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THE RIGHT TO MISSION IN HUMAN RIGHTS LAW,
“MISSION TO AMISH PEOPLE” AND “JEWS FOR JESUS”

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Abstract: This paper examines the position of international human rights law towards missionary or proselytizing activities with a special focus on the American context. By evaluating UN legal acts such as the 1948 Universal Declaration of Human Rights, the 1960 Arcot Krishnaswami Study and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief and the American Convention of Human Rights, it investigates the extent to which such activities fall within the scope of the right to free speech and to freedom of religion for religious organizations (corporate freedom of religion). This is exemplified by looking at two Evangelical religious organizations founded for the purpose of luring away groups of believers from their original religious communities: “Mission to Amish People”, targeting the Amish People, and “Jews for Jesus”, aimed at the Jewish community. The clash of one religious community which considers mission a fundamental element of its religion (as many Evangelical churches do) with a religious community who is highly skeptical about mission (such as the Amish or Jews) constitute the extreme test case of the right to free speech and to corporate freedom of religion. Given the highly various importance which mission can play in different religions, the article suggests to solve each case individually by carefully examining the content of each religious doctrine.

Key Words: human rights, freedom of religion, mission, proselytism, Amish, Jews, United States.

Introduction

This paper examines the position of international human rights law in the American context towards missionary or proselytizing activities. It investigates the extent to which such activities fall within the scope of the right to free speech and to freedom of religion for religious organizations (corporate freedom of religion). This is exemplified by looking at two religious organizations founded for the express purpose of luring away groups of believers from their original religious communities: “Mission to Amish People”, targeting the Amish People, and “Jews for Jesus”, aimed at the Jewish community.

The rights of religious minorities are not explicitly considered here, since international law does not agree whether religious minorities exist at all, and second, because the right to religious activity (including mission) is guaranteed by the human rights declarations for everyone and not just for minorities. Since the right to be protected from injury to religious feelings (from blasphemy) constitutes a topic of its own, this article will not deal with it.

The article is structured as follows: The first part clarifies the meaning and use of the terms “proselytism” and “mission” in contemporary scholarship. The second part exposes the codification of the right to religious freedom in international human rights law. The third part focuses on freedom of religion as a part of the right to free speech in international human rights law. The fourth part reports on the self-concept and activities of “Mission for Amish People” and “Jews for Jesus”. The fifth and concluding part assesses these religious organizations from the perspective of human rights law.

Some general thoughts on proselytism

All thoughts on the legitimacy of proselytism, mission and conversion turn on three major questions. First: Is there a basic human right to change one’s religion or belief? Second: Is there a right to attempt to convince other persons to change their religion? Third: What are the limits of such a right? The problem in answering these questions is that the terms they use have a variety of meanings, depending on the observer’s perspective. What constitutes the sacred duty of evangelization for one group can count as improper proselytism for another group. While some groups might consider an act to be a normal exercise of freedom of expression or the teaching of a religion, other groups might consider it an illegitimate intrusion into their privacy or group identity.¹ What is more, one religion requires its adherents to convert others to their faith, while

other religions consider this as prohibited and still others take a middle stance.²

Since there is no consensus on what constitutes religion as such, it is difficult to define change of religion. Change of religion involves an internal change of belief as well as an external change of religious organization. Such a change can sometimes be induced by external factors. Conversion based on individual conviction and without external interference is certainly legitimate, but how to distinguish this from the results of illegitimate proselytism?³

The right to change a religion consists of two parts: the right to proselytize and to try to convince people to adopt a specific religion and the right of a person to abandon and change his or her religion. To the extent that freedom of thought, conscience and religion belong to the internal forum of the right to freedom of religion, they cannot be restricted. It is only the right to manifest religious views (external forum), as expressed through proselytic activities, that requires and allows for regulation. Special cases where the rights to privacy and proselytism have to be balanced against each other include captive audiences such as prisons, schools, the army or hospitals.⁴

Stahnke (1999) distinguishes the following elements in the right to proselytism: 1) the right of the proselytizer to manifest his or her religion and engage in free expression, 2) the right of the target of proselytism to change his or her religion, to receive information about religions, to be protected from injury to religious feelings and to maintain his or her religious identity, and 3) the right of the state to protect the dominant religious tradition and to maintain public order.⁵

Garnett (2005) observes an increasing confusion in the use of the term “proselytism”. As a straightforward definition, he suggests: “expressive conduct undertaken with the purpose of trying to change the religious beliefs, affiliation, or identity of another”.⁶ From the perspective of the proselytizer, it necessarily involves the proclamation of religious truth. Nevertheless, there is no escaping the colloquial and disparaging sense of the term: For many, the definition of proselytism inherently implies unworthy methods, unwarranted confidence and excessive zeal. To “proselytize” is to proclaim one’s message in a certain way that is thought to threaten or insult the freedom of the hearer and perhaps also the dignity of the proselytizer’s message.⁷ The danger in such an interpretation is that the proselytizer’s “unworthy methods”, such as “coercion”, “manipulation” or “propaganda” will lead to condemnation of all kinds of mission. Moreover, such methods sometimes have a counterproductive effect, denigrating the proselytizer’s religious message, simply because of its aggressive delivery.⁸ Garnett thinks that, in addition to examining these two issues, research should also take into account the harm allegedly caused by proselytism: first on the individual level, where it is said to threaten the hearer’s right to privacy and to freedom of

religion and conscience, and, second, on the societal level, where proselytism can insult or challenge the local religion and sometimes provoke civil and political unrest.⁹

Hunter/Price (2001) propose the following definition of proselytism: “speech and associated conduct involved in spreading the word of God and persuading others to convert or to follow the message delivered by the person or group involved in proselytism”. The term does not include all aspects of the free exercise of religion, but its focus lies in preaching, soliciting, canvassing, distributing tracts and other methods of persuasion and teaching about one’s religion.¹⁰

The distinction between proselytism encouraging a target to adopt new beliefs and proselytism seeking to change a target’s beliefs can be important in practice: In the first case, the target may not previously have held any religious beliefs at all, thus there are no beliefs to protect.¹¹

Johnson distinguishes five categories of proselytism: openness to people who wish to join the group, inviting and persuading others to join the group, seeking to turn others from their present allegiance because it is considered an error, reaching out to save others from the danger and evil that surrounds their present affiliation, and coercing people to join the group out of religious or cultural hegemony. Johnson considers the first position to be fully benign and the last to be unacceptable, while the middle three options are morally ambiguous. To him, the second seems to be not only morally defensible but also sociologically and psychologically inevitable as a result of high levels of enthusiasm. The third and fourth options are problematic not so much for the methods they employ (which may vary) but for their judgment of outsiders and the degree of coercion in their methods.¹²

Taylor reports that objections to missionary work are twofold. First, missionary work often includes the offer of material assistance to alleviate misery, the receipt of which can be perceived as conditional on acceptance of the missionary religion. Although missionary work was said to be associated with the most coercive practices in European history in the ICCPR debate, the provision of humanitarian assistance alone cannot be said to be coercive. The second objection to missionary work is that it can correspond to coercion. A detailed differentiation between coercive proselytism (targeted at the forum internum of an individual) and non-coercive proselytism (a protected form of manifestation of religion) is needed.¹³

If proselytism is restricted by a state, this is usually done with two arguments: prevention of coercion and prevention of undue influence. The former is justified because coercion denies an individual his or her free will and thus deprives him or her of a human right. The argument of undue influence is, however, more problematic, since there is a sharp line between a change of religion because of coercion and because of

legitimate mission on the free market of religions. This is a distinction which some former UN studies failed to make.¹⁴

The Right to Freedom of Religion in International Law

Both international human rights law and European declarations have played an important role in setting standards for the freedom of religion and belief. They provide a normative framework for developing context-sensitive policy options aimed at managing religious conflict and establishing democratic institutions in multi-religious societies. Among UN Declarations and Conventions, those most relevant to religious rights are: the 1948 Universal Declaration of Human Rights, the 1960 Arcot Krishnaswami Study, the 1966 International Covenant of Human Rights, and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.¹⁵

The right to freedom of religion is the oldest human right to be recognized on an international level. Its first definition in international law is Art. 18 of the Universal Declaration of Human Rights from 10th December 1948:¹⁶

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.¹⁷

This article is the only legal document which is valid worldwide and explicitly declares the right to change one's religion. According to Stahnke (1999), this includes the right to mission for a religious organization, but not to use coercion for missionary purposes.¹⁸ On the global level, it is controversial whether the right to religious freedom also includes the right to change one's religion. The UN Human Rights Committee has clearly confirmed this several times, first in a General Comment from 1993. However, some conservative Muslim states question this right, and the Organization of the Islamic Conference (OIC) has proposed some resolutions on “defamation of religions” with the purpose of exempting the right to change religion from religious freedom in the UN Human Rights Council.¹⁹

Krishnaswami's Study of Discrimination in the Matter of Religious Rights and Principles (UN Sales No. 60, XIV. 2, 1960) distinguishes between

the right to maintain or change religion and belief and the right to manifest religion or belief.²⁰ Concerning proselytism, this study offers the following solution: Annex 1, para. 1 of Part I states: “Everyone shall be free to adhere, or not to adhere, to a religion or belief, in accordance with the dictates of his conscience.” Para. 3 continues: “No one shall be subjected to material or moral coercion likely to impair his freedom to maintain or to change his religion or belief.” Para. 8(a) of Part II declares: “Everyone shall be free to teach or to disseminate his religion or belief, either in public or in private.” The distinction between both sets of rules is set out in Part III, para. 1. This paragraph provides that while “[t]he freedom set out in Part I shall not be subject to any restriction”, the freedom set out in Part II, para. 8 “shall be subject only to the limitations prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others”.²¹ Krishnaswami accepted restrictive measures in some cases: His Rule 1 says: “No one should be subjected to coercion or to improper inducements likely to impair his freedom to maintain or to change his religion or belief.” Rule 10 states: “Everyone should be free to disseminate a religion or belief, in so far as his actions do not impair the right of any other individual to maintain his religion or belief.” These principles clearly suggest that freedom of choice in matters of religion would be diminished if it meant that the individual could not be exposed to ideas and beliefs in addition to those already held, so as to enable an informed choice to be made among them.²² Krishnaswami also stated that the right to change one’s religion is necessarily tied to the right to maintain one’s religion.²³ He acknowledges that through foreign missionaries, “a fresh culture is introduced which may not harmonize with the existing order”,²⁴ but also that in the reaction of states, the “concept of social stability and national security were over-emphasized with the result that the right to disseminate was unduly limited”.²⁵ This study was the first document prepared by the UN on this subject.²⁶

The UN International Covenant on Civil and Political Rights (ICCPR, 1966) guarantees the exercise of all these rights independently of one’s religious affiliation (Art. 4). It defines the right to change one’s religion without naming this right explicitly.²⁷ It is perhaps a failing that the ICCPR does not explicitly grant the right to change one’s religion, but this is made up for by §5 of General Comment No. 22.²⁸ This Covenant is the only global human rights treaty on religion that contains measures of implementation: the Human Rights Committee is in charge of its implementation, and it publishes yearly Reports (General Assembly Official Records, GAOR) on each member state.²⁹ Moreover, the Human Rights Committee is established as a treaty-monitoring body entitled to examine reports by the States Party. The First Optional Protocol to the Covenant also establishes the opportunity for individuals to submit communications to the Human Rights Committee.³⁰

Today, it is generally recognized that religious association is part of freedom of religion as guaranteed by Art. 18 ICCPR. This means that religious communities with legal personality are entitled to the right according to Art. 18 and can sue other parties by following the facultative protocol. This understanding follows the assumption that the individual can only exercise his or her freedom of religion in contact with a group of like-minded people.³¹

Art. 18(2) ICCPR uses the term of coercion without defining it. However, it seems reasonable to interpret it to mean not only the use of threats or force, but also more subtle forms of illegitimate influence.³² Often, this article is misunderstood as justifying measures against the propagation of religion, e.g. Partsch suggested that Art. 18(2) was meant as a protection against proselytizers and missionaries. The reason why the right to change religion was not stated more explicitly was the concern about the political and social dimensions of a change of religion. Those states which requested the widest scope for the freedom to change religion were also more inclined to consider proselytism as an integral part of religious practice.³³

In 1993, the Human Rights Committee issued a General Comment No. 22 on Art. 18 ICCPR (48) on the question of conversion and proselytism.³⁴ There, it states: "The terms 'belief' and 'religion' are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions."³⁵ Para. 5 repeats the idea that the covenant bans any coercion that would impair the conversion to another religion:³⁶ "[T]he freedom 'to have or to adopt' a religion or belief necessarily entails the freedom to choose a religion or belief, including, inter alia, the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief."³⁷ In general, the literature is uncertain as to what precisely constitutes coercion under Art. 18(2) ICCPR.³⁸ It is very likely that coercion is not presumed to occur in the majority of cases of proselytism and missionary work.³⁹

Lerner (1998) argues that proselytism may also involve the right to privacy as proclaimed in Art. 12 Universal Declaration and Art. 17 ICCPR. When attempting to limit the scope of proselytism, these conflicting rights have to be balanced: on the one hand, to disseminate religious teaching, and on the other hand, to protect a religious group's privacy, intimacy, isolation or desire to defend its religious identity against intrusion. According to Volio, the right to privacy not only protects the sanctity of those areas described in Art. 17 (home, correspondence, family, reputation), but also the rights listed in other articles, such as freedom of thought, conscience and religion and the right to determine the moral and religious education of one's children.⁴⁰

The UN “Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief” (1981) describes in further detail what is understood by the expression “exercise of religion”. Art. 1 grants the right to freedom of thought, conscience and religion to everyone, including the freedom⁴¹ “to manifest his religion or belief in worship, observance, practice, and teaching”⁴² and the “freedom to have a religion or whatever belief of his choice”.⁴³ Art. 6 provides some supplementary rights to the freedom of thought, conscience and religion, such as:⁴⁴ “(d) to write, issue and disseminate relevant publications in these areas; (e) to teach a religion or belief in places suitable for these purposes; [...] (i) to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels”.⁴⁵ Chapter 10 of the 1981 Declaration addresses religious conversion. It was met with mistrust by some Muslim delegates. This applied especially to the phrases “to choose”, “to change one’s religion”, “religion of his choice”, which clearly implied the possibility of conversion. This matter was settled by deleting explicit references to the right to change one’s religion in the Preamble and Art. 1, and by adding an Art. 8 stating that nothing in the Declaration should restrict the rights granted in the 1948 Universal Declaration and the ICCPR.⁴⁶ However, in general, the wording of the right to change religion in the 1981 Declaration met with no other opposition than that of the Muslim countries. With some limits, proselytism is considered a legitimate means of using freedom of expression to propagate one’s faith, and conversion or opting-out of a religion is considered a legitimate human right. There is consensus on this.⁴⁷

A dissenting opinion is expressed by Sullivan (1988), who states that the right to change one’s religion or belief remains uncertain under the Declaration. The Sub-Commission’s draft principles prohibit all coercion with the goal of impairing a person’s freedom of religion. Sullivan states that in order to achieve this goal, “coercion” should be interpreted broadly, not only including physical or moral means, but also mental or psychological means as well as material benefits. As examples of non-coercive forms of proselytism, she mentions placards and billboards.⁴⁸

Since the 1981 Declaration, UN Special Rapporteurs have written reports on the implementation of religious rights.⁴⁹ Elizabeth Odio Benito argues that the mention of the freedom “to have a religion or whatever belief of his choice” “implies that the 1981 Declaration [...] encompasses the right to change one’s religion or belief”, (para. 200). This contrasts with the Krishnaswami study, which says that “it does not follow from the mere acknowledgment of one’s right to maintain a religion or belief that the right to change is also conceded”.⁵⁰ Benito’s successors Angelo Vidal d’Almeida Ribeiro and Abdelfattah Amor find that this goes especially for Muslim countries where Sharia law is in force, such as Iran.⁵¹ Ribeiro states especially that the large majority of the issues raised under Art. 1 of the

Declaration “have concerned prohibitions on proselytizing [...] and of forced conversion”. This is linked to the question of what counts as a “manifestation” of a religion or belief.⁵² Their successor Asma Jahangir distinguishes among the following situations: situations where state agents try to convert or prevent the conversion of people; situations where conversion is prohibited by law; situations where members of majority religious groups seek to convert members of religious minorities by violent means; and situations where so-called unethical conversions have been reported (e.g. by promising material benefits).⁵³ Although the Human Rights Committee is not legally bound to observe the 1981 Declaration, it would be considered unusual if it did not. In practice, Art. 6 has proved to be a useful tool for analyzing the different manifestations of religion.⁵⁴ The Interim Report of the Special Rapporteur A/50/440 allows for the conclusion that the freedom of religion does not include the right to adhere to a religion which is intolerant of the beliefs of others.⁵⁵

In Report No. A/67, Special Rapporteur Heiner Bielefeldt focuses on the right to mission and to conversion. He interprets former human rights declarations in a way as to include a) the right to change one’s religion or belief, b) the right not to be forced to convert, c) the right to try to convert others by means of non-coercive persuasion, and d) the rights of the child and his parents in this regard. Any restrictions concerning (c) in particular have to be justified using Art. 18(3) ICCPR,⁵⁶ which often is not the case, since some states ban even non-coercive methods of religious persuasion in the name of “public order” and apply broad, vague and discriminatory criteria.⁵⁷ Bielefeldt also advocates a more respectful attitude towards converts and persons involved in non-coercive missionary activities.⁵⁸ While it belongs to the forum internum of the right to religious freedom to change one’s religion, it belongs to the forum externum to be allowed to convert others.⁵⁹

Freedom of Religion as Part of the Right to Free Speech

Religious freedom can be understood as the right to receive religious speech, i.e. a right to receive views about religions as well as to impart them. This right can be jeopardized when speech is censored for religious reasons. When the Inter-American Court of Human Rights decided the case of the film “The Last Temptation of Christ”, the applicants claimed that their ability to receive religious speech was impaired by the banning of this film. The court agreed that their right to freedom of thought and expression according to Art. 13 of the American Convention of Human Rights had been violated. But it did not see any violation of Art. 12 (the right to freedom of religion and belief), because it declared that no one’s right to practice, change or disseminate his religion had been impaired by the ban.⁶⁰

Even apparently neutral procedural regulations can affect some religious communities more than others. The US Supreme Court recently decided that a town ordinance which bans door-to-door advocacy without previous registration with the mayor violates the First Amendment (*Watchtower Bible & Tract Society of New York vs. Village of Stratton*, 2002). The decision made it clear that even procedural regulations which restrict all kinds of speech under these conditions are illegal. The court also noted that the seemingly neutral provision disproportionately impacts groups such as Jehovah's Witnesses.⁶¹

The right to convince others to change their religion is generally recognized as an aspect of religious freedom, but remains nevertheless controversial. The only international instrument where it is explicitly mentioned is the American Convention of Human Rights (Art. 12, 1). The American Convention on Human Rights was adopted in 1969. Its Article 12 states: "(1) Everyone has the right to freedom of conscience and religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private. (2) No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs. (3) Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights and freedoms of others. (4) Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accordance with their own convictions".⁶² Art. 13(1) includes the freedom to "impart information and ideas of all kinds... through any medium of one's choice as part of the right to freedom of thought and expression".⁶³ The American Convention does not provide any examples of religious practice.⁶⁴

Freedom of expression is not an absolute right; it can be derogated according to Art. 4 ICCPR. States may limit freedom of expression when it incites national, racial or religious hatred (both directed to religious ideas and to religious groups).⁶⁵ Correspondingly, apostasy laws are the product of a certain legal situation. They might be viewed as expressions of freedom of expression in other countries, and are impossible to regulate on an international level.⁶⁶

Alai (2007) suggests formulating the concerned right with the following words: "change of religion or belief which is a continued and individual right, entered into freely and without 'coercion' or compulsion". By "continued", she means that one is not only granted this right once at birth, but also at a later point in life. By "individual", she means that a group should not impose religious affiliation on individuals and force them not to change. The terms "coercion" and "compulsion" refer to Art. 18 ICCPR and to para. 5 General Comment 22 to Art. 18 ICCPR.⁶⁷

Some Empirical Cases: “Mission to Amish People” and “Jews for Jesus”

Some religious communities call into question the legitimacy of other religious communities. In fact, there are those religious communities whose religion prescribes them to proselytize, so that proselytism for them is an inherent aspect of their right to free exercise of religion. Certain evangelical Protestants regard nominal Christians as legitimate objects of mission, independently of whether they have been baptized. Others target members of particular religions, such as “Mission to Amish People”, an evangelical church founded in 2001 for the purpose of evangelizing Amish people⁶⁸, and “Jews for Jesus”, an evangelical church founded in 1973 for the purpose of converting Jews to Christianity⁶⁹. Evangelical Christians attribute great importance to one’s personal commitment to religion, and to evangelization, and they disdain traditions and customs linked to religion, such as liturgy. They hold that every person has to make a personal, conscious commitment to Christ in order to be saved (“to be born again”), regardless of whether he or she has been baptized.⁷⁰ Both “Mission to Amish People” and “Jews for Jesus” believe that theirs is the only true religion and are convinced that humanity will only be saved when all people become “born-again” or “saved” Christians. From this perspective, they specialize on the two groups, the Amish and the Jews.

It is probably not a coincidence that these two target groups are religious communities into which new members are born, not recruited, and which place a high value on observing centuries-old customs regarding dress codes, foods and holidays, at least in their more orthodox versions. Jews resent being the object of proselytism by other faiths, do little to encourage non-Jews to convert to Judaism and place large substantive and procedural requirements on those who choose to do so,⁷¹ although conversion to Judaism has always existed.⁷² Jews believe that is their loyalty to the covenant which saves the world, not any conversion of others to Judaism.⁷³ The Amish also do not proselytize, and conversions to the Amish faith are possible but rare (they occur by baptism and adoption of the Amish lifestyle).⁷⁴ Rather than proselytize, Amish people respect other Christian denominations and encourage them to live a life of faith and modesty within their own denomination. Since they believe that salvation comes from grace alone, Amish people do not consider their lifestyle as a means to earn salvation, but rather as a Christlike lifestyle of submission and simplicity.⁷⁵ The Jewish and Amish position, on the one hand, and the Evangelical position, on the other hand, can be said to constitute the two extremes towards proselytism.⁷⁶

In order to see how “Mission to Amish People” and “Jews for Jesus” work and how they understand themselves, their structure, history and self-concept will be examined. “Mission to Amish People” was founded by Joe and Esther Keim, two former Old Order Amish members from Northern Ohio.⁷⁷ They still lead the movement, referring to the Amish religion as “legalistic”. Their church is called “New Life”.⁷⁸

Why a ministry to the Amish? [...] As a born again Christian, we know that the Bible is clear; living a good clean life is not good enough to cover one’s sins. [...] Having said that, please understand, dear reader, *Mission to Amish People* is not and never will be interested in recruiting Amish people to leave their culture and families. We have one simple message: Jesus Christ alone can save a person from their sins! It has been our passionate goal from the very beginning to make sure every Amish child and adult has the opportunity to hear the clear and unclouded message of salvation at least one time.⁷⁹

“Mission to Amish People” has the goal of making as many Amish people as possible “take a stand on the Word of God, rather than a man-made system of traditions and ordinances”.⁸⁰ Their missionaries are recruited from the Amish community itself, who use harsh words for their former community: “The Amish have been on my mind ever since I was saved. I share the same burden as the Apostle Paul did – first to his own people, and then to the Gentiles [...]. They try so hard but are just sincerely wrong.”⁸¹

The group works mostly through personal contact, Bible study and prayer groups with the Amish, and also publishes a newspaper, the *Amish Voice*, and organizes large tent revivals.⁸² Like all churches and religious communities in the US, they finance themselves through fundraising. They also ask supporting volunteers to pray for them.

The newspaper “The Amish Voice” mostly consists of Bible studies from an Evangelical perspective, adverts for Bibles in English and Pennsylvania Dutch (the Amish people use the Bible only in High German, without ever having learned the language) and articles on devotional issues. A quote: “Maybe you still go to church and go through the religious rituals, but has your relationship with Jesus grown cold? Get rid of the weeds – the things in your heart keeping you from fully seeking and following God. Is it sin, rules, traditions [...]?”⁸³

The self-description of “Jews for Jesus” uses a similar tone:

OUR ROOTS: Jews for Jesus was established in 32 A.D., give or take a year. Yes, the first century missionaries were Jewish! And we are doing our best to carry on their legacy. [...]. OUR MISSION

FAMILY: Reaching out to 13 million Jews! Approximately 200 staff in 22 branches throughout North America, Israel, Western Europe, the former Soviet Union, South Africa, Brazil and Australia [...]. OUR MISSIONARIES: Jewish evangelism is tough. Our missionaries must reach out to many (be it through street evangelism, phone calls, or knocking on doors) to win the hearts of a few. [...] Jews for Jesus missionaries are committed to an “apostolic” lifestyle, which means making themselves: available to meet one-on-one with Jewish inquirers; vulnerable to the rejection that is a natural result of bringing an unpopular message to the lost; and mobile—ready to go where they are most needed.⁸⁴

The “Jews for Jesus” FAQ state:

If a person believes the Bible and believes that Jesus is the only way of salvation (John 14:6, Acts 4:12, Romans 10:9,10) and then that person declines to tell a Jewish friend about Christ, it indicates one of two things. Either that person has decided that the Jews are not worthy of the gospel, in which case he would be a racist, an anti-Semite and a hater of people instead of the lover of people that God wants him to be. Or perhaps he has judged the gospel as being unworthy of the Jews in which case he has trivialized the passion of Calvary and the awesome significance of Christ’s resurrection.⁸⁵

The American Jewish Committee considers “Jews for Jesus” as a cult in the manner of the Unification Church, Hare Krishnas and Scientologists. By contrast, Southern Baptists and other evangelical Christians see the group as a legitimate missionary tool appropriate for saving Jews from condemnation.⁸⁶

Assessment and Conclusion: “Mission to Amish People” and “Jews for Jesus” in the Light of Human Rights Law

US jurisprudence has seen a number of precedent cases. In some cases, US law prescribes that people have to apply for a permit by the city manager in order to distribute “circulars, handbooks, advertising, or literature of any kind”. The case of *Lovell vs. Griffin* (303 US 444, 1938) was fought by a Jehovah’s Witness who failed to apply for such a permit since in her understanding, she was called by God to spread the word without needing permission from a secular authority. The Supreme Court decided

in her favor, because it judged the ordinance to be too broad, allowing the mayor to serve as a censor of free speech.⁸⁷

Furthermore, there are some prevailing public interests which potentially regulate public proselytizing. In cases of demonstrations or public religious services, the state has an interest in maintaining traffic control and public safety, as well as the protection of places of historic and natural interest. Sidewalks and public parks are typical places for such meetings, although everyone's access to these places has to be guaranteed. Under these conditions, free speech in public is then guaranteed independently of its content.⁸⁸

Concerning religious speech especially directed against another religious group, the Supreme Court has decided as follows. In a 1940 decision, a Jehovah's Witness who delivered proselytizing speech directed against Catholics in a mainly Catholic area of New Haven was sued. The Supreme Court found no basis for the conviction and said that free speech was protected no matter how offensive the Catholic audience would find it (*Cantwell vs. Connecticut*, 310 US 296, 1940). A different decision was taken only two years later, when a Jehovah's Witness criticized organized religion in public and in addition, called some individuals "racketeers" and "fascists" (*Chaplinsky vs. New Hampshire*, 315 US 568, 1942). There, the Supreme Court judged that such speech might cause a violent response from the public and that the state could prohibit it in order to keep the peace. This case has become known as "the 'fighting words' exception to First Amendment protection."⁸⁹

Lerner interprets the problem of proselytism as a clash between rights. He states that it cannot be decided in the abstract which right should prevail in the concrete case: proselytism as freedom of expression or a group's right to defend its own religious identity.⁹⁰

An assessment of these two religious organizations from the perspective of the UN declarations of human rights and the American Convention of Human Rights suggests the possible interpretation that they violate the individual and the collective freedom of religion of Amish people and Jews, as well as the corporate freedom of their religious organizations. In an extreme case, it could even be argued that the very foundation of such organizations is illegal, if it is clear right from the beginning that their sole purpose is to lure believers away from their original religious community. A more balanced possibility would be to allow such organizations under the condition that they do not proselytize in certain areas mainly inhabited by Amish people and Jews. To conclude, neither American jurisprudence nor international law gives a satisfying answer to how to deal with the issue of proselytism in these cases. Most probably, the best solutions are local decisions applied to each individual case.

Notes

¹ Natan Lerner, *Religion, Secular Beliefs and Human Rights* (Martinus Nijhoff: Leiden/Boston, 2012), 134.

² Tad Stahnke, "Proselytism and the Freedom to Change Religion in International Human Rights Law", *Brigham Young University Law Review* 8 (2001): 257.

³ Lerner, *Religion, Secular Beliefs and Human Rights*, 135.

⁴ Natan Lerner, "Proselytism, Change of Religion, and International Human Rights", *Emory International Law Review* 12 (no. 477, 1998): 559.

⁵ Stahnke, "Proselytism and the Freedom to Change Religion", 254.

⁶ Thomas Garnett, "Changing Minds: Proselytism, Freedom, and the First Amendment", *University of St. Thomas Law Journal* 2 (Autumn 2005): 465.

⁷ Garnett, "Changing Minds", 467.

⁸ Garnett, "Changing Minds", 468.

⁹ Garnett, "Changing Minds", 469.

¹⁰ Howard Hunter and Polly Price, "Regulation of Religious Proselytism in the United States", *Brigham Young University Law Review* 537 (Spring 2001): 537.

¹¹ Stahnke, "Proselytism and the Freedom to Change Religion", 279.

¹² Luke Johnson, "Proselytism and Witness in Earliest Christianity", in *Sharing the Book. Religious Perspectives on the Rights and Wrongs of Proselytism*, eds. John Witte, and Richard C. Martin (New York: Orbis Books, 1999), 145.

¹³ Paul Taylor, *Freedom of Religion. UN and European Human Rights Law and Practice* (Cambridge: Cambridge University Press, 2005), 63.

¹⁴ Anat Scolnicov, *The Right to Religious Freedom in International Law* (London: Routledge, 2011), 198.

¹⁵ Lerner, *Religion, Secular Beliefs and Human Rights*, 13.

¹⁶ Marco Ventura, *La laicità dell'Unione Europea. Diritti, mercato, religione* (Torino: Giappichelli, 2001), 60.

¹⁷ Marianne Heimbach-Steins, *Religionsfreiheit. Ein Menschenrecht unter Druck* (Paderborn: Schöningh, 2012), 111.

¹⁸ Holger Scheel, *Die Religionsfreiheit im Blickwinkel des Völkerrechts, des islamischen und des ägyptischen Rechts* (Berlin: Duncker & Humblot, 2007), 67.

¹⁹ Heiner Bielefeldt, "Protecting and Implementing the Right to Freedom of Religion or Belief: Interview with Heiner Bielefeldt", *Journal of Human Rights Practice* 3 (Winter 2011): 229.

²⁰ Lerner, *Religion, Secular Beliefs and Human Rights*, 16.

²¹ Asher Maoz, "Proselytism and the Right to Change Religion", in *Law and Religion in the 21st Century: Religion between States and Religious Communities*, eds. Silvio Ferrari and Rinaldo Cristofori (Burlington: Ashgate, 2010), 250.

²² Taylor, *Freedom of Religion*, 49.

²³ Arcot Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Principles* (UN Sales No. 60, XIV. 2, 1960), 230-1. Quoted after: Taylor, *Freedom of Religion*, 53.

²⁴ Arcot Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Principles* (UN Sales No. 60, XIV. 2, 1960), 254, Quoted after: Taylor, *Freedom of Religion*, 61.

²⁵ Arcot Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Principles* (UN Sales No. 60, XIV. 2, 1960), 255, Quoted after: Taylor, *Freedom of Religion*, 61.

²⁶ Lerner, *Religion, Secular Beliefs and Human Rights*, 144.

²⁷ Heimbach-Steins, *Religionsfreiheit*, 111.

²⁸ Thomas Giegerich, “Religionsfreiheit als Gleichheitsanspruch und Gleichheitsproblem”, in *Religionsfreiheit zwischen individueller Selbstbestimmung, Minderheitenschutz und Staatskirchenrecht – Völker- und verfassungsrechtliche Perspektiven*, eds. Rainer Grote and Thilo Marauhn (Berlin/Heidelberg: Springer, 2001), 263.

²⁹ Lerner, *Religion, Secular Beliefs and Human Rights*, 27.

³⁰ Malcolm Evans, *Religious Liberty and International Law in Europe* (Cambridge: Cambridge University Press, 1997), 207.

³¹ Thilo Marauhn, “Bedürfnis- und Bedeutungsadäquanz rechtlicher Organisationsformen von Religionsgemeinschaften”, in *Religionsfreiheit zwischen individueller Selbstbestimmung, Minderheitenschutz und Staatskirchenrecht – Völker- und verfassungsrechtliche Perspektiven*, eds. Rainer Grote, Rainer and Thilo Marauhn (Berlin/Heidelberg: Springer, 2001), 432.

³² Lerner, “Proselytism, Change of Religion, and International Human Rights”, 513.

³³ Taylor, *Freedom of Religion*, 25.

³⁴ Lerner, *Religion, Secular Beliefs and Human Rights*, 130.

³⁵ United Nations Human Rights Committee (HRC), “General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion”, Note 24, para. 2 (CCPR/C/21/Rev.1/Add.4), July 30, 1993, <http://www.refworld.org/docid/453883fb22.html>.

³⁶ Lerner, *Religion, Secular Beliefs and Human Rights*, 24.

³⁷ Evans, *Religious Liberty*, 221.

³⁸ Taylor, *Freedom of Religion*, 26.

³⁹ Taylor, *Freedom of Religion*, 340.

⁴⁰ Fernando Volio, “Legal Personality, Privacy, and the Family”, in *The International Bill of Rights: The Covenant on Civil and Political Rights*, ed. Louis Henkin (New York: Columbia University Press, 1981), 190.

⁴¹ Christian Walter, *Religionsverfassungsrecht* (Tübingen: Mohr Siebeck, 2006), 462.

⁴² United Nations General Assembly (GA), “Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief”, Art. 1 (A/RES/36/55), November 25, 1981, <http://www.un.org/documents/ga/res/36/a36r055.htm>.

⁴³ Taylor, *Freedom of Religion*, 35.

⁴⁴ Derek Davis, “The Evolution of Religious Freedom as a Universal Human Right: Examining the Role of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief”, *Brigham Young University Law Review* 217 (2002): 226.

⁴⁵ United Nations General Assembly (GA), “Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief”, Art. 6 (A/RES/36/55), November 25, 1981, <http://www.un.org/documents/ga/res/36/a36r055.htm>.

⁴⁶ Lerner, *Religion, Secular Beliefs and Human Rights*, 30.

⁴⁷ Lerner, “Proselytism, Change of Religion, and International Human Rights”, 525.

⁴⁸ Lerner, 526.

- ⁴⁹ Lerner, *Religion, Secular Beliefs and Human Rights*, 156.
- ⁵⁰ Krishnaswami study, 16, Quoted after: Evans, *Religious Liberty*, 238.
- ⁵¹ Lerner, *Religion, Secular Beliefs and Human Rights*, 156.
- ⁵² Angelo Vidal d'Almeida Ribeiro, *Interim report of the Special Rapporteur on the Elimination of All Forms of Religious Intolerance* (A/50/440, 1995), para. 59. Quoted after: Evans, *Religious Liberty*, 252.
- ⁵³ Asma Jahangir, "Religions and Religious Freedom. Perspectives on Human Rights in the Field of Tension Arising from Mission and Conversion", in *Religionen und Religionsfreiheit*, eds. Marianne Heimbach-Steins and Heiner Bielefeldt, Heiner (Würzburg: Ergon, 2010), 48.
- ⁵⁴ Taylor, *Freedom of Religion*, 290.
- ⁵⁵ Ribeiro, *Interim report*, para. 86. Quoted after: Evans, *Religious Liberty*, 260.
- ⁵⁶ Heiner Bielefeldt, *Elimination of all forms of religious intolerance* (A/67/303, 2012), 2.
- ⁵⁷ Heiner Bielefeldt, *Elimination of all forms of religious intolerance*, 17.
- ⁵⁸ Heiner Bielefeldt, *Elimination of all forms of religious intolerance*, 23.
- ⁵⁹ Heiner Bielefeldt, "Diskussion", in *Religionsfreiheit im Zeichen der Globalisierung und Multikulturalität*, ed. Karl Wolfram (Wien: Jan Sramek, 2013), 92.
- ⁶⁰ Scolnicov, *The Right to Religious Freedom*, 196.
- ⁶¹ Scolnicov, *The Right to Religious Freedom*, 197.
- ⁶² Daniel Ottenberg, *Der Schutz der Religionsfreiheit im internationalen Recht* (Baden-Baden: Nomos, 2009), 212.
- ⁶³ Lerner, *Religion, Secular Beliefs and Human Rights*, 163.
- ⁶⁴ Ottenberg, *Der Schutz der Religionsfreiheit*, 213.
- ⁶⁵ Lerner, *Religion, Secular Beliefs and Human Rights*, 89.
- ⁶⁶ Lerner, 95.
- ⁶⁷ Diane Alai, "Workshop Presentation Outline. Workshop 2: Change of Religion or Belief, Enabling the Environment", *Religious and Human Rights 2* (2007): 63-65.
- ⁶⁸ <http://www.mapministry.org/>
- ⁶⁹ www.jewsforjesus.org
- ⁷⁰ John Witte, "Preface", in *Sharing the Book. Religious Perspectives on the Rights and Wrongs of Proselytism*, eds. John Witte and Richard C. Martin (New York: Orbis Books, 1999), xv.
- ⁷¹ John Witte, "Preface", xiv.
- ⁷² David Novak, "Proselytism in Judaism", in *Sharing the Book. Religious Perspectives on the Rights and Wrongs of Proselytism*, eds. John Witte and Richard C. Martin (New York: Orbis Books, 1999), 17.
- ⁷³ Martin E. Marty, "Introduction: Proselytizers and Proselytizees on the Sharp Arête of Modernity", in *Sharing the Book. Religious Perspectives on the Rights and Wrongs of Proselytism*, eds. John Witte and Richard C. Martin (New York: Orbis Books, 1999), 10.
- ⁷⁴ Juliane García Dorneles, "The Amish people: their habits, culture, history, and education", in *Teaching Today, Touching Tomorrow*, eds. Vera Müller and Vivian Magalhães (Porto Alegre: ediPUCRS, 2009), 27.
- ⁷⁵ Mindy Clark, *Plain Answers about the Amish Life* (Eugene: Harvest House Publishers, 2010), 21-23.
- ⁷⁶ Witte, "Preface", xv.
- ⁷⁷ "Mission to Amish People", accessed August 6, 2014, <http://www.deeyoder.com/2008/10/mission-to-amish-people.html>.

⁷⁸ Greg Albrecht, “Living in an Amish Paradise?”, *The Plain Truth* (May-June 2006), 6-14.

⁷⁹ “Mission to Amish People”, accessed August 6, 2014, <http://www.deeoder.com/2008/10/mission-to-amish-people.html>.

⁸⁰ “Mission to Amish People”.

⁸¹ “Mission to Amish People”.

⁸² “Leaving Amish Paradise”, accessed August 6, 2014, <http://www.mapministry.org/resources/audio-and-video/leaving-amish-paradise>.

⁸³ *The Amish Voice*. “Prepare your Heart!” July 2014.

⁸⁴ “A Brief History of Jews for Jesus”, accessed April 30, 2015, <http://www.jewsforjesus.org/about-jews-for-jesus/history-and-timeline/history>.

⁸⁵ “Frequently Asked Questions”, accessed April 30, 2015, <http://www.jewsforjesus.org/about-jews-for-jesus/faq>.

⁸⁶ Anson Shupe and Susan Darnell, *Agents of Discord: The Cult Awareness Network, Deprogramming and Bad Science* (New Brunswick: Transaction, 2006), 6.

⁸⁷ Hunter and Price, “Regulation of Religious Proselytism in the United States”, 541.

⁸⁸ Hunter and Price, “Regulation of Religious Proselytism in the United States”, 542.

⁸⁹ Hunter and Price, “Regulation of Religious Proselytism in the United States”, 551.

⁹⁰ Lerner, “Proselytism, Change of Religion, and International Human Rights”, 487.

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