in regard to matters not covered by the text of a law, shall be governed by

[1] Promulgated by Decree of the High Commissioner of the French Republic, No. 3114 of May 14, 1930, League of Nations, C. 352. VI. 1930.

custom, so far as it is not inconsistent with the principles laid down in the present Statute.

All communities shall retain their individual status, and their rights shall be recognised and protected.

SYRIA AND THE LEBANON

Appendix 10. ARRÊTÉ No. 60/LR DU 13 MARS 1936 FIXANT LE STATUT DES COMMUNAUTÉS RELIGIEUSES

Le Haut-Commissaire de la République Française,

Vu l'acte de mandat pour la Syrie et le Liban, notamment à l'article 6,

Vu les décrets du Président de la République Française en date des 23 novembre 1920 et 16 juillet 1933,

Vu le titre I, chapitre 2, de la constitution libanaise du 23 mai 1926,

Vu le titre I, chapitre 2, de la constitution syrienne du 22 mai 1930,

Vu la déclaration des droits insérés dans le statut organique du gouvernement de Lattaquié du 22 mai 1930,

Vu la déclaration des droits insérés dans le statut organique du gouvernement du Djebel Druze du 14 mai 1930.

ARRÊTÉ :

TITRE I. *Des communautés à statut personnel*

Art. 1. Sont légalement reconnues, en tant que communautés à statut personnel, les communautés historiques dont l'organisation, les juridictions et la législation sont fixées par un acte législatif.

Ces communautés sont énumérées à l'annexe 1.

Art. 2. La reconnaissance légale d'une communauté à statut personnel a pour effet de donner au texte définissant son statut force de loi et de placer ce statut et son application sous la protection de la loi et le contrôle de la puissance publique.

Art. 3. Les communautés historiques dont l'organisation, les juridictions et la législation ne seraient pas fixées par un

acte législatif lors de la promulgation du présent arrêté, mais qui sont déjà investies de certains privilèges ou jouissent de certaines immunités, soit en vertu d'ordres souverains, d'arrêtés du haut-commissaire ou de décisions des gouvernements des états de Syrie ou du Liban, soit par l'effet d'une possession d'état résultant d'une tradition plus que séculaire, sont aptes à bénéficier de la reconnaissance légale suivant les dispositions de l'article premier ci-dessus.

Art. 4. Pour obtenir cette reconnaissance chacune de ces communautés doit soumettre à l'examen de l'autorité gouvernementale un statut tiré des textes qui la régissent.

Ce statut détermine :

1. la hiérarchie des chefs spirituels et fonctionnaires religieux, leur mode de nomination et leurs attributions ;
2. la composition et les attributions des synodes, consistoires, tribunaux, conseils, commissions, etc. ;
3. la juridiction attribuée aux tribunaux religieux et les règles de leur procédure ;
4. la législation du statut personnel en tout ce qui relève de la législation canonique de la communauté ;
5. le mode de gestion du patrimoine temporel de la communauté ;
6. la doctrine religieuse de la communauté et les obligations morales qui incombent à ses adeptes.

Art. 5. Sous réserve que le statut ne contienne aucune disposition contraire à l'ordre public et aux bonnes mœurs, aux lois organiques des états et communautés ni aux dispositions du présent arrêté, ce statut sera entériné par un acte législatif qui déterminera son entrée en vigueur et comportera reconnaissance de la communauté aux termes de l'article premier du présent arrêté.

Art. 6. Toute modification au statut légal des communautés reconnues conformément aux disposition des articles 1 à 5 ci-dessus, doit faire l'objet d'un acte législatif.

Art. 7. Les communautés religieuses et dans chacune d'elles, les groupements autonomes cultuels, d'enseignement ou de bienfaisance auxquels le statut de la communauté reconnaît l'aptitude à être titulaire de droits et obligations distincts de

ceux de la communauté, ainsi que les congrégations religieuses, jouissent de la personnalité morale.

Art. 8. Les communautés et établissements désignés à l'article précédent, peuvent posséder et acquérir des biens meubles et immeubles et en disposer sous réserve des interdictions prévues par les dispositions de l'arrêté No. 2547 du haut-commissaire, en date du 7 avril 1924. Ils ne peuvent toutefois recevoir des libéralités qu'après autorisation accordée par décret ou arrêté local.

Ces communautés ou établissements sont représentés par leur chef dans tous les actes de reconnaissance, achat, vente, échange, transaction ou toutes autres opérations susceptibles d'étendre ou de diminuer leur patrimoine ainsi que dans toutes actions en demande ou en défense devant les juridictions.

Art. 9. Les communautés et les établissements ou congrégations qui en dépendent, sont représentés dans leurs rapports avec les pouvoirs publics par leur plus haut chef religieux. Dans les cas où celui-ci réside hors des territoires des États du Levant sous mandat français il doit obligatoirement déléguer ses pouvoirs à un représentant local.

Art. 10. Les membres syriens et libanais des communautés à statut personnel reconnues sont astreints en matière de statut personnel à se conformer aux dispositions du statut légal de leur communauté et sur les points où ce statut est muet, aux dispositions de la loi civile.

Les étrangers, fussent-ils membres d'une communauté à statut personnel reconnue, sont régis en matière de statut personnel par les dispositions de leur loi nationale.

Art. 11. Quiconque a atteint sa majorité et jouit de son libre arbitre peut, avec effet civil, sortir d'une communauté à statut personnel reconnue, ou y entrer et obtenir la rectification des inscriptions le concernant au registre de l'état civil en produisant au bureau de l'état civil de sa résidence un acte contenant sa déclaration de volonté et, le cas échéant, un certificat d'acquiescement de l'autorité compétente de la communauté où il entre.

Art. 12. Dans le cas prévu à l'article 11, les enfants mineurs suivent la condition de leurs auteurs en cas de sécession des deux conjoints, du père dans le cas contraire, du conjoint

survivant en cas de décès de l'un d'eux ou de celui qui assure la garde de l'enfant et exerce la puissance paternelle en cas de séparation ou de divorce.

Art. 13. En cas de sécession collective d'une communauté ou d'un groupement autonome de celle-ci, la sécession s'étend également aux biens meubles ou immeubles de la communauté ou du groupement intéressé.

TITRE II. *Des communautés de droit commun*

Art. 14. Les communautés de droit commun organisent et administrent librement leurs affaires dans les limites de la législation civile.

Art. 15. Elles peuvent obtenir la reconnaissance si leur doctrine et leur morale ne sont contraires ni à l'ordre public et aux bonnes mœurs, ni aux lois organiques des états et communautés, ni aux dispositions du présent arrêté, enfin si leur importance numérique et leurs garanties de pérennité paraissent justifier ce privilège.

Toutefois, leur capacité se limitera à l'acquisition, à titre onéreux ou gratuit, des immeubles et biens nécessaires au service du culte, au logement des desservants (et au cimetière).

Art. 16. En sollicitant sa reconnaissance la communauté postulante devra présenter à l'autorité gouvernementale un statut contenant l'énoncé de ses principes religieux et moraux et de son organisation.

Ce statut sera, s'il y a lieu, reconnu et mis en vigueur par un acte législatif. Les dispositions de l'article 6 ci-dessus, lui seront applicables.

Art. 17. Le statut personnel des syriens ou libanais appartenant à l'une des communautés visées aux articles 14 et suivants ou n'appartenant à aucune communauté religieuse, est réglé par la loi civile.

Toutefois, les mariages contractés par les syriens ou libanais selon les rites d'une communauté de droit commun reconnue ou non reconnue, seront considérés comme valides si les actes les constatant ont été dressés selon les règles fixées par les dispositions ci-dessus.

Art. 18. Les nominations des ministres du culte des com-

munautés de droit commun, habilités selon le statut de la communauté, pour célébrer le mariage, devront être notifiées au ministre ou au fonctionnaire en tenant lieu, de qui relève le département de l'état-civil.

Art. 19. Quiconque désire contracter mariage devant un ministre du culte d'une communauté de droit commun, doit se munir d'une autorisation de l'agent de l'état-civil du lieu de sa résidence.

Art. 20. Le ministre du culte devant lequel doit être célébré le mariage, y procède au vu de l'autorisation prévue par l'article précédent. L'acte de mariage est dressé immédiatement apres la célébration et rédigé en langue arabe. Il rappelle la date et le No. de l'autorisation délivrée par l'agent de l'état-civil. Il est immédiatement transmis à celui-ci, en original, et en tous cas dans le délai maximum de 5 jours après la célébration.

L'inexécution, par les ministres des cultes, des dispositions précédentes est passible d'une peine de un à trois mois de prison et de 20 à 100 livres libano-syriennes d'amende, si le mariage a été célébré sans autorisation de l'agent de l'état-civil et de 8 à 50 livres libano-syriennes d'amende dans tous les autres cas.

Art. 21. L'agent de l'état-civil après avoir reçu l'acte de célébration du mariage, en fera mention dans les vingt-quatre heures sur les registres de l'état-civil. Cette inscription sera faite conformément aux dispositions de la législation en vigueur.

Art. 22. Nonobstant les dispositions précédentes, la communauté protestante du Liban conserve en matière de statu matrimonial les pouvoirs juridictionnels et les attributions consacrées par la tradition et la reconnaissance tacite des pouvoirs publics.

TITRE III. *Dispositions générales*

Art. 23. La reconnaissance accordée à une communauté peut être révoquée par acte législatif en cas de contravention formelle aux statuts en vigueur et aux dispositions du présent arrêté.

Art. 24. La communauté qui a perdu la reconnaissance ou

ne l'a pas obtenue continue de subsister comme communauté de droit commun, à moins qu'elle ne contrevienne à l'ordre public et aux bonnes mœurs.

Art. 25. Le secrétaire général du haut-commissariat est chargé de l'exécution du présent arrêté.

BEYROUTH, *le* 13 *mars* 1936
Le Haut-Commissaire
Signé : D. DE MARTEL

ANNEXE 1

Liste des communautés jouissant d'une reconnaissance de droit ou de fait

Communautés chrétiennes :
- Patriarcat maronite
- Patriarcat grec orthodoxe
- Patriarcat catholique melkite
- Patriarcat arménien grégorien (orthodoxe)
- Patriarcat arménien catholique
- Patriarcat syrien orthodoxe
- Patriarcat syriaque ou syrien catholique
- Patriarcat assyro-chaldéen (nestorien)
- Patriarcat chaldéen
- Eglise latine

Communautés musulmanes :
- Communauté sunnite
- Communauté chiite (djaafarite)
- Communauté alaouite
- Communauté ismailieh
- Communauté druze

Communautés israélites :
- Synagogue d'Alep
- Synagogue de Damas
- Synagogue de Beyrouth

Appendix 11. ARRÊTÉ No. 61/LR DU 13 MARS 1936 CONCERNANT L'ABROGATION DES TEXTES RELATIFS AU STATUT DES COMMUNAUTÉS RELIGIEUSES RECONNUES

Le Haut-Commissaire de la République Française,

Vu l'acte de mandat pour la Syrie et le Liban, notamment à l'article 6,

Vu les décrets du Président de la République Française en date des 23 november 1920 et 16 juillet 1933,

Vu le titre I, chapitre 2, de la constitution libanaise du 23 mai 1926,

Vu le titre I, chapitre 2, de la constitution syrienne du 22 mai 1930,

Vu la déclaration des droits insérés dans le statut organique du gouvernement de Lattaquié du 22 mai 1930,

Vu la déclaration des droits insérés dans le statut organique du gouvernement du Djebel Druze du 14 mai 1930,

Vu l'arrêté No. 60/LR, du 13 mars 1936 fixant le statut des communautés religieuses,

ARRÊTÉ :

Art. 1. A partir de la promulgation des textes entérinant le statut des communautés reconnues, les dispositions des lois, iradés, arrêtés du haut commissaire ou des gouvernements locaux cessent d'avoir effet dans toutes les matières régies par le statut organique de la communauté intéressée.

Art. 2. Le secrétaire général est chargé de l'exécution du présent arrêté.

BEYROUTH, *le* 13 *mars* 1936
Le Haut-Commissaire
Signé : D. DE MARTEL

Appendix 12. ARRÊTÉ No. 146/LR DU 18 NOVEMBRE 1938 MODIFIANT ET COMPLÉTANT L'ARRÊTÉ No. 60/LR DU 13 MARS 1936, FIXANT LE STATUT DES COMMUNAUTÉS RELIGIEUSES

Le Haut-Commissaire de la République Française.

Vu l'acte de mandat pour la Syrie et le Liban, notamment à l'article 6,

Vu les décrets du Président de la République Française en date des 23 novembre 1920 et 16 juillet 1933 ;

Vu le titre I, chapitre 2, de la constitution libanaise du 23 mai 1926,

Vu le titre I, chapitre 2, de la constitution syrienne du 22 mai 1930,

Vu l'arrêté no. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses.

ARRÊTÉ :

Art. 1. L'article 10 de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses, est abrogé et remplacé par les dispositions suivantes :

Les membres syriens et libanais des communautés à statut personnel reconnues sont soumis en matière de statut personnel au statut légal de leur communauté et sur les points non régis par ce statut, aux dispositions de la loi civile.

Les membres syriens et libanais d'une communauté de droit commun ainsi que ceux qui n'appartiennent à aucune communauté, sont régis en matière de statut personnel par la loi civile.

Les étrangers, fussent-ils membres d'une communauté à statut personnel reconnue, sont régis en matiere de statut personnel par les dispositions de leur loi nationale.

Art. 2. L'article 12 de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses, est abrogé et remplacé par les dispositions suivantes :

En cas de sécession des conjoints ou de l'un d'eux les enfants mineurs suivent la condition du père ; les inscriptions des registres de l'état civil les concernant sont maintenues ou rectifiées en conformité de la condition du père.

Les dispositions précédentes sont applicables en cas de rupture des liens du mariage par suite du décès du père, d'annulation du mariage, de répudiation, de divorce ou de séparation, alors même que la garde des enfants ou leur tutelle appartiendrait à la mère.

Art. 3. L'article 13 de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses, est complété ainsi qu'il suit :

Ajouter *in fine* :

' à l'exception toutefois des biens dédiés, qui restent régis par les volontés des fondateurs.'

Art. 4. L'article 22 de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses, est abrogé.

Art. 5. Le titre III de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés religieuses est abrogé et remplacé par les dispositions suivantes :

TITRE III. *Dispositions générales*

Art. 22. L'acte de mariage des syriens et libanais appartenant à une communauté à statut personnel reconnue est dressé immédiatement après la célébration et rédigé dans la langue usuelle de la communauté. Le ministre du culte qui a célébré le mariage en donne immédiatement avis par un certificat rédigé en langue arabe, et, en tous cas, dans le délai maximum de cinq jours après la célébration, à l'agent de l'état civil du lieu de la résidence des conjoints.

L'agent de l'état civil, après avoir reçu le certificat, fera mention du mariage dans les 24 heures, sur les registres de l'état civil, conformément à la législation en vigueur. L'inobservation par les ministres du culte des dispositions précédentes, est passible des peines prévues par l'article 20.

Art. 23. En cas de sécession d'un des conjoints, le mariage ainsi que les actes ressortissant au statut personnel, restent régis par la loi sous le régime de laquelle ils ont été célébré, accomplis ou contractés.

En cas de sécession des deux conjoints, le mariage ainsi que les actes ou obligations ressortissant au statut personnel, seront, à dater du jour où la sécession aura été inscrite sur les registres de l'état civil, régis par la loi de leur nouveau statut.

Dans ce cas, toutefois, la sécession de leur père et mère ne pourra enlever aux enfants leur qualité d'enfant légitime.

Art. 24. Sauf exception prévue par l'article 25 ci-dessous, le mariage, ainsi que les actes ou obligations ressortissant au statut personnel, célébré, accomplis ou contractés selon une loi au régime de laquelle aucun des contractants n'est soumis, sont nuls et sans effet légal.

Le ministre du culte ou l'officier de l'état civil qui les aurait célébré, reçus ou constatés, sera passible des peines prévues à l'article 20.

La nullité prévue ci-dessus sera couverte si les contractants obtiennent ultérieurement la modification des inscriptions des registres de l'état civil les concernant, et se trouvent soumis à loi sous l'empire de laquelle leur mariage, ainsi que les actes ou obligations ressortissant au statut personnel ont été célébré, accomplis ou contractés.

Art. 25. Le mariage contracté en pays étranger entre syriens ou libanais et entre syrien ou libanais et étranger est valable, si'il a été célébré dans les formes usitées dans le pays.

Si la forme ainsi que les effets du mariage tels qu'ils résultent de la loi sous l'empire de laquelle le mariage a été contracté, ne sont pas admis par le statut personnel de l'époux, le mariage sera en Syrie et au Liban régi par la loi civile.

Art. 26. Sans préjudice, s'il y a lieu, des sanctions de droit commun, les auteurs, co-auteurs ou complices de contraventions formelles ou d'infractions aux statuts en vigueur ou aux dispositions du présent arrêté, sont civilement responsables des dommages ou préjudices qui en auraient résultés pour les parties intéressées.

Art. 27. Dans chaque État, il sera institué une juridiction supérieure chargée de statuer sur les conflits surgis entre les juridictions de statut personnel ou entre ces juridictions et les tribunaux de droit commun.

Cette juridiction sera, en outre, compétente pour statuer :

1. si un jugement rendu par une juridiction de statut personnel autre que le tribunal civil, déféré aux fins d'exécution au bureau exécutif, a été rendu compétemment et doit être exécuté ;

2. sur les contraventions formelles ou les infractions prévues par l'article 20 de l'arrêté du 13 mars 1936 fixant le statut des communautés religieuses et par l'article 26 du présent arrêté ;

3. sur toutes les questions qui lui sont soumises par le gouvernement des États ou les chefs de communautés, relatives à l'interprétation ou l'application des dispositions du présent arrêté.

Dans les cas où cette juridiction devra statuer sur un conflit ou sur la compétence, elle comprendra, outre le Président et les membres la composant, un représentant désigné par chacun des chefs des communautés intéressées.

Art. 28. La communauté protestante est comprise dans l'annexe I de l'arrêté No. 60/LR du 13 mars 1936, fixant le statut des communautés réligieuses, au nombre des communautés jouissant d'une reconnaissance de droit et de fait.

Art. 6. Le secrétaire général du haut-commissariat est chargé de l'exécution du présent arrêté.

BEYROUTH, *le* 18 *novembre* 1938
Le Haut-Commissaire
Signé : D. DE MARTEL

Appendix 13. ARRÊTÉ No. 2851, *Relatif à l'Inscription des Actes de l'Etat-Civil* [1]

TITRE VI. *Dispositions spéciales*

Art. 45. Toute demande en changement de religion devra être adressée à l'Administrateur, Mutessarif ou Caimacam qui convoquera les deux Chefs Spirituels (Évêque, Rabbin, Cadi ou Mufti) à une séance à laquelle assistera le postulant. Le Chef Spirituel de ce dernier, sera autorisé à s'entretenir avec lui à huis clos ; si l'intéressé persiste dans sa volonté d'embrasser la nouvelle religion, il sera dressé, séance tenante, un procès-verbal en double qui sera signé par les deux Chefs Spirituels, par le postulant et contresigné par l'Administrateur, Mutessarif ou Caimacam. Le double de ce procès-verbal sera adressé par ce fonctionnaire, avec la carte d'identité de l'intéressé au Bureau de l'État-Civil du lieu de domicile de ce dernier, pour rectification de l'inscription sur le livre de recensement et sur la carte d'identité.

Extrait du procès-verbal constatant l'accomplissement de cette formalité sera adressé par l'agent de l'État-Civil au moukhtar de la localité et au Bureau Central pour rectification de l'inscription.

[1] *Journal officiel du Grand Liban.* No. 1826. Mardi, 16 décembre, 1924 (Extraits).

Art. 46. Toute demande en changement de rite sera adressé au Bureau de l'État-Civil pour rectification de l'inscription ; elle devra être justifiée par un certificat du Chef Spirituel du rite à embrasser et portant la signature de l'intéressé.

Extrait de cette formalité sera adressé par l'agent de l'État-Civil au moukhtar de la localité et au Bureau Central pour rectification de l'inscription.

Art. 47. Les demandes en rectification d'inscription par suite de changement de domicile, de profession, de religion et de rite, seront reçues et réglées à tout époque par les Bureaux de l'État-Civil.

Appendix 14. MANDATE FOR PALESTINE [1]

THE COUNCIL OF THE LEAGUE OF NATIONS :

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them ; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on the 2nd November 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country ; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country ; . . .

ARTICLE 2. The Mandatory shall be responsible for placing the country under such political, administrative and economic

[1] League of Nations, C. 529. M. 314. 1922. VI. Class A, British Mandate.

conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 9. The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs shall be exercised in accordance with the religious law and the dispositions of the founders.

ARTICLE 13. All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 15. The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a

general nature as the Administration may impose, shall not be denied or impaired.

ARTICLE 16. The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Appendix 15. PALESTINE—ORDER-IN-COUNCIL, No. 1282. *August* 10, 1922

(*As amended by the Palestine Amendment Order-in-Council*, No. 619, 1923)

PART III. THE LEGISLATURE

ARTICLE 17 (1) (a). The High Commissioner shall have full power and authority, without prejudice to the powers inherent in or reserved by this Order to His Majesty and subject always to any conditions and limitations prescribed by any such instructions as may be given to him under the Sign Manual and Signet or through a Secretary of State, to promulgate such Ordinances as may be necessary for the peace, order and good government of Palestine, provided that no Ordinance shall be promulgated which shall restrict complete freedom of conscience and the free exercise of all forms of worship save in so far as is required for the maintenance of public order and morals ; or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language. . . .

PART VIII. GENERAL

ARTICLE 83. All persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognised by the Government shall enjoy autonomy for the internal affairs of the community

subject to the provisions of any Ordinance or Order issued by the High Commissioner.

ARTICLE 85. If any religious community or considerable section of the population in Palestine complains that the terms of the Mandate are not being fulfilled by the Government of Palestine, it shall be entitled to present a Memorandum through a member of the Advisory Council or other advisory body constituted under Article 17 (1) (b) of this order or of the Legislative Council as the case may be to the High Commissioner. Any Memorandum so submitted shall be dealt with in such manner as may be prescribed by His Majesty in conformity with the procedure recommended by the Council of the League of Nations.

Appendix 16. Cap. 127. AN ORDINANCE TO PROVIDE FOR NOTIFICATIONS OF CHANGES OF RELIGIOUS COMMUNITY [1]

(16*th December* 1927)

Whereas, in order to determine questions of jurisdiction in matters of personal status of a person who changes his religious community, it is desirable to provide for the notification of such changes :

Be it enacted by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :

1. This ordinance may be cited as the Religious Community (Change) Ordinance.

2. (i) A person, who has changed his religious community and desires legal effect to be given to such change, shall obtain a certificate from the head of the religious community which he has entered to the effect that he has been received into that community, and shall notify the fact to the district commissioner of the district in which he resides.

(ii) The district commissioner, on being satisfied as to the identity of the applicant and on the production of a certificate

[1] *The Laws of Palestine, in force on the 31st day of December 1933*, compiled by Robert Harry Drayton. Vol. II. (London : Waterlow & Sons Ltd. 1934.)

as aforesaid from the head of the community which the applicant has entered, shall register the change of community and shall give the applicant a certificate of such registration.

(iii) A copy of the certificate of such registration shall be sent by the district commissioner to the religious head of the community which the applicant has entered and to the religious head of the community to which he formerly belonged.

3. (i) No change of community of a person under the age of eighteen years shall be deemed to have legal effect unless the consent of the parent or guardian of such person has been obtained and is communicated to the district commissioner.

(ii) If there is doubt as to the age of the person, the district commissioner of the district in which he resides, in consultation with the local religious authority of the community which the applicant desires to leave, shall decide the matter.

4. (i) A change of community duly registered under this Ordinance shall not affect any liability of the person changing his community which was incurred by him prior to the registration of such change by the district commissioner.

(ii) Notwithstanding any change of community, jurisdiction in the matters of marriage, divorce and alimony shall continue to be exercised by the court which, before such change, had jurisdiction, unless both parties to the marriage have become members of another religious community.

Ordinances : No. 43 of 1927, No. 31 of 1934.

Appendix 17. THE ORGANIC LAW OF TRANSJORDAN [1]

PART I. RIGHTS OF THE PEOPLE

ARTICLE 5. There shall be no difference in rights before the law among Transjordanians although they may differ in race, religion and language.

ARTICLE 10. Islam shall be the religion of the State, and there shall be insured to all dwellers in Transjordan complete

[1] *Legislation of Transjordan, 1918–1930*, compiled by C. R. W. Seton. Published for the Government of Transjordan, London, 1931.

freedom of belief and freedom to practise forms of worship in accordance with their customs, unless detrimental to public safety or order or contrary to morals.

ARTICLE 11. All Transjordanians shall be free to express and publish their opinions and to assemble together and to form and be members of associations within the provisions of law.

ARTICLE 14. The various communities shall have the right to establish and maintain their schools for the teaching of their own members in their own language, provided that they conform to the general requirements prescribed by law.

PART III. THE LEGISLATURE

ARTICLE 25. The legislative power is vested in the Legislative Council with the Amir. The Legislative Council consists of :

(*a*) Representatives elected in accordance with the Electoral Law, which shall have regard to the proper representation of minorities ; . . .

Appendix 18. THE NORTHERN SUDAN

Extracts from the Northern Sudan Legal Circulars, 1912

The following procedure shall be followed when a person desires to change his religion. The object of the procedure is to prevent quarrels arising between religious communities or allegations of compulsion or unfairness being made against Kadis, Priests or other religious heads, which otherwise occasionally happen, especially if the applicants are minors or women.

Converts or intending converts before formally being accepted in their new religion should apply to the civil authority of the place. And in like manner if they make application to an authority of the religion which they proposed to adopt for formal admission into such religion, he should pass their application to the Civil Authority in the place.

The Civil Authority shall inform the religious head of the

community which the applicant wishes to abandon, if there is one present in the place, and arrange a convenient time when such a religious head may meet the applicant. After allowing the religious head a reasonable time to interview the applicant in private at the government offices the Civil Authority shall ask the applicant in the presence of such religious head whether he wishes to change his religion.

If the religious head declines to attend or there is none in the place, the Civil Authority shall record the fact in the proceedings and question the applicant, if possible in the presence of two responsible members of his original religion.

The Civil Authority shall keep a record of the interview with the applicant and must return the application to the religious head who forwarded it without unnecessary delay.

Appendix 19. FRENCH EMPIRE

Recent legislation includes the following Decrees : [1]

Decree of 16th January, 1939

Art. 1. In the colonies and protectorates dependent upon the Colonial Office, and not already under the régime of separation of Church and State, religious missions are entitled to form Administrative Councils to represent them in the formalities of civil life.

Art. 2. These Administrative Councils will be composed of :

(1) In Roman Catholic missions, the head of the missionary district (archbishop, bishop, vicar apostolic, prefect apostolic, or leader of the mission) or his delegate, as president, assisted by at least two missionaries chosen by him.

(2) In missions of other religions, the leader of the mission, who will be president, assisted by two members chosen by him from amongst the missionaries or from amongst those attached to the mission.

[1] *Journal Officiel du 19 Janvier 1939.*

The choice of the president and members of the Councils of Administration must be approved by the Governor of the colony. In case of non-approval, the reasons must be given. Appeal may be made to the Minister of the Colonies, whose decision will be final.

Art. 4. The Administrative Councils formed in this way are composed of respectable private citizens, and have a legal identity (incorporation).

They can, by reason of this incorporation, subject to the reserves given in the present decree, acquire, possess or dispose of in the name and on behalf of the mission represented all real or personal estate, and all general interests whatsoever.

They have full powers to administer and dispose of all that concerns the property of the mission.

They may appeal to law or defend themselves.

Art. 5. All the personal estate of religious missions is liable to taxation as well as their real estate with the exception of :

(*a*) Those which are used for the exercise of their religion.

(*b*) Those (buildings and land) used as schools.

(*c*) Those used for medical or social work.

Art. 6. All the personal estate of religious missions, as well as their real estate other than those specified in paras. (*a*), (*b*), (*c*) of Article 5 above, are included in the annual taxation of mortmain. . . . This tax will be collected on the gross value of the real and personal estate declared by the Administrative Council and checked by the authorities.

This tax is established in each colony and protectorate under the conditions respectively determined by Article 74 of the decree of 30th December, 1912, on the financial régime of the colonies, and by Article 55 of the law of 20th June, 1918.

Art. 7. Religious missions, represented by their Administrative Councils, must notify the Governor of the colony in advance of all acquisition, alteration or registration of real estate other than that used for religious, educational, medical or social activities.

Regardless of the exceptions made above, it is required that local regulations concerning religious activities and the opening of buildings specifically for public worship shall remain in force.

Art. 8. Acceptance by religious missions of legacies from French citizens or persons of European or similar origin, must be submitted to the authorisation of the Governor of the colony. Legacies to religious missions by Natives not having the status of French citizens are null and void.

Art. 9. Acceptance by religious missions of gifts of real estate or freeholds must be submitted to the Governor of the colony for his authorisation.

Art. 10. Acceptance of gifts in kind valued at over 10,000 francs or of personal property above the value of that sum must also be submitted to the Governor for authorisation.

The subsidies which missions receive from abroad, and also the collections made during services held in places of worship, are exempt from this law.

Art. 11. In spite of the provisions of Articles 8, 9 and 10 above, the Administrative Councils may, without previous permission, accept gifts and legacies on a provisional basis. The definite acceptance, when approved by the Government, will be retroactive to the date of the provisional acceptance.

Art. 17. In the event of a mission being suppressed, its property will be given to another branch of the same religion working in territory under French control, and as far as possible in the same colony.

If an Administrative Council is dissolved, the property of the mission will be managed by another Administrative Council, formed by the head of the interested missionary district, which will have the responsibility of administering the said property during a period of not more than three months.

FRENCH EQUATORIAL AFRICA

Legislation on Teaching. Decree relative to the establishment of religious work and teaching in French Equatorial Africa (*Decree of 31st January, Official Journal, 4th February*, 1938).

Art. 1. No private school or charitable institution may be opened in French Equatorial Africa without the authorisation of the Government.

Art. 2. The functioning of private schools and charitable institutions are subject to the following conditions :

(1) The Principal must place in the hands of the head of the sub-division, who will convey it by the usual channels to the Governor-General, a request for authorisation indicating—

(*a*) Situation and character of the establishment, as well as the number of pupils or children who attend the school or home ;
(*b*) Number of masters and classes ;
(*c*) Plan of the buildings used for teaching and the housing of the pupils.

(2) It is necessary—

(*a*) To attach details of study and programmes of official teaching.
b) To keep registers as used in the official schools.
(*c*) To furnish annual reports as requested from official schools.
(*d*) To submit to a visit from the Governor-General and Governors, from the Director of Education and inspectors of schools, inspectors of administrative affairs, doctors of hygiene, heads of the territorial unit, all of whom are responsible for the schools.

Art. 3. All teaching must be given in the French language. The use of the Native idiom is forbidden.

Nevertheless, schools for catechists and the teaching of the Koran are authorised to give religious teaching only in the local dialect. These schools are not considered as teaching establishments.

Art. 4. The teaching personnel, recruited before the proclamation date of the present decree, must have, at one and the same time, a sufficient education in French and a knowledge of pedagogy. The orders of the Governor-General of French Equatorial Africa will define the diplomas required to be held by European masters or teachers of similar origin or Native masters, diplomas which shall not be superior to those required of European masters or Natives in official schools.

Art. 5. A council for the supervision of private teaching shall be set up by the headquarters of the colony.

Art. 6. Infringement of the rules laid down in paragraph 2 of Article 2 of the present decree will be deferred to the Council of Supervision of Private Teaching which, after enquiry, may propose to the Governor-General the application of the following sanctions :

(1) Warning ;
(2) Suspension for a time ;
(3) Closing of the establishment.

Art. 7. Schools and charitable institutions, which exist in violation of Article 1, will be similarly closed by administrative measures.

Offenders, as in the case of those who transgress the provisions of Articles 3 and 4, will be brought before suitable tribunals and punished by the infliction of a fine from 100 to 500 francs.

In the case of repeated offence, the penalty will be a fine from 200 to 1000 francs.

INDEX

Abyssinia, 153, 199–201.
Aden, 150.
Afghanistan, 76, 94, 97.
Africa, 32, 43, 147–53, 185–219, 322 ff.
Albania, 127, 152.
Algeria, 151.
Anet, Henri, 195.
Anglican Communion, 18, 224.
Angola, 31, 206.
Anthropology, 213.
Anti-clericalism, 21 f., 24, 163 ff., 175, 177, 187, 241, 261.
Anti-God Movement, 157, 238–64.
Apostasy, 75 ff., 94, 98, 106, 116, 120, 135, 146, 151.
Arabia, 76, 94, 97, 150.
Argentina, 180.
Armenians, 39, 40, 81, 114, 121.
Assimilation, policy of, 189, 224.
Assyrians, 121, 128.

Balkan States, 220–37.
Belgian Colonial Charter, 33, 193.
Belgium, 193 ff., 210.
Berlin Treaties, 33, 79, 204.
Bible Society, 119, 211, 215.
Bible, use and distribution, 124, 152, 153, 155, 179.
Bolivia, 179.
Borneo, 154.
Brazil, 182.
British Empire. *See* Great Britain.
British Somaliland, 150, 212.
Broadcasting, 108.
Brussels, Treaty of, 34, 204.
Bulgaria, 157, 220, 228–31.
Byzantine Empire, 73.

Capitulations, 78–9, 80, 116, 123, 126, 131.
Caste Disabilities Removal Act, 145.
Central America, 174–6.
Chile, 180.
China, 15, 40, 43, 157.
Chinese Turkestan, 157.
Christian Colleges, 43, 55.
Church and State—
  General setting, 1–12.
  Problems of younger churches, 4.
  Types of policy, 18 ff.
  Factors in relation with State, 29 ff.
  in Islam, 64–161.
  in Latin America, 162–86.
  separation of, 84, 120, 170, 175 f., 180, 188, 240.
  in colonies, 187–219.
  in Balkan States, 220–38.
  under Soviet, 240–64.
Church, Internal Problems of, 38–63.
Church, Mission and State, 13–37.
Code Napoléon, 89.
Colombia, 177.
Colonial Administration, missions and, 187–219.
Communism, 96, 123, 175, 185, 239–64.
Conference of Missionary Societies in Great Britain and Ireland, 216.
Congo, 15, 31, 193–6.
Conscience Clause, 93, 103, 149.
Conseil Protestant du Congo, 195.

Constitution, Turkish, 111.
of Iraq, 127, 293 ff.
of Transjordan, 142, 320.
of U.S.S.R., 244.
Convert, status of, under Islam, 66, 74–7, 94 ff., 105, 116, 122, 130, 136, 140, 143, 145, 149, 151.
Copts, 101, 103, 105, 284.
Costa Rica, 175.
Criminal Tribes, 62.
Cultural Penetration, 17.
Customary Law, 154.
Cyprus, 150.

Dhimmis, 67 ff., 120.
Dialectical Materialism, 246.
Divisions in Church, 51, 52, 230.
Dufferin, Lord, 71.

Early Church, 1, 41.
Ecuador, 178.
Education, 46, 55–60, 92, 102 ff., 108, 115, 121, 123, 129, 131, 135, 140, 143, 149, 151 f., 155, 169–83 *passim*, 191, 194, 205, 209, 215, 242, 250.
Egypt, 32, 86, 88, 98 ff.
Egypt Inter-mission Council, 107.
Equal treatment, 28, 145, 193, 194, 208, 215, 282.
Eritrea, 153, 198.
Establishment of Church, 165.
Ethiopia. *See* Abyssinia.
European Protestantism, 9, 151.
Evangelisation, 53, 54, 69, 91, 101, 107, 115, 121, 123, 128, 131, 133, 139, 142, 155.

Fascism, 24.
Findings of Madras Meeting, 55, 265–88.
Finland, 15.
Foreign Missions Conference of North America, 217 f.
Foreigners, rights of, under Islam, 66, 77–82.
France, 15, 21, 31, 79, 132–8, 151–2, 188–93, 208 ff., 322.
French Equatorial Africa, 152, 191, 324.
French Protestantism, 8, 187, 211.

Germany, 17, 20, 30, 39, 63.
Great Britain, 17, 79, 144–51, 212–19.
Greece, 85, 114, 220, 225.
Guatemala, 174.
Guilds, medieval, 62.
Guinea, Spanish, 202.

Hatay, 118–19.
Hejaz, 98.
Henderson, Arthur, 110.
Honduras, 176.
Hungarian Church, 220, 232.

Ibn Saud, King, 98.
India, 15, 144 ff., 212.
Indirect Rule, 147.
Indo-China, 192.
Inheritance, 72, 76, 107, 131, 137, 139, 141, 145, 148, 150, 155.
Internationalism, 33, 37, 48, 160.
International Missionary Council, 5, 34, 216, 275.
Iran, 119–25.
Iraq, 89, 95, 126–32, 293–9.
Irredentism, 223.
Islam, 13, 19, 27, 30, 33, 46, 54, 64–161, 235, 284.
revival of, 158.
Italy, 15, 24, 32, 152–3, 196–201, 210.

Japan, 15, 19, 24, 53, 58.
Java, 154.
Jebel Druze, 132, 304.
Jews, 41, 66, 138, 199.

Kenya, 200.
Koran, 64 ff., 75, 84, 102, 109.

Laicisation, 21, 208.
Latakia, 132, 303.

Latin America, 8, 9, 15, 21, 57, 162–86.
  Problems for evangelicals, 168 ff.
Lausanne, Treaty of, 111, 114, 115, 116, 290–3.
League of Nations, 33, 36, 125, 132, 160, 204.
Lebanon, 95, 132 ff., 299 ff.
Lenin, 246 ff.
Lepers, 62.
Liberalism, 184.
Literature, Christian, 108, 124, 132, 172.

Madras Meeting, 8, 10, 26, 55, 265–88.
Malta, 214.
Mandatory System, 34, 35, 82, 125 ff., 299, 316.
Margoliouth, Prof., 73.
Marriage, 146, 156, 213 f.
Marxism, 185, 246 ff.
Medical work, 60, 61, 98, 124, 155, 191, 200.
Mexico, 4, 24, 33, 55, 58, 169–74, 285.
Millets, 70, 101.
Missionary, work of, 14, 43 ff., 96 ff., 216 ff., 274.
Mohammed, 64 ff.
Montreux Convention, 107, 289.
Morocco, 152.
Morrison, S. A., 64–161.

Nationalism, 17, 40, 43, 49, 56, 60, 81, 83, 85, 86, 107, 110, 113, 118, 121, 158, 164, 167, 184, 204, 209, 222, 266.
Nazism, 24, 30.
Near East, 15.
Near East Christian Council, 235.
Netherlands Indies, 154–6.
Nicaragua, 175–6.
Nigeria, 147, 212.
Nile Mission Press, 108.
Norway, 15.
Nyasaland, 213.

Organisations, Foreign, 66, 77.
Orthodox Church, 8, 220–64.
Ottoman Empire, 25, 70.
Oxford Conference on Church, Community and State, 5, 7, 10, 11–12, 23, 29, 38, 45, 49, 53, 55–6.

Palestine, 37, 95, 138, 316.
Palestine Royal Commission, 138.
Panama, 175.
Pan-Islam, 86.
Paris Missionary Society, 190, 211.
Patriarch, œcumenical, 114.
  Armenian, 114.
Permanent Mandates Commission, 35, 36, 126, 135, 161.
Personal Status, 69, 91, 101, 115, 121, 128, 133, 139, 142.
Peru, 178.
Philippine Islands, 156.
Poland, 237–8.
Portugal, 15, 31, 203–7, 210.
Preaching, right of, 11, 27, 282.
  And *see* Proselytism.
Property, mission, 34, 192.
Proselytism, 28, 29, 107, 108, 220, 225–6.

Quran. *See* Koran.

Race-feeling, 193.
Religious minorities, 7, 21, 25, 49, 66, 83, 86, 100 ff., 110, 114, 119, 121, 128, 133, 139, 142, 160.
  Islam and, 66–74.
Roman Catholicism, 7, 15, 23, 31, 35, 40, 53, 80, 151, 153, 162–86, 187, 193 ff., 200, 204, 209 f., 214 ff., 227, 237–8.
Ross, Prof. E. A., 204.
Roumania, 39, 220, 231.
Ruanda-Urundi, 35, 210.
Russia, 79, 239–64.
Russian Turkestan, 4.

Salvador, 174.
Secularism, 84, 85, 112, 128.

Sharia, 19, 65, 71, 80, 82, 83, 84, 92, 101, 102 ff., 112, 121, 128, 134, 143, 148, 154, 159, 190.
Shrine-worship, 53, 58, 284.
Social works of missions, 61.
Spain, 39, 201, 210.
Spanish Civil War, 202.
Stalin, 246 ff.
State religion, 19, 59.
Sudan, 95, 109, 148–50, 200, 321.
Supra-nationalism of church, 44, 46, 216.
Sweden, 15.
Swiss civil code, 112, 115, 121.
Syncretism, 51.
Syria, 37, 132 ff.

Tertullian, 41.
Totalitarianism, 60, 64, 87, 160.
Transjordan, 142–3, 320.
Transylvania, 233.
Treaty of Neuilly, 157.
Treaty of Saint-Germain, 34, 157, 204.
Treaty ports, 43.
Tripoli, 153, 197.
Troeltsch, 52.
Tunisia, 152, 189.
Turkestan, 157.
Turkey, 24, 55, 58, 70, 75, 79, 84, 109 ff., 118–19, 222.

Unity of Church, 161, 222.
Uruguay, 182.
U.S.A., 17, 35, 41, 79, 156, 217.
U.S.S.R., 22, 33, 157, 224, 239–64.
  clergy, position of, 260.
  churches, condition of, 262.

Venezuela, 176.
Vernacular, use of, 58, 205.
Versailles Treaty, 33 f.

Waldenses, 8, 196, 211.
Women converts, 94, 150.
World Council of Churches, 225.
Worship, Christian, 26, 90, 101, 114, 121, 128, 133, 139, 142, 155.
  Islam and, 68.

Yemen, 98.
Younger Churches, problems of, 4, 13, 29, 38 ff., 51.
Yugo-Slavia, 157, 235.

Zoroastrianism, 120.

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