

Believe

By Francois Rossier

F. Rossier has created something original. There is no setting or characters in his film; there are only words and images. The text by Yves Rosset sets out the great variety of meanings of the verb “to believe”. The images are ostensibly unconnected but one sees in the end that they are all related in some manner to the central theme of the film: belief.

The *Universal Declaration of Human Rights* (see *Bouly, the Camper*) does not use either the word “to believe” or “belief”. On the other hand, one of its articles concerns the related ideas of freedom of thought, conscience, religion and belief. Article 18 states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

These freedoms have been enumerated in numerous international treaties, notably the International *Covenant on Civil and Political Rights* (article 18) and the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (article 9). They also feature in a large number of constitutions in the world. The *Swiss Constitution*, which uses the word “religion” as an equivalent term, deals with the issue in article 15:

“1 The freedom of religion and philosophy is guaranteed.

2 All persons have the right to choose their religion or philosophical convictions freely, and to profess them alone or in community with others.

3 All persons have the right to join or to belong to a religious community, and to follow religious teachings.

4 No person shall be forced to join or belong to a religious community, to participate in a religious act, or to follow religious teachings.”

In practice, these two treaties distinguish two aspects of these freedoms: freedom of thought, conscience and religion is absolute and cannot be limited or infringed even in exceptional circumstances such as war, natural disaster, states of emergency, etc. On the other hand the freedom to manifest one’s religion can be subjected to limitations, although only under specific conditions.

Freedom of thought

It might be thought that freedom of thought is an unnecessary addition in that a person's thoughts belong to him when not expressed, and in consequence they are necessarily free. Nothing is further from the truth: by recognising freedom of thought, States forbid themselves any ideological indoctrination of their population and particularly of their youth. The institution of an official doctrine is a violation of freedom of thought.

Freedom of conscience

Freedom of conscience is involved mainly with people who refuse military service for reasons of conscience. Although the treaties mentioned above do not explicitly recognise a right to conscientious objection to military service, the majority of countries recognise it with the reservation that some substituted service may be imposed.

Freedom of religion

Freedom of religion protects all religions, theistic and non theistic, as well as the right not to profess any religion. From this fact stems the prohibition of any act aiming to force an individual to adopt or to abandon any religion.

It should as well be noted that, even in the case where a particular religion has been declared a State religion or where it is the religion of the majority of the population, freedom of religion requires that it receive no special treatment. Other religions may not suffer any discrimination from the fact that they are in the minority. The State or majority religion may not benefit from any privilege, in particular economically, and minority religions may not suffer any restriction that applies only to them.

Freedom of religion involves the right to change one's religion, that is to say to substitute one religion for another religion or to adopt a position of atheism. On the other hand, in order to make this liberty a real one, religious authorities and individuals may try to convince other individuals to adopt their religion. Nevertheless, this attempt to persuade others has to stay within reasonable limits and may not deteriorate into hounding others.

Freedom to manifest one's religion

If freedom of religion is absolute, the freedom to manifest one's religion or one's convictions can be restricted. For example, article 9 §2 of the *European Convention on Human Rights* states:

“Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

In effect, where several religions coexist within the same society, respect for pluralism can make restrictions in the manifestation of religions necessary. These restrictions are nevertheless circumscribed so that they cannot endanger freedom of religion. As a result they are subject to the following conditions:

- they are expressly foreseen by the statute;
- they are necessary: and
- they are aimed at a legitimate goal.

In the same way, article 36 of the *Swiss Constitution*, which concerns limitations of fundamental rights, makes clear that these must be founded “on a legal basis”, that they must be justified “by public interest or serve for the protection of fundamental rights of other persons”, that any restriction must be “proportionate to the goals pursued” and that “the essence of fundamental rights is inviolable”, that is to say that the restrictions, for whatever reasons given, may not result in the denial of the freedom concerned, for instance the freedom to manifest one’s religion.

Finally it should be noted that the freedom to manifest one’s religion can never be invoked to justify religious hatred; this would involve in effect using a freedom with the aim of infringing the rights and freedoms of others.