



Coming to the Republic of Korea, I wanted to investigate possible violations of the freedom of belief. What I found were people in despair, in tears, praying in front of a detention center, and an unused space for church services that is not allowed to be used. Yet, this is not about Chairman Lee or Shincheonji. It is about rules made by the people to serve the people.

From an international legal perspective, and out of concern that the position taken in this case could spread into a global conflagration, we look at Asia with considerable concern.

Many laws address religious freedom, but only the South Korean Constitution mandates a strict separation that nobody seems to know how to handle.

When the Frankfurt Constitution was drafted in Germany in 1849, it was, in fact, more protective than any other constitution ever. The exercise of civil rights and the fulfilment of civic duties were not restricted on religious basis.

The Constitutional Court of South Korea—whose wisdom is beyond contestation—interprets their article as a mandate of separation and distinguishes between freedom of belief and religious practice. However, what we see and what we get is something different.

Yet this is the constitutional framework in which we operate. The sources of law offer only limited guidance. The Frankfurt Constitution never entered into force, other sources are silent on the this relationship state and churches.

*Political Liberalism* by John Rawls tells us that political power requires a justification that all reasonable citizens can accept. Can reasonable citizens accept having religious feelings hurt and



worship forbidden? Religious arguments in politics are acceptable as long as secular reasons are also present.

This, in my view, aligns with the fact that our world is full of rules carrying both secular and religious effects. The permission to use a building as a church is both secular and religious. For the safety of the people, it is necessary that both sides work together and find the best solution. Believers pay taxes, churches start schools and take care for those in need—they are therefore not destructive cults. Everyone participates in secular life in a dual role, as both citizen and believer. Restricting this is unacceptable.

One way to resolve this dilemma would be to prevent only institutional entanglements. Another would be to let churches decide for themselves where such questions are exclusively religious in nature.

Franklin D. Roosevelt spoke in 1941 of the "Four Freedoms," which were crucial words that shaped the Declaration by the United Nations against Nazi Germany-

The freedom of speech, to worship God in his own way, from want and from fear.

Yet can any one of these four freedoms truly be realized while the others are ignored? Can they be separated at all or are they not essential pillars of this great South Korean nation?

Too often, real interests overlap, which is why an artificial separation of church and state cannot be sustained. The core of religious freedom must be untouched.

It cannot be overlooked that President Trump has orchestrated the mobilization of religious voters with great skill. Yet this is legitimate, cause it serve legitimate purposes.



On this basis, it must be asked whether existing case law interpreting the Constitution and certain public acts has been overtaken by reality, and whether a strict application of that case law would not lead to complete incapacitation.

A ban on political engagement would itself be discriminatory.

The Constitutional Court has rightly noted that, given the particular nature of religious communities, the public interest—such as the fairness of elections—may prevail.

What has not yet been decided, however, is the influence of apostates. Nor has it been decided what society would look like entirely without the social engagement of religious communities. Evaluating the actual function of religions themselves—as is sometimes suggested and even stated publicly—represents a serious intrusion into their freedom.

This core area must not be assessed or defined by anyone from the outside.

Whenever the Constitutional Court has had to grapple with questions at the intersection of religion and administrative law, the resulting decisions have been noteworthy. Dissenting opinions concerning Seventh-day Adventists were issued, and in 2018 Jehovah's Witnesses were acquitted for refusing military service.

But we need sufficient clarity in cases of religious freedom.

This is the time to decide wisely in a way that all people can accept. It is not the time for a constitution or a government to bring people to tears. It is time to create a better future with the full implementation of human rights and the freedom of belief.