



Editorial Note

The freedom of religion or belief is an internationally recognized human right. It includes the right to have or not to have a religion or belief and to manifest this religion or belief in private or in public, alone and/or in community with others. Given the extensive ratification of major international human rights treaties, most states in the world are today obliged to respect, protect, and fulfil the rights of individuals and groups within their territories and under their jurisdiction. However, in practice, issues concerning the right to believe or not to believe are far from a simple matter, as shown in this special issue on the *Freedom of Religion and Belief Revisited*. Geographically, the articles of this special issue largely focus on Finland and the other Nordic countries. This said, it is obvious that the themes covered in these articles not only touch upon the development in individual states but are international or transnational by nature.

Finland and the other Nordic countries are part of a globalized world, governed by international agreements and power relations. This is true not only in relation to law but also economy, politics, and even warfare, of which the decision of Finland and Sweden to seek NATO membership is a recent example. It is our contention that in a rapidly changing global world law needs to follow suit – in Finland and elsewhere.

On 10 November 2022, 100 years had passed since the newly independent republic of Finland enacted its Act on the Freedom of Religion (267/1922, which came into effect on 1 January 1923). It formally recognized individual and collective freedom and established state neutrality in relation to religion. The Act was in force for 80 years, being replaced only in 2003 by a new Act on the Freedom of Religion (453/2003). Compared to the earlier Act, the new Act of 2003 (and related legal reforms around the same time) testifies to an expanded concept of freedom of religion, a stronger focus on positive freedom of religion and belief, and a strengthening of collective freedom in this area.

As Ilkka Huhta's article about Finland shows, the transformation of the right to freedom of religion and belief followed a particular path, and similar developments can also be observed with regard to other European countries. First, there was a move away from religious coercion, which historically

meant a legally enforced – and largely socially taken for granted – duty to belong to the majority church and a right to choose between different Christian congregations. Subsequently, this right came to include the right to choose between different religions. Finally, it also came to encompass the individual right not to believe or belong to any religious community. As the article by Teemu Taira and Lori Beaman also shows, questions pertaining to the freedom of religion or belief are today increasingly concerned with the rights of nonreligious communities and of the nonreligious.

The Finnish society of the 2020s differs markedly from that of the 1920s, or indeed the early 2000s. For example, apart from changing geopolitical constellations affecting the role of the state, migration, forced mobility, and societal diversification are affecting the makeup of society, triggering a reconsideration of established practices, as well as the identification of new issues of concern for which there are no ready legal solutions. Hence, instead of approaching societal issues simply as a legal matter – for example, pertaining to freedom of religion and belief – in certain cases it may be more appropriate to examine how people aim to solve matters of their everyday life in practice. Mulki Al-Sharmani and Sanna Mustasaari offer an illuminating example of this approach in their article, in which they show how Finnish Muslims, at the intersection of religion, race, and gender, create meaning and practices of Islamic family law in relation to marriage and divorce. In doing so, Al-Sharmani and Mustasaari invite us to move beyond binary and narrow ways of thinking about normative orders and how people engage with law, and they raise a question about legal pluralism as against simplistic legal centrism.

Indeed, while the law may in fact be unable to provide tangible solutions to all the issues arising from continual societal diversification, the established general legal approaches to freedom of religion or belief may also need reconsideration. In her article Lene Kühle points to contradictions in how the Nordic countries are related to and regulate religion and belief. While they put themselves forward as champions of freedom of religion or belief, data from international reports measuring levels of freedom of religion or belief across the globe do not affirm this rosy picture.

When carrying out a diagnosis and proposing legal solutions, it is, as Kühle observes, important to critically reflect on such international standards for measuring levels of freedom of religion or belief, and how they may play a role in helping us focus on topical issues related to religious freedom. We need to ask how things are classified – an important issue also raised by Taira and Beaman in their discussion of the culturalization of religion – and what counts as more or less the freedom of religion.

During the preparatory work of the new 2003 Act in Finland, it was observed that the aim was not to enact a law that would be as enduring as its predecessor. The decline in membership of the Lutheran Church, as well as the increasing religious diversity and growing number of nonreligious people pose clear challenges for the next reform of the Finnish Act on the Freedom of Religion. However, a thorough reform of the Act on the Freedom of Religion would require changes to religious policies and social power relations, and such changes take place only very slowly. It remains to be seen if even 70 years will be enough for this to happen in Finland.

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Guest editors

