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Christianity During Times of Crisis: The European Refugee Movement

Kathryn Eckler

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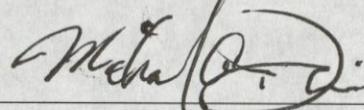
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Christianity During Times of Crisis: The European Refugee Movement

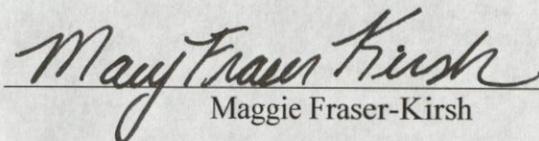
A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Religious Studies
from The College of William and Mary

By Kathryn R. Eckler

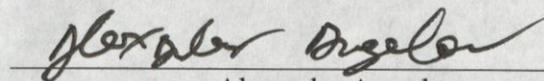
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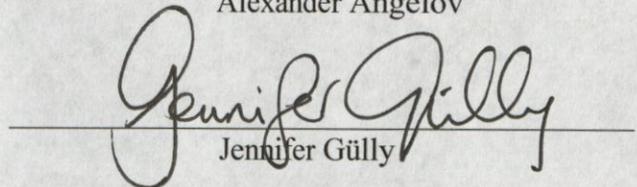
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Christianity During Times of Crisis: The European Refugee Movement

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Religious Studies Department

The College of William and Mary

Williamsburg, Virginia

Dieses Projekt ist für die schönen Menschen

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Introduction

Like much of the world in late 2015, I sat enthralled as I viewed media reports on the “refugee crisis” that was overtaking Europe. For months on end, western media outlets had refugees’ stories of crisis and triumph on a constant loop. One could not escape the reports of Italy and Greece rescuing refugees from their coasts. France and Germany seemed to be overwhelmed with the sheer number of refugees seeking asylum within their borders. It seemed that my fellow news watchers and I were witnessing Europe’s largest humanitarian crisis since World War II. As time would only prove, we were indeed privy to the failings of international law and humanitarian aid. But surely this “humanitarian crisis” was more than morose stories of social demise. The human spirit does not render itself so easily to the throes of trial.

Towards the middle of my sophomore year at the College of William & Mary, I realized that I wanted to experience this “crisis” for myself. I wanted to see what it was like to experience European integration after immigrating from the Middle East. During the summer of 2017, I worked as a short-term volunteer with a refugee church in Vienna, Austria. It was at *Projekt: Gemeinde* that I learned that refugees are not always fleeing because of war, natural disaster, or poverty; refugees from Iran must seek asylum because of their Christian faith.

The personal testimonies of Iranian refugees are uncommon in the landscape of refugee studies. Most academic refugee research relates to secular social issues—not with the interaction of religion and asylum. But religion and asylum are the very perspectives that I present here. The personal narratives of Iranian refugees are largely influenced by shifting social and cultural contexts. Iranian refugees are constantly crafting new identities based on the place that they find themselves. Knowing the impossibility of accurately speaking for every Iranian Christian

refugee, I specifically based this project on Iranian refugees who fled Iran because of their Christian identity, entered Austria, and have or are seeking religious asylum.

Each of the four chapters in this thesis represent a new context. I begin by presenting the past and present political and social climate in Iran. I rely upon primary and secondary sources, along with international legal reports on the current internal state of affairs in Iran. As I pored over tomes of Iranian policy, I soon realized that many of the reports that I was reading were too “sterile.” In interviews with Iranian refugees, their testimonies spoke to much more severe and tangible implications that arise when one converts to Christianity. Any source from Iran is censored, as the Iranian government maintains strict control over the media and published materials. While I do not consider this fact detrimental to my study, the reliability of Iranian sources did pose certain challenges when analyzing the current state of Christians in Iran. I can only hope that between my personal interviews and the authors that I present here, that I am able to show that Christians do not have a place in contemporary Iranian society.

Furthermore, when discussing Iran, I use the term “extremism” to describe breaches in human rights standards endorsed by the United Nations’ Universal Declaration of Human Rights. While Iranian authorities might not consider their actions “extreme,” in the eyes of Westerners, acts of discrimination against Christians in Iran are major lapses in civil, political, social, and humanitarian rights. Those living in Iran are not unaware of the Western ideal of religious liberty; those living in Iran are simply unable to exercise Western understandings of “fundamental rights.” A second point of concern within the Iranian context is the definition of “ethnic Christians.” From the Iranian perspective, an “ethnic Christian” is any Christian who is born into their religion, such as Armenian, Coptic, or Assyrian Christians.¹ Nevertheless, can

¹ Hussein D. Hassan, “Iran: Ethnic and Religious Minorities,” *Congressional Research Service Library of Congress* (2007): 11, <https://fas.org/sgp/crs/mideast/RL34021.pdf>.

Christianity be regarded as an ethnicity? This philosophical question is beyond the scope of my project. For clarity, the term “ethnic Christian” will never refer to a Christian convert.

Upon considering the political and social situation in Iran, I discuss the current European response to the Refugee Crisis of 2015-2017. While many of the refugees entering Europe in 2015-2017 were fleeing the Syrian war, a small number of Iranian Christian refugees were a part of the European migration. Europe’s response is based in decades of documents promulgated by the United Nations, European Union, and individual European Union member states. The European Union dialogue surrounding refugees is one of human rights, humanitarian aid, and complex legislation. In shifting contexts from Iran to the European Union, consider what it would be like to transition from Iran to Austria.

Austria also has a unique layer of religious history that adds to the complexity of asylum-seeking Iranian Christian refugees. Iranian Christians need asylum because they are Christian converts; naturally, this means that these refugees are seeking a Christian community upon entering Austria. Austria, long a Catholic stronghold, has only recently updated its religious freedom laws. The refugees that I studied alongside are Baptist—a group that only gained “religious recognition” by the Austrian government in 2013. Yet again, refugees are forced to shift contexts in accordance to the culture and the social situation that they find themselves. If one neglects to study Austrian religious history, then one misses the true challenge that it is to have religious asylum in Austria.

In order to validate and expose the situation of Christian converts, to show the chaos of entering the European Union, and to show how religious freedoms are enjoyed in Austria, I present the testimonies of five Iranian Christian refugees currently living in Vienna, Austria. I present their stories as a way of displaying that refugees are more than a disparaging news

headline; Christian refugees have complex stories that span cultures, religions, and international borders. It is their profound perspectives that are the fuel for this project.

This project presents four different lenses for viewing the Refugee Crisis of 2015-2017. My primary task is to present the legal and ethical traditions of Iran, the European Union, and the Republic of Austria. Upon delving into legal discourse, I use testimonies from refugees to show that national and international laws directly influence the experiences of refugees, and that Christian refugees require additional legal protection on behalf of European countries, given the status of Christian converts in Iran. The narratives that I present do not depict a straightforward or cogent perspective—such a study is impossible. My charge is to show that the “superstructure” of governance, with its associated chaos, reaches deep into the personal lives of Iranian Christian converts. Law does not take place within a vacuum; the main question is to see how law influences the quality of life for those under the authority of national and international governance.

Chapter 1

From Revolution to Law: Iranian Revolutionary History and Constitutional Law on Religious Minorities and Individual Rights

The Middle East has been considered an area of conflict since the early 1900s. As the Western world was undergoing massive changes with the coming of World Wars I and II, the Middle East was also experiencing a series of political and social changes. Historically, Western countries, particularly Great Britain and Russia, had vested economic interests in the Middle East—specifically in Iran. The combination of Western social standards and economic policies imposed upon Iran produced a history of oppression, public riots, and the desire for Iranian independence. It is from these early days of European occupation that the quest for Iranian independence unfolds. From the initial days of revolution to the present day, religion has played an influential role in the formation of Iranian law and society.

As I was conducting interviews with refugees in Vienna, Austria, my interviewees would convey what the social and political climate of their home country of Iran was like. In these interviews, I was made privy to the challenges of Iranians since the early 1900s to the present day. Rather than exclusively speaking to their current struggles as Persian Christian converts, they would tell of the long and trying history of religious minorities. In this chapter, I hope to convey the milestones of Iranian thought that have given rise to the current system of religious intolerance. The present endeavor of deciphering how Christian converts are regarded by the Iranian government is not easy, because issues relating to Christian converts are not published in official Iranian documents or reports. Furthermore, very few scholars write on Christian converts and minority groups in Iran. While ethnic Iranian Christians are an area of study, Christian converts are on the fringes of research. This leaves the personal testimony of Iranian Christian refugees to direct the conversation, which is fully addressed in Chapter 4. Here, the

revolutionary history and current legal policies of Iran will guide the conversation surrounding Christian minorities.

From Persia to Iran: The First-half of the Twentieth Century

Many of the tensions found in Iranian history are sourced in the occupation of the Persian Empire by Great Britain and Russia during the nineteenth and early twentieth centuries. While monarchs have ruled over Persia for centuries, occupation by foreign powers became the norm during the years leading up to and after the World Wars. The strict control over Persian natural resources and the innate inclination against foreign rule spurred a constitutional revolution at the turn of the early twentieth century. In 1906 through 1907, Persians rallied to form a constitutional movement, in hopes of disbanding the grasp of British and Russian rule. In 1935, the Persian Empire officially changed its title to “Iran,” but foreign countries continued to exert political control.² Throughout World War II, Iran remained under the foreign rule of Great Britain and Russia. It was not until 1943 that Iran was given full independence and foreign occupation was disbanded.³ Rather than being ruled by an elected government, Iran once again became a monarchy under Pahlavi rule.⁴ The 1960s and 1970s oil rush brought international challenges to Iran, and lack of just governance created the perfect platform for the internal implosion of Iran.

² The interactions of Persia, Great Britain, and Russia are hard to define. While under foreign influence, Persia remained a monarchy; power was not centralized to the monarch, and national resources were not well developed. For example, public roads were virtually non-existent, and Persia had no standing military or police force. Most high-level operating decisions were made by Great Britain and Russia, as these countries had a vested interest in securing their economic endeavors. Additional resources on the suzerainty of Iran are found in Nikki Keddie’s Article, “Iran Under the Later Qājārs,” in the *Cambridge History of Iran*. Nikki Keddie, “Iran Under the Later Qājārs, 1848-1922,” in *The Cambridge History of Iran: From Nadir Shah to the Islamic Republic 7*, eds. Peter Avery, Gavin Hambly, and Charles Melville (Cambridge: Cambridge University Press, 1991).

³ Amos J. Peaslee and Dorothy Peaslee, “Iran,” in *Constitutions of Nations, Volume II Asia, Australia and Oceania* (Dordrecht: Martinus Nijhoff Publishers, 1985), 347.

⁴ Shaúl Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution* (New York: Basic Books, Inc., Publishers, 1990), 3.

The late 1960s and early 1970s brought Iran into the global economic spotlight. As international economies were transitioning to oil-based systems, foreign economic powers wanted to secure oil fields and trade deals with petroleum rich countries, such as Iran. Mix an international flurry of oil economics with an unscrupulous monarchy and corruption became the order of the day.⁵ All echelons of Iranian society became subject to the hostile and rash dealings of the Pahlavi monarchy (1925-1979). The reign of the Pahlavi monarchy was filled with revolutionary uprisings, strikes, protests, and street violence. Severe inflation and economic instability brought panic and fear to low and middle-class workers. A two-day popular uprising in February of 1979 brought the age of the monarch to a close.⁶ Amos and Dorothy Peaslee describe the revolutionary's February blitz:

The revolutionaries were in control of the streets... On 10 and 11 February, the people of Tehran took over the physical symbols of government: the military barracks, the police stations, the government buildings, bearded revolutionaries sat in the offices of ministers; turbaned *mollahs*⁷ [*mullahs*] occupied the palaces of kings.⁸

By the close of 1979, the entirety of Iranian society was transformed into a theocratic government. A country so long ruled by monarchies and occupied by foreign powers was on the road of constitutional and social revolution.

Shifting from a long-standing system of monarchies to a new system of government was nothing short of an explosive revolution. Even when occupied by Britain and Russia, Iranians still answered to a monarchical figure. The most prominent changes present in the transition reside in the difference between a formerly ruling secular monarch and in the creation of a quasi-

⁵ Peaslee and Peaslee, "Iran," 348.

⁶ Bakhash, *The Reign of the Ayatollaha*, 3.

⁷ *The Oxford Dictionary of Islam* defines "mullah" as: "[The] title used to identify religious functionary cleric, learned men, or someone with religious education. As a class, mullahs are the principle interpreters of Islamic law for Shiis [Shia']." John L. Esposito, ed., *The Oxford Dictionary of Islam* (Published Online: Oxford University Press, 2003).

⁸ Bakhash, *The Reign of the Ayatollaha*, 3.

theocracy. The secular rule of a governing family shifted to a revolutionary movement headed by Shia' Islamic doctrine and was enforced by a growing military elite.⁹ These radical changes occurred in fast succession. The entirety of Iranian society, from economics to military strategy, was overhauled by the revolutionary party.

The Road to Revolution: The Legal Ethic of Shia' Islam and the Authority of the *Faqīh*

All doctrines of Iranian political ideology are linked to tenets of Shia' Islam. As the rising revolutionaries were creating a new system of governance in Iran, they attributed all sovereignty to Allah, and humanity forfeited earthly destiny to the rule of the Divine.¹⁰ In June 1979, the first draft of the Iranian Constitution was published. Khomeini (1902-1989), the foremost leader of the revolutionaries and the prevailing religious leader of the constitutional movement, heartedly approved the Constitution's first edition.¹¹ The approved draft created a system of government that deferred majority powers to a Guardian Council, which contained six members appointed by the parliament. In this system, the Iranian office of the president held very little power, as legislation and governance were ultimately promulgated by the Guardian Council.¹² The parliament was elected by a public vote; a member of the parliament was known as a *majlis*.¹³ The appointed officials who make up the Guardian Council were known as *faqīh*.¹⁴

⁹ Bakhsh, *The Reign of the Ayatollaha*, 4.

¹⁰ Peaslee and Peaslee, "Iran," 348.

¹¹ Saffari Said, "The Legitimation of the Clergy's Right to Rule in the Iranian Constitution of 1979," *British Journal of Middle Eastern Studies* 20, no.1 (1993), 66.

¹² Ibid.

¹³ The *Oxford Dictionary of Islam* defines "majlis" as: "In the twentieth century, it referred to a variety of official, private, and social institutions. Most frequently refers to parliamentary institutions endowed with legislative authority or deliberative functions." Esposito, *The Oxford Dictionary of Islam*.

¹⁴ The *Oxford Dictionary of Islam* defines "Faqīh" as: "An expert of Islamic Jurisprudence. The Faqīh constituted a major segment of the religious elite and were considered the guardians of the community and its religion." Ibid. Khomeini, as we will see, builds upon some elements of the first constitution. Gavin B. Hambly describes the electoral process: "Since 1906, Iran had been a constitutional monarchy, with an elected *majlis*, or parliament, and a cabinet appointed by the Shah (the reigning monarch) but responsible to the country's chosen representatives, although the language of the original Constitutional Law relating to the subject was ambiguous." This specific model, while not fully implemented by Khomeini, is the premise which is then used in the Islamic Republic of Iran. Gavin B. Hambly, "The Pahlavī Autocracy: Rizā Shāh, 1921-1948," in *The Cambridge History of Iran: From Nadir*

Khomeini had long championed for a strong central government based on the authority of the *faqīh*. Saffari Said writes that “the Khomeinists argued that in a peaceful and stable Islamic society, there must exist one cleric, or a small council of clergy [i.e. the Guardian Council], with authority to rule over the community and their colleagues.”¹⁵ The extended authority over the community created a sense of religious authority from local levels to the highest echelons of Iranian society. The power wielded by the Guardian Council is a point of contention for religious minorities, as religious minorities do not have equal representation on the Council.

The insistence of the authority of *faqīh* is sourced in the doctrines the Twelver Shia’ School of Islam. Leaders cannot adhere to any form of Islam only doctrines related to the Twelver School are regarded as true.¹⁶ From the formulation of Twelver Shia’ adherence in 1979 until today, any leader elected to a public office must endorse these Shia’ beliefs. Additionally, allegiance to Shia’ doctrines provides “validity” for the governing position; fidelity to Islam provides those in office with a common philosophical grounding.¹⁷ The governing dynamics of the *faqīh* were not without contention, but Khomeini’s insistence of the centrality of the *faqīh* ultimately prevailed. Shaul Bakhash writes on the development of the *faqīh* in Khomeini’s Iran:

The new constitution made the *faqīh* the central figure in the political order, enshrined the dominance of the clerical community over the institutions of the state, entrenched Islamic jurisprudence as the foundation for the country’s laws and legal system, and limited individual freedoms to what was considered permissible under Islam.¹⁸

Shah to the Islamic Republic 7. eds. Peter Avery, Gavin Hambly, and Charles Melville (Cambridge: Cambridge University Press, 1991), 231.

¹⁵ Said, “The Legitimation of the Clergy’s,” 78.

¹⁶ Bakhash, *The Reign of the Ayatollaha*, 78.

¹⁷ Said, “The Legitimation of the Clergy’s,” 82.

¹⁸ Bakhash, *The Reign of the Ayatollaha*, 83.

By all rights and measures, the office of the president is merely a formal role, with a majority of all power residing with the *faqīh*.¹⁹ The control of the *faqīh* ensures that Shia' Islamic doctrines remain foundational to the rule of Iran. The structuring of Iranian society around Islamic rule, which is in stark contrast to the monarchical structure of prior generations, creates a social environment conducive to un-checked power of ruling clergy, and individuals are forced to submit to local and national Iranian authorities.

Moreover, Khomeini and his supporters advocated that Shia' Islam is inseparable from jurisprudence. Thus, the government sources authority from the convictions of the *faqīh*, who discern legal decisions from Shia' doctrines. Unlike other religious codes, Shia' Islam, as read by Khomeini and his supporters, does not permit separation between the state and religion; rather, Shia' Islam is used as the regulator of both the nation and the individual.²⁰ This approach to governance and religious policy, as Benard and Khalilzad postulate, produces "radical, expansionist, and totalistic" approaches to both foreign and domestic affairs.²¹ The insistence of Islamic authority shapes both the government's internal structure, but strict religious rule also defines Iranian society. As revolutionaries were drafting Iran's constitution, leaders were heavily influenced by religious and revolutionary fervor.²² Fundamentalists in Iran regard the state as a medium from which the teachings of Islam are implemented into society, even if these doctrines are *not* endorsed by all citizens.

During the constitutional revolution of 1979, supporters of Khomeini used their influence in local mosques to influence support in public elections. By advocating for a smaller ruling

¹⁹ The *Faqīh* appoint other officials, including the office of the Supreme Leader.

²⁰ Cheryl Benard and Zalmay Khalilzad, "*The Government of God*"—*Iran's Islamic Republic* (New York: Columbia University Press, 1984), 35.

²¹ *Ibid.*, 33.

²² Peaslee and Peaslee, "Iran," 348.

faction of the *faqīh*, Khomeini was able to skew the formation of the government in his favor. By generating support in local congregations, Khomeini's followers were able to use valuable resources across Iran in support of Muslim clergy.²³ Thus, it is apparent that the position of the *faqīh*, while supposedly ordained by Allah, was in actuality created to appease the political agenda of Khomeini. When questions arose as to the legal foundations of the position, Said reports that prominent Khomeini supporters reasoned that "like it or not, God had entrusted such cumbersome responsibilities to the *faqīh*."²⁴ The power of this ruling class was fortified by the position that any legal decision cannot be made in opposition to Islam.²⁵ The *faqīh* positioned themselves in a role that is irresolvable from the governing system and is also only reproachable by Islam itself. Again, this permits a small appointed council to rule over a larger and more diverse majority. The Constitution of Iran became a vehicle for continuing the interests of the *faqīh*, and minority groups are left with little to no representation.

Constitutional Law in Iran

Iran's Constitution was brought forth for the purpose of instilling and maintaining Islamic rule. While Iran has long been dominated by a Persian Muslim majority, until the time of the revolution in the late 1970s, there was no official state endorsement of Shia' doctrines. Studies conducted by Ferrari estimate that "over half of all countries with Muslim majorities claim Sharia among the sources of state law."²⁶ At the time of the constitutional revolution, there remained differing opinions on the level of influence that Islam should have within the government. At the time of the constitution's writing, there were many debates over the

²³ Said, "The Legitimation of the Clergy's," 67.

²⁴ Ibid., 76.

²⁵ Daniel Tsadik, "The Legal Status of Religious Minorities: Imāmī Shī'ī Law and Iran's Constitutional Revolution," *Islamic Law and Society* 10, no. 3 (2003), 377.

²⁶ Silvio Ferrari, "The Christian Roots of the Secular State," in *Mapping the Legal Boundaries of Belonging: Religion and Multiculturalism from Israel to Canada*, ed. René Provost (New York: Oxford University Press, 2014), 32.

legitimacy of Islamic rule, the democratic role of citizens, and concerns relating to religious power.²⁷ Yet, as Khomeini and his supporters gained power, these open discussions were stifled out. Khomeini ensured that clerics and religious leaders remained in control of Iran. The entirety of Constitution is written to support the values of Islam—without exception.

To draw focus to the role of religion within the Constitution of Iran, I will examine the Iranian Constitution with the purpose of exploring the status of religious minorities, specifically the provision for Christians and Christian converts. The consequences of Khomeini's desire for strict Islamic rule create a challenging environment for religious minorities and non-Persians.²⁸ The Islamization of Iran was achieved, but only through means of coercion, repression, and at times, violence.²⁹ Many of the issues faced by minority religious groups reside in the legal premise outlined in Article 2.2 of the Constitution of Iran. This article posits how jurists and lawmakers are to rule with the authority of Shia' Islam: "The Islamic Republic is a system of government based on the faith in the *divine revelations* and their fundamental role in the interpretation of laws."³⁰ Herein resides the major concern for religious minorities: all laws are interpreted as divinely revealed to those in power; interpretations in favor of Islam are surely represented rather than accommodating the convictions of other religious groups. The divine revelation of laws means that leaders are able to "rightly" discern the true meaning of Shia' law. This system can intrinsically promote the unjust treatment of non-Muslims by forcefully insisting upon Islamic rule. Secondly, Article 2.5 states that leaders must "repel any colonialism and

²⁷ Said, "The Legitimation of the Clergy's," 64.

²⁸ Bakhash, *The Reign of the Ayatollahs*, 88.

²⁹ *Ibid.*, 8.

³⁰ Peaslee and Peaslee, "Iran," 351. Emphasis added.

prevent any alien influence.”³¹ In relation to Christian groups, their beliefs represent “alien influence.” Thus, minority groups are yet again made subject to beliefs that are not their own.

There are specific articles of the constitution that relate to the role of Islam within society and within Iranian legislation itself. Article 2.15 conveys that Islam should be promoted and strengthened for Islamic fraternity and for public cooperation among all people.³² Again, the foundations of Islam are used as the primary basis for constitutional law. Article 11 of the Constitution of Iran advocates for an even more explicit rule of Islam within Iran:

As specified in the holy verse of the Quran 'Lo! this, your religion, is one religion and I am your Lord, so worship me', all Muslims shall be considered as one single nation and the Islamic Republic of Iran shall make its general policy on the basis of coalition and unity of all Moslem [Muslim] people and shall constantly make every endeavor to realize the political, economic and cultural unity of the world of Islam.³³

While strong national and fraternal ties are reserved for Muslims, in a fellowship that is outlined in the Quran, there is no accommodation for those who are not Muslim.

The first direct reference to religious minorities in the Constitution of Iran is made in Article 13. Article 13 presents religious minorities as:

The Zoroastrian, Jewish, and Christian Iranians shall be the sole recognized religious minorities who shall be free within the jurisdiction of the law in performing their religious services and shall act according to their canon law as far as their personal status and religious teachings are concerned.³⁴

As outlined in the above article, only these minority groups are recognized by the state.

Additionally, Christians are only recognized by the state if they are an “ethnic Christian.” These groups are permitted the freedom to maintain some of their traditions and religious governance, but these freedoms are only as “free” as Islam permits. As Article 26 expresses, minorities are

³¹ Peaslee and Peaslee, “Iran,” 352.

³² Ibid.

³³ Ibid., 353.

³⁴ Ibid., 354.

free in their convictions, unless their beliefs stand in contradiction to the expressed statutes of Islam.³⁵ This is a concern for many Christian groups, as Christian ideals of justice, governance, and religious doctrine are different from those of Islam. Assyrian and Chaldeans, who are ethnic Christians, are recognized by Article 13, but this does not prevent discrimination or persecution on behalf of the state. The Constitution of Iran does permit Assyrian and Chaldean groups to elect one leader to the Guardian Council, but in comparison to the expanse of Islamic presence, Christian minority groups have very little influence in the legal sphere.³⁶ All decisions relating to the rule of the nation are left in the hands of Islamic theologians and legal jurists—with religious minorities having essentially no legal presence.³⁷ Ultimately, Christians are left vulnerable to the legal decrees of Islamic Jurists.

The last constitutional topic that needs addressing in relation to Christian religious minorities is the state's role in regulating written publications. In Iran, all media outlets and publishers are under a watchful eye of the government. Article 175 states: "In the mass media the freedom of publicity and propaganda shall be ensured according to Islamic practice."³⁸ Supplementary information to the Constitution states that publications are permitted, so long as they are not deemed heretical by the statutes of Shia' Islam.³⁹ This platform allows the government to directly influence the type of information that is able to be distributed by Christian groups, as Christian publications are rarely permitted. The government's desire to influence Christian publishing has created an environment where Christians are openly discriminated against through the inability to publish theological works or Bibles. Additionally,

³⁵ Peaslee and Peaslee, "Iran," 355.

³⁶ *Ibid.*, 360.

³⁷ *Ibid.*, 364.

³⁸ *Ibid.*, 374.

³⁹ Tsadik, "The Legal Status of Religious Minorities," 378.

the government of Iran has publicly engaged in media campaigns against Christians on multiple social platforms.⁴⁰ Current perspectives of religious minorities, ethnic Christians, and Christian converts are skewed by false circulated information related to these innocent groups.

Current Ethnic Populations and Christian Religious Minorities in Iran

The lands of the Republic of Iran have long been inhabited by many diverse people groups. During the reign of the monarchs, many ethnic and religious groups lived in relative peace. Since the early 1900s, there have been greater ethnic and religious divides with the first moves towards the creation of an Islamic Republic. Currently, 51% of Iran's populace identifies as Persian, which most describe as an ethnicity. Historically, Persians settled in the Middle East around the year 1000 B.C. and have created some of the world's longest standing empires and monarchs. From an ethnic perspective, many Persians feel that they are the rightful heir to the history and culture of Iran.⁴¹ The national language in Iran is Persian, also known as "Farsi." Some minority groups speak different languages, such as Hebrew, and children attending state schools are required to learn Arabic, so that the Quran and other Scriptures are read in the language of Allah. Approximately 90% of people living in Iran are Shia' Muslims, and another 9% are Sunni Muslims.⁴² Recognized religious minority groups represent only 1% of the total population.⁴³ Because of their small size, all religious minority groups have faced forms of discrimination in relation to the larger Muslim majority.

Ethnic divides within Iran have created a society with polarized religious extremes.

While religious minorities provide Iran with cultural and religious diversity, minorities are often

⁴⁰ Hassan, "Iran: Ethnic and Religious Minorities," 1.

⁴¹ *Ibid.*, 6.

⁴² US Commission on International Religious Freedom, "2017 USCIRF- Recommended Countries of Particular Concern (CPC): Iran." *USCIRF Annual Report* (Accessed on June 21, 2018): 2, <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>.

⁴³ Hassan, "Iran: Ethnic and Religious Minorities," 5.

subject to persecution and discrimination. Prejudice and ethnic divides are facilitated by differences of belief and religious adherence between Muslims and other religious minorities. Religious conviction inherently posits minority groups in opposition to the governing laws of Shia' Islam.⁴⁴ Examples of discrimination from a community level give a sense of relatable pain and discouragement. From applying for jobs⁴⁵ to being granted a lease for an apartment, religious minorities are not viewed as equals in Iranian society.⁴⁶ These required daily tasks, which thousands of individuals take part in daily, are mere dreams for many Christians and Christian converts.

From the very foundation of the Islamic Republic of Iran, it is apparent that Iran would be governed by Islamic statutes and that lawfulness would be enforced by Islamic jurists. For Christian minority groups, persecution and discrimination is not a surprise—it is an understood component of daily living. The state reserves the right to badger those who do not uphold Islamic doctrines. Written into the ideology of Shia' Islam is the inherent primacy of Islam, which prevents non-Muslims from exercising basic religious freedoms.⁴⁷ During the Constitutional revolution, Christian religious minority groups were not discussed in relation to their beliefs; rather, minorities were examined in regard to how Iran's society would be impacted

⁴⁴ Jamsheed K. Choksy, "Non-Muslim Religious Minorities in Contemporary Iran," *Iran & the Caucasus* 16, no. 3 (2012): 271.

⁴⁵ In her book on Iranian religious minorities, Eliz Sanasarian provides this insight into the job application process for minority religious groups: "Two-main employers- namely, the nationalized oil industry and the government-continued discriminatory practices against minorities. The oil industry in particular had a significant number of RRM [recognized religious minorities]; they were either demoted or persuaded to resign or retire, and their hiring came to a halt. Religious minorities were often replaced by incompetent religious ideologues." Eliz Sanasarian *Religious Minorities in Iran* (Cambridge: Cambridge University Press, 2000), 88.

⁴⁶ Studies conducted by Jamsheed K. Choksy find that religious minorities uniformly have higher rates of unemployment. Choksy finds that the main reason for joblessness is lack of access to state jobs in the government or in the petroleum industry. These state-based jobs are the major players in Iran's economy, and not having access to such a position can have huge implications on a citizen's employment status. Simply put, minorities fail to be employed because they fail to be Muslim. Furthermore, the United Nations High Commissioner for Refugees and the Citizenship and Immigration Services of the United States has found that Christians in Iran are more likely to face workplace discrimination, assault, and rape. Choksy, "Non-Muslim Religious Minorities," 283-285.

⁴⁷ *Ibid.*, 273.

by “heretical non-Muslim beliefs.”⁴⁸ Christians are discriminated against by both individuals and the very foundations of Iranian law.

As briefly mentioned in the section relating to Article 13 of the Constitution of Iran, Iran only recognizes ethnic Christians such as Armenians, Assyrians, and Chaldeans; Christian converts are not recognized by the state. While all Iranian Christians have few rights, non-ethnic Christian groups such as Roman Catholics, Protestants, and Christian converts have no recognition under the law.⁴⁹ One could say that Christian converts are a minority of the minority. Armenians are the largest Christian minority group with an estimated 200,000 followers. Very few sources can accurately report the number of Roman Catholic and Protestant Christian groups in Iran, as studying non-ethnic Christian minority groups carries social stigma within Iran. Christian converts, Roman Catholics, and other Protestants are estimated to be only a few thousand.⁵⁰ The Constitution of Iran is focused on ensuring that Islamic practices are widely upheld from both legal and social points of view. Islamic policy has no qualms with creating a society of unequal echelons, thus forcing Christian converts into exclusion. Iranian religious leaders maintain absolute control over ideological and social teachings, which leaves religious minorities in a forced position of obedience.

The primary mode of insuring public obedience and discipline is facilitated by Iran’s “morality police.” These officers are entrusted with ensuring that social events and individuals are in accord with the teachings of Shia’ Islam and in accord with the judiciary rulings of the Islamic Republic.⁵¹ Morality officers serve as policing agents on behalf of the Ministry of

⁴⁸ Tsadik, “The Legal Status of Religious Minorities,” 376.

⁴⁹ Choksy, “Non-Muslim Religious Minorities,” 274-275.

⁵⁰ Sanasarian, *Religious Minorities in Iran*, 39-44.

⁵¹ US Commission on International Religious Freedom, “2017 USCIRF- Recommended,” 5-6.

Culture and Islamic Guidance.⁵² Even though arrests can only take place when accorded by law,⁵³ Christians do not receive the same protection under the law as Muslims.⁵⁴ Since the establishment of the Islamic Republic, Iran has prohibited religious freedom to non-Muslims. The insistence of Shia' Islamic rule makes it difficult to hear the voices of those who are subject to unchecked governmental power.

Christians in Iran, whether ethnic or not, have faced decades of persecution from the hands of Iranian authorities. Christian groups are monitored by the Ministry of Intelligence and Security, to ensure that Christian practices do not go against the standards of Islam.⁵⁵ There are two primary concerns that the Iranian government has with Christian groups. First, they are concerned with ensuring that Christian teachings are not promulgated, because Christianity is not a monotheistic religion, as there is confusion over the nature of the Holy Trinity.⁵⁶ Second, Iranian authorities are concerned with the potential for Christians to proselytize Iranian Muslims. The *faqīh* are anxious that Christian religious leaders will tamper with the truth of Islam in order to lead faithful Muslims away.⁵⁷ These two concerns create the perfect environment for widespread legal persecution.

In the years since the Islamic Revolution, Christians have been on the receiving end of acts of governmental persecution. Iranian authorities have engaged in public displays of

⁵² Reza Afshari, "The Right to Freedom of Thought, Conscience, and Religion: Iranian Religious Minorities," in *Human Rights in Iran: The Abuse of Cultural Relativism* (Pennsylvania: University of Pennsylvania Press, 2001), 131.

⁵³ Peaslee and Peaslee, "Iran," 349.

⁵⁴ Sanasarian, *Religious Minorities in Iran*, 132.

⁵⁵ Choksy, "Non-Muslim Religious Minorities," 287.

⁵⁶ *Ibid.*, 283.

⁵⁷ *Ibid.*, 287. In an additional account from Afshari, Islamic jurists believe that converting to Christianity, or any other religion, from Islam is a grave offence. Afshari writes: "The writers of *Jomhuri-ye Islami* thundered that, according to the Islamic Republic's regulations and the *fatvas* of all Islamic jurists, a man who converted from Islam to Christianity was an apostate (*mortadd*) for whom there could be no punishment but death." Afshari, "The Right to Freedom," 141.

violence against Christian minority groups.⁵⁸ Clerics and pastors are often forced to defend their congregations from governmental threats. In the early 1980s, several Christian clerics and Christian converts were kidnapped, tortured by the Iranian police, and then murdered because of their beliefs.⁵⁹ Most harassment from Iranian authorities is centered around religious gatherings and rites of passage such as baptisms, marriages, and Christian holidays.⁶⁰ Christians are allowed to host their religious events, but the government must first be notified of the event beforehand. Religious organizations must submit an application with the name, date, and any text that will be read at the gathering.⁶¹ This extra level of reporting is done to ensure that Muslims are not admitted to a Christian service. Some Christian groups are so wary of the government that they will not allow other Christians from outside their community to attend an event, in fear of accidentally permitting a Muslim into a religious service. These applications are usually reviewed by local authorities, and it is not uncommon for a state-sponsored representative to attend large events, such as a marriage or funeral, to ensure that security protocols are correctly followed.⁶²

Outside of just needing to report religious services, ethnic Christian churches in Iran are faced with maintaining a low profile, otherwise fearing that Iranian authorities might investigate the inner workings of the church. Many Christian clerics have been unjustly pursued as a threat to the Iranian government because of their personal correspondence with donors and supporters outside of Iran.⁶³ Churches such as the Roman Catholic, Pentecostal denominations, the

⁵⁸ Sanasarian, *Religious Minorities in Iran*, 6.

⁵⁹ Choksy, "Non-Muslim Religious Minorities," 287.

⁶⁰ In Jamsheed K. Choksy's work, he reports that on one Christmas, an evening candlelight service turned into a violent attack. Parishioners were assaulted on their way to the church, and militant leaders torched the church building. *Ibid.*, 283.

⁶¹ Sanasarian, *Religious Minorities in Iran*, 74.

⁶² *Ibid.*, 91.

⁶³ *Ibid.*, 124.

Anglican Church, and several Protestant churches have all faced harsh criticism. All of these organizations have international connections that provide teaching materials and financial support. Therefore, the Iranian government views this international support as a way of undermining the authority of Shia' Islam within Iran's borders.

In addition to international support, the aforementioned denominations are also known to proselytize. Active Christian proselytization is strictly forbidden in Iran. Harsh citations have been written for congregations that are discovered to have Persian members.⁶⁴ When Christian converts are found in a congregation, the convert is commonly arrested, and the church is forced to close its doors. In order to curb evangelization, some local governments require that Christian ministers submit the name of a convert before the citizen is permitted to join the congregation.⁶⁵ In extreme, but not uncommon circumstance, a representative from the Ministry of Information and Islamic Guidance attends Christian worship services to ensure that everything is in accord with Iran's legal statutes.⁶⁶ Control of the Christian religion does not only happen in Iran's courtrooms; Christianity is controlled in churches themselves.

Global Voices on Iranian Religious Minority Policy

Christian minorities in Iran are faced with the challenging prospect of continuing their religious beliefs and practices in an environment that wishes to stifle all teachings that are opposed to Shia' Islam. While Protestant and Roman Catholic missionary ventures have created small communities, converts face discrimination and violence because of their beliefs.⁶⁷

Moreover, Article 13 of the Constitution of Iran only grants religious freedom to recognized

⁶⁴ Sanasarian, *Religious Minorities in Iran*, 123-124.

⁶⁵ It is acceptable for an ethnic Christian to convert to another denomination. For example, an Assyrian Christian could, in theory, join another Christian congregation without issue.

⁶⁶ Hassan, "Iran: Ethnic and Religious Minorities," 7.

⁶⁷ Afshari, "The Right to Freedom," 139.

religious minority groups if their convictions do not interfere with the teachings of Shia' Islam.⁶⁸ While individuals can maintain the personal belief that Islam is superior to other religions, having a state that endorses such policy creates numerous human rights violations.⁶⁹ Some citizens thought that change might come to Iran in the 2009 elections. During the 2009 presidential elections, discourse on the role between religion and the state began to emerge, as younger voters were questioning the authority of religious clerics in the national government.⁷⁰ Nonetheless, small movements have not gained widespread support. Iran's political doctrines still endorse human rights violations vis-à-vis Christian minority groups.

Iran's violations regarding human rights are on the radars of humanitarian organizations and governing leaders from around the world. The U.S. State Department's Bureau of Democracy reports that "the Iranian Government restricts the freedom of religion. There are reports of imprisonment, harassment, intimidation, and discrimination based on religious beliefs."⁷¹ The United States Commission on International Religious Freedom has also reported rising numbers of Christians and Christian converts who have been targeted by the Iranian government. Episodes of "prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused" are reported within Iran.⁷² The Commission also reports that more than 600 Christians have been arrested or detained throughout the country. A majority of those who are arrested and imprisoned are Evangelical Christian converts.⁷³ Actions such as these are causing Christian minorities to feel victimized and voiceless. The Iranian government continues to use control to silence any reformers, activists, or human rights

⁶⁸ Afshari, "The Right to Freedom," 131.

⁶⁹ Ibid., 141. Specific international human rights violations will be discussed in Chapter 2.

⁷⁰ Choksy, "Non-Muslim Religious Minorities," 295.

⁷¹ Hassan, "Iran: Ethnic and Religious Minorities," 5-6.

⁷² United States Commission on International Religious Freedom, "2017 USCIRF- Recommended," 1.

⁷³ Ibid., 4.

supporters who might pose a risk to the autonomous authority of Shia' Islam.⁷⁴ Because Iran silences those who do not affirm Shia' Islam, many physical and spiritual needs of Christian converts are neglected.

⁷⁴ United States Commission on International Religious Freedom, "2017 USCIRF- Recommended," 2.

Chapter 2

Legislative Chaos: Human Rights, Immigration, and Asylum Policies in the European Union

The intricate components of European Union policies are sourced in early documents promulgated by the United Nations. The United Nations, erected a few short years after the end of World War II, attempted to create an international alliance of nations for the pursuit of global peace and justice. Likewise, at the close of the last millennium, the European Union was formally established, with the goal of uniting individual European states under one common economic, social, and humanitarian front. While the peaceful and unifying intentions of the United Nations and the European Union were good, the actual effects of their policies on the ground carried an unintended outcome—chaos and uncertainty. In this chapter, I will present asylum treaties, policies, and laws of both the United Nations and the European Union. I will then address European Union member state responsibility, the Austrian asylum system, and potential repercussions of the European Refugee Crisis vis-à-vis European Union law.

The United Nations and International Human Rights

The repercussions of World War II on human rights legislation cannot be understated. World War II forever altered the political, social, religious, and intellectual landscape of Europe. Once the horrors of Nazi rule and extreme nationalism were publicly exposed, Europeans vowed that these tragedies would never happen again. In the attempt to secure international peace, the United Nations was formed in 1945. In 1948, the United Nations published a seminal document: The Universal Declaration of Human Rights. The Declaration is the framework and backbone of subsequent United Nations policies, and other nations have used the Declaration as a template for their own human rights standards. All human beings have human rights which are

safeguarded by international, national, and local laws; nonetheless, the United Nations was the first to explicitly produce a list of intrinsic human rights.⁷⁵ More specifically, human rights are a commonly accepted set of secular ideals or sensibilities that pertain to the inherent value or ethic of the human person.⁷⁶ While human rights are often attributed to the human individual, issues arise with how these rights are secured. The main concern that comes to light is that a state is needed in order to secure these human rights for an individual.⁷⁷ Acknowledging the interaction of “intrinsic human rights” and “state-sponsored security” has contributed to international discourse of the validity of human rights laws in and of themselves.

While there have been and will continue to be different interpretations of the role of Human Rights vis-à-vis law and governance, the intent of the Declaration was to enumerate shared fundamental ideas of “human personhood” that cannot be violated. With the grotesque occurrences of World war II fresh on the minds of world leaders, any type of “unifying” legislation was a hopeful salve for the wounds of the late 1930s and 1940s. The preamble of the Declaration states: “Whereas recognition of the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”⁷⁸ How individual nations accommodate this ideal is varied; however, the Universal Declaration of Human Rights undeniably speaks to the core understanding that human beings are entitled to intrinsic rights. And in the case of refugees and asylum-seekers, the ability to seek refuge from persecution is enumerated as a fundamental human right.

⁷⁵ Jane McAdam, “Human Rights and Forced Migration,” in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. Elena Fiddian-Qasmiyeh, Gil Loesches, Katy Long, and Nando Sigona (Oxford: Oxford University Press, 2016), 203.

⁷⁶ Shai Levi, “Human Rights and Secularism: Arendt, Asad, and Milbank as Critics of the Secular Foundations of Human Rights,” in *Mapping the Legal Boundaries of Belonging: Religion and Multiculturalism from Israel to Canada*, ed. René Provost (New York: Oxford University Press, 2014), 57.

⁷⁷ *Ibid.*, 58.

⁷⁸ United Nations General Assembly, “Universal Declaration of Human Rights,” December 10, 1948, 217 A (III): 1, http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf.

Articles 14, 15, and 18 of the Universal Declaration of Human Rights addresses asylum, the right to a nationality, and freedom of religion, respectively. Because the narratives of Christian Iranian refugees are centered around religious freedom, it is important to emphasize human rights related to both asylum and religion. All subsequent European Union law focused on refugees is sourced in Article 14 of the Declaration. Article 14 reads: “Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.”⁷⁹ Article 14 ascribes that the human person has the right to live a life of peace, away from acts of persecution. When the Declaration speaks of “persecution,” the term is used broadly. At large, persecution can refer to any violation of the human person that intends to cause harm. The term “persecution,” while used with good intention, ultimately becomes a stumbling block for effective policy. Different nations define “persecution” differently; ultimately providing different levels of protection for asylum-seekers.

Another attributing factor of individuals seeking asylum is that their country of origin has crumbled, effectively leaving former citizens stateless. Article 15 of the Declaration enumerates: “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to his nationality.”⁸⁰ It is important to note that Christian Iranian refugees are not *de facto* stateless, because their country of origin does have a functioning state. This is an important consideration when viewing the asylum cases pertaining to religion. Because the asylum-seekers are not stateless, as they are only prevented from remaining in their country of origin because of persecution, there is an increased likelihood that their cases are deemed “non-essential.” In discussing asylum claims with refugees in Austria, I was often told that their

⁷⁹ United Nations General Assembly, “Universal Declaration,” 1.

⁸⁰ Ibid.

conversion was a “choice.” Because their current plight was “elected,” the necessity of their claim is lessened. In short, if a refugee were fleeing war or poverty, officials would perceive that there was a greater “need” for asylum. Understanding what statelessness is and how refugees are identified by their country of origin, the United Nations, and the European Union is fundamental to critically analyzing both European Union and United Nations perspectives on the needs and legitimacy of asylum claims.

Finally, Article 18 of the Universal Declaration of Human Rights speaks specifically to freedom of religion. The article is presented as:

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.⁸¹

The individual rights included in this article are of great importance to the asylum claims of Christian Iranian refugees. Consider the laws currently enacted in Iran. Muslims are not allowed to convert to Christianity; Christians are often threatened in public worship. There is no freedom of thought, conscience, or creed. When Christian Iranian refugees are filing for asylum in a European Union member state, they are appealing to the United Nations’ perspective that freedom of religion is a fundamental human right. Without first consenting to the idea that humans have an intrinsic right to practice religion, then current difficulties faced by Christian refugees have no weight for legal or humanitarian appeal. Human beings have the right to choose their religion; and European governments have an obligation to uphold the right of religious freedom—even if this freedom is secured through providing asylum. In Iran, this “universal” human right is denied, thus forcing Christian believers to seek asylum in Europe.

⁸¹ United Nations General Assembly, “Universal Declaration,” 5.

While the Universal Declaration of Human Rights continues to be formative in creating human rights standards around the globe, the 1951 Convention Relating to the Status of Refugees was the first United Nations document to solely speak to the needs of refugees. While not a human rights document *per se*, the document implements language similar to the Universal Declaration of Human Rights.⁸² The 1951 Convention Relating to the Status of Refugees is sourced in Article 14 of the Universal Declaration of Human Rights. As previously discussed, Article 14 provides that all people possess the fundamental human right to seek asylum in another nation. When the 1951 Convention was being written, large numbers of refugees and stateless persons were spread across Europe. The aftermath of WW II left thousands of individuals and families without a state, home, or semblance of an ordinary life. The language of the 1951 Convention is structured in response to the consequences of World War II.⁸³ To accommodate the large numbers of European refugees, the United Nations created The Office of the United Nations High Commissioner for Refugees (UNHCR) in 1950. The office held little political power or influence, as individual states still held to their own immigration and asylum laws. Nevertheless, the UNHCR was crucial to the drafting of the 1951 Convention. The UNHCR was intended to be a short-term office—serving those displaced after World War II only.⁸⁴ But as history tells, further international catastrophes would urge for the UNHCR's continued operation.

The UNHCR's primary function is to uphold the tenets of the 1951 Convention Relating to the Status of Refugees and to provide counsel for global refugee related concerns. The 1951

⁸² McAdam, "Human Rights and Forced Migration," 207.

⁸³ Holger Sonntag, "Testing Religion: Adjudicating Claims of Religious Persecution Brought by Iranians in the U.S. and Germany," *Western Reserve Law Review* 68, Is. 3 (2018), 982, <https://scholarlycommons.law.case.edu/caselrev/vol68/iss3/20>.

⁸⁴ Gil Loesche, "UNHCR and Forced Migration," in *The Oxford Handbook of Refugee and Forced Migration Studies*, eds. Elena Fiddian-Qasmiyeh, Gil Loesch, Katy Long, and Nando Sigona (Oxford: Oxford University Press, 2016), 215-217.

Convention was put into effect on April 22, 1954, and in 1967 the document was revised to update border listings and to provide for a “protocol” that nations could implement.⁸⁵ The first concept that the Convention addresses is defining who exactly qualifies as a refugee. As outlined in the Introductory Note of the Sixtieth Anniversary Edition of the 1951 Convention, the Office of the United Nations High Commissioner for Refugees writes:

A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.⁸⁶

In the eyes of the UNHCR, refugees must meet the above criteria.⁸⁷ The term “refugee” is both a status and a rights-based instrument. Being designated a refugee permits the individual to exist in a liminal state between their country of origin and their receiving third-party state whilst undergoing the asylum process.⁸⁸ Furthermore, refugees, because of their status, are also given special physical and legal protections while seeking asylum in a third-party state.⁸⁹ The rights, status, and language surrounding refugees that is set forth in the 1951 Convention continues to define the field of refugee studies today.

⁸⁵ United Nations High Commissioner for Refugees (UNHCR), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol* (September 2011), 1, <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

⁸⁶ *Ibid.*, 3.

⁸⁷ One major critique of the above definition is that a “well-founded fear” is not an objective standard, thus discerning what constitutes a well-founded fear is hard to establish.

⁸⁸ While the above definition does establish the grounds on which a refugee may claim asylum, there are some issues with the claims set forth. The 1951 Convention promulgates that a refugee must prove that they had a “well-founded fear.” Definitions surrounding “well-founded fear” is problematic, as “fear” is subjective and “well-founded” is objective. Furthermore, an asylum-seekers claim can be linked to their personal statements, rather than on the situation in their country of origin. Sonntag, “Testing Religion,” 982-1001.

⁸⁹ For example, many refugees breach immigration rules as they enter a nation’s borders. If well-founded fear is deemed applicable, then refugees are “permitted” illegal entry out of their need for sanctuary. This concept is fully expressed in Article 31 of the 1951 Convention: “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.” United Nations High Commissioner for Refugees (UNHCR), *The 1951 Convention*, 3 and 29.

The 1951 Convention devotes only one article to the enumeration of religious freedom. In Article 4 of the 1951 Convention, the UNHCR affirms: “The Contracting States shall accord to refugees within their territories treatment at least as favorable as that accorded to their nationals with respect to freedom to practice their religion.”⁹⁰ The language here is not unlike the human rights standards expressed in the Universal Declaration of Human Rights, but an interesting caveat is made: refugees are permitted the same level of religious recognition as nationals. Each European Union member state still preserves the right to set the level of religious freedom for their populace. This means the refugees are subject to different levels of religious liberty as they migrate and transition into European society. Religious freedom, while an important component of international political dialogue, is often vague and does not firmly establish any form of secured liberty—especially when individual nations are the primary actors in enacting religious freedom standards.

Once a refugee is within a member state’s borders, their personal security is of utmost importance. Arguably, one of the most fundamental aspects of the 1951 Convention is non-refoulement. Non-refoulement secures a refugee’s right to sanctuary until proven otherwise. Unless a third-party state can prove that a refugee does not have a valid claim to asylum, member states must provide refuge. Non-refoulement is set forth in Article 33.1 of the 1951 Convention:

No Contracting State shall expel or return (“*refoule*”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.⁹¹

Non-refoulement policies are established in order to safeguard refugees during the period of time between arrival and their official asylum hearing. As outlined in Article 32 of the 1951

⁹⁰ United Nations High Commissioner for Refugees (UNHCR), *The 1951 Convention*, 17.

⁹¹ *Ibid.*, 30.

Convention, refugees are refouled only when they pose a direct threat to national security or public order.⁹² Refugees are permitted to submit supporting information, documentation, and testimonials to reinforce their need of asylum during their court hearing, but until their case is reviewed, refugees are permitted to receive national support and aid.

The final document that the United Nations has published in regard to human rights is the International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights is an expansion of the human rights philosophies enumerated in both the Universal Declaration of Human Rights and the 1951 Convention Relating to the Status of Refugees. The International Covenant was adopted on December 19, 1966, and many of the ideals set forth in the document are still in force today. Refugees are not only covered by humanitarian law, but refugees also need protection from a higher international political level. While similar to the aforementioned documents, the International Covenant expands on several points related to migration, fair trial, and freedom of religious creed.

While refugees are granted the freedom to move when faced with persecution, the International Covenant further secures the right of movement for all people. The International Covenant promulgates: “Everyone shall be free to leave any country, including his own.”⁹³ In this statement the United Nations is making this assertion: individuals have the right to leave their own country. But what is not covered in this statement is the obligation of other countries to accept those individuals who have left their own nation. Freedom of movement is hard to secure as a fundamental human right whilst varying countries or international organizations have different standards for accepting and processing asylum applicants. The International Covenant

⁹² United Nations High Commissioner for Refugees (UNHCR), *The 1951 Convention*, 29.

⁹³ United Nations, *International Covenant on Civil and Political Rights, No. 14668: Adopted by the General Assembly of the United Nations on 19 December 1966* (Geneva: United Nations Treaty Series 1976), 176.

does not differentiate between types of movement or the reasons that an individual might need to leave their own country. The language of the documents intends to secure movement as a fundamental human right, but because of vague language, nations cannot simply secure transnational movement without extensive legal discourse.

The International Covenant on Civil and Political Rights also preserves for individuals the right to a fair trial. As discussed in the prior chapter, Iranian Christian refugees do not receive fair treatment from their own government. Christian converts often face severe threats from all echelons of the Iranian government. Converts are punished for their actions without any form of trial or hearing. The International Covenant secures for all individuals the right to due process of law. The International Covenant expounds: “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”⁹⁴ While the intentions of the statement are good, vague language yet again forfeits proper implementation. Because the statement ends with the words, “established by law,” it is unclear what type of law is the true supporter of the right to fair trial. Are individuals guaranteed fair trial because it is a fundamental human right? Does international law safeguard a proper hearing? Or do nations themselves define what is a “fair trial?” If the final question is true, then in the eyes of Iranian authorities, there has been no breach in legal conduct as Shia’ laws affirm the practices of public stoning, raids, and death threats to Christian converts.⁹⁵ Furthermore, the trial, as enumerated by the United Nations, must be impartial. Considering that Christian

⁹⁴ United Nations, *International Covenant*, 176.

⁹⁵ These examples of Iranian conduct were confidentially provided in a series of interviews with refugees living in Vienna, Austria. More of their experiences will be explored in Chapter 4.

converts are in no way like the Shia' legal authorities reviewing their supposed blasphemy, impartial trials are infrequent or impossible.

To conclude, the International Covenant also secures all individuals the right to participate in an organized religion. The International Covenant expresses freedom of religion in the following ways: the freedom of conscience and religion; the freedom to express religious convictions individually or in community; individuals cannot be barred from manifesting their beliefs or from adopting a new religion.⁹⁶ These same rights are also preserved in the Universal Declaration of Human Rights and in the 1951 Convention Relating to the Status of Refugees. The only philosophical addition is this: expressing one's religion must fall within the limits of law to protect public safety and order.⁹⁷ This caveat presents two issues. First, in Iran, converting to Christianity is considered a threat to public safety and order; this statement has an internal contradiction when viewed in light of nations that restrict religiosity. Second, as we will explore in the next chapter, religiosity in Austria has a varied history. Being able to practice Protestant religions has a marred past, because Protestantism was seen as a threat to the "more stable" Catholicism. Once again refugees, are a part of a vague international bureaucratic system. Religiosity, while "safeguarded" as a fundamental human right, is often viewed as a cultural standard. And culture often bears more weight than legal justice.

The European Union: Founding Documents and Policies Regarding Asylum

While the United Nations began the conversation surrounding human rights, asylum provisions, and refugee statuses, individual nations must integrate these policies into their own legal system. For the European Union, the task of creating a systematic immigration system for member states has been an arduous challenge. In this section, I will analyze the founding

⁹⁶ United Nations, *International Covenant*, 178.

⁹⁷ *Ibid.*

documents of the European Union, including the Treaty of Lisbon and the European Framework Convention for the Protection of National Minorities. After examining these documents, I will present the human rights legislation written by the European Union and the immigration and asylum laws presented in the European Union's Dublin System and Common Asylum System. The laws, treaties, and international covenants present within the European Union are complex and not well defined. As the Refugee Crisis of 2015-2017 was unfolding, many of the pre-existing human rights and immigration laws were not properly enacted by individual member states, which caused undue stress on both member states and refugees. Furthermore, some member states decided that their nation would not uphold previously agreed upon policy, thus causing more discord amidst an already climatic political and social landscape.⁹⁸ The European Union's inharmonious response to refugees entering Europe from late 2015 through 2017 is due to out-of-touch legislation and conflicting human rights and immigration standards.

The Treaty of Lisbon

The Treaty of Lisbon was officially signed on December 13, 2007. While the European Union had been formally operating since 1993, the Treaty of Lisbon amends the founding documents of the Treaty on the European Union and the Treaty Establishing the European Community.⁹⁹ The Treaty of Lisbon is an expansive document, but I will focus specifically on the article's references to asylum, immigration, and border security.¹⁰⁰ First and foremost, the European Union provides its constituents with these provisions:

⁹⁸ Alexander Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World* (New York: Oxford University Press, 2017), 48.

⁹⁹ European Union, "Treaty of Lisbon," *Official Journal of the European Union* 50, (2007), 1.

¹⁰⁰ The Treaty of Lisbon is one of many legislative acts written at the 2007 European Union Lisbon Conference. Additional formats of the treaties and subsequent protocols are found in a combined document which contains both the Treaty of the European Union and the Treaty of the Functioning of the European Union. This resource can be found at: European Union, "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union," *Official Journal of the European Union* 55, (2012).

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.¹⁰¹

This article is the treaty's first reference to asylum and immigration. One must note that the European Union is obliged to only offer its *citizens* these rights. Nothing is secured for individuals who are not European Union members.¹⁰² From earliest sections of the Treaty of Lisbon, it is apparent that this document does not consider external forces or potential threats to the homogeneity of the Union. The Treaty of Lisbon, while international, does not formulate a way of responding to potential non-European Union interactions; the Treaty of Lisbon only speaks to the necessity of another legislative document which would cover non-European union dialogues.

In a broader set of asylum and immigration provisions, the European Union elaborates on border security, international police and judicial cooperation, and asylum processes. Because the European Union established the "Schengen Area" in 1995, members of the European Union are able to travel within the European Union with minimal passport checks or border controls. In order to secure the European Union borders, member states are to collaborate in creating a "common policy on asylum, immigration, and external border control, based on solidarity

¹⁰¹ European Union, "Treaty of Lisbon," 11.

¹⁰² Valsamis Mitsilegas provides this analysis of the Lisbon treaty vis-à-vis refugees: "This ambiguity remains after the entry into force of the Lisbon Treaty. One of the few provisions...is Article 2 on the values of the European Union, which states that these values are common to the Member States in a society in which...solidarity... [must] prevail. The inclusion of asylum-seekers and refugees in this concept of solidarity is unclear. Although asylum law is centered on assessing the protection needs of 'third country' nationals, and in this capacity they must constitute the primary 'recipients' of solidarity in European asylum law, the application of the principle of solidarity in this field appears thus to follow the exclusionary paradigm of solidarity in other fields of European Union law where issues of distributive justice arise prominently." Determining who receives refugees and who is required to provide haven are questions that repeatedly appear in both United Nations and European Union Legislation. The Lisbon treaty does not answer these questions; rather "solidarity" is left as a vague "good intention" with no legal fortification. Valsamis Mitsilegas, "Solidarity Beyond the State in Europe's Common European Asylum System," in *Critical Perspectives on Migration in the Twenty-First Century*, eds. Marianna Karakoulaki, Laura Southgate, and Jakob Steiner (London: E-International Relations Publishing, 2018), 198.

between member states.”¹⁰³ In order to aptly control the European Union’s borders, the Treaty of Lisbon assigns the term “third-country nationals” to non-European Union citizens found within the Schengen Area.¹⁰⁴ The European Union seeks an immigration policy that is “fair” to third-country nationals; nonetheless, such support is only secured through multinational cooperation.

The European Union Framework Convention for the Protection of National Minorities

As third-party nationals, or in the case of this study, refugees, enter European Union member states, they are faced with the task of forging a new self-identity. Governmental systems, out of necessity, create operational labels to create a common language, so that asylum cases are handled appropriately. In the document European Union Framework Convention for the Protection of National Minorities, European leaders speak of tolerance and goodwill. The Protection of National Minorities provides this understanding:

Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent ... Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not division, but of enrichment for each society.¹⁰⁵

These considerations establish a dialogue that supports national minorities. Nevertheless, “national minorities” are those individuals who are citizens of a member state—not asylum-seekers who are entering the European Union. While tolerance is sought for national minorities, the European Union fails to speak to minority individuals who exist in a liminal position of statelessness. While respect, tolerance, mutual understanding, cultural religious freedom, and anti-discrimination are preserved as ideals for some, these basic components of common civility

¹⁰³ European Union, “Treaty of Lisbon,” 57-58.

¹⁰⁴ Ibid.

¹⁰⁵ Council of Europe: Committee for the Protection of National Minorities, “Framework Convention for the Protection of National Minorities and Explanatory Report,” (Strasbourg: Council of Europe, 1995), 2.

are restricted from immigrants, migrants, and asylum-seekers.¹⁰⁶ The European Union yet again finds itself against a backdrop of vague language. Defining a “national minority” is subjective and challenging at best. And as I expose in Chapter 4, refugees and asylum-seekers receive little respect as they transition into their new way of life.

European Union Legislation on Human and Fundamental Rights

Upon studying the United Nations and the European Union’s perspectives on human rights and asylum, there is one final element of European Union legislation that needs consideration: human and fundamental rights. Like the United Nations, the European Union also promulgates its own human rights code. In the document European Convention on Human Rights, officials establish a code that preserves freedom of thought, conscience, and religion. Article 9 of the European Convention on Human Rights allows individuals to change their religion, to publicly and privately worship, and to manifest one’s religious beliefs within the limits of law and public safety.¹⁰⁷ Religious freedom, as we will see in the following chapter, manifests itself in a variety of ways, as stipulated by individual member states—which is not always in accord with European Union policies.

In the Universal Declaration of Human Rights, the United Nations preserves the right to seek and claim asylum in Article 14. Nevertheless, in the European Convention on Human Rights, which was put into effect in 2010, asylum is not guaranteed as a human right. In a careful word analysis, I found no mention of “asylum” in the document’s entirety. In a subsequent rights document known as the Charter of Fundamental Rights of the European Union, both freedom of thought, conscience, and religion are preserved, in addition to the right to

¹⁰⁶ Council of Europe: Committee for the Protection, “Framework Convention for the Protection,” 2-4.

¹⁰⁷ European Courts of Human Rights, “European Convention on Human Rights,” (Strasbourg: Council of Europe, 2010), 11.

asylum and the right to protection from expulsion. Article 18 and 19 of the Charter of Fundamental Human Rights of the European Union states:

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the *Treaty on European Union* and the *Treaty on the functioning of the European Union*....No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture, or other inhuman...punishment.¹⁰⁸

This excerpt displays the European Union's acknowledgement of prior legislation, the right to seek asylum, and policies surrounding non-refoulement. But when compared to other human rights documents, the Union fails to be consistent. The European Convention on Human Rights and the Charter of the Fundamental Rights of the European Union do not promote or uphold the same human rights standards. These internal inconsistencies only prompt questions about the European Union's true intentions when granting asylum. If the European Union is not capable of maintaining a cohesive stance on refugees and asylum-seekers, then human rights violations are sure to arise. Having discussed United Nations policy and European Union legislation, one can aptly dive into the European Union's protocols for asylum and immigration.

Member State Responsibility and the Refugee Crisis

The founding documents of the European Union and related human rights documents have referenced the need of a common asylum system—to ensure that asylum and immigration cases are handled without bias. The European Union asylum system is secured through the Common European Asylum System (CEAS). The CEAS is established and set forth in a set of legislative documents known as the “Dublin System.” The Dublin System has two operative

¹⁰⁸ European Union, “Charter of Fundamental Rights of the European Union,” *Official Journal of the European Union* 55 (2012): 399. For clarity, the Geneva convention referenced is the same meeting that created the 1951 Convention Relating to the Status of Refugees. The 1951 Convention, the Treaty on European Union, and the Treaty on the Functioning of the European Union are all discussed in prior portions of this chapter.

components: the Dublin Regulation and the European Dactyloscopy (EURODAC). The Dublin Regulation establishes laws that determine which member state is responsible for providing asylum and aid to refugees. The EURODAC system is an international database that files the fingerprints of unauthorized European Union entrants. Elements of these documents are to be lauded, while other aspects of the asylum system are responsible for fueling the Refugee Crisis 2015-2017.

The Dublin System was first devised in the mid 1990s, and the system was most recently updated in June 2013. When establishing the CEAS, the European Union first considered the needs of the member states who would be accepting refugees.¹⁰⁹ In regulation number 604/2013 or European Law number 180/2013, the European Union supplies this rationale for the Dublin Regulation: “[To] establish the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodge in one of the Member States by a third-country national.”¹¹⁰ In Article 29 of the Dublin III regulations, member states are urged to supply data and consult information from the EUODAC fingerprinting system, and to pool, when necessary, their law enforcement authorities.¹¹¹ In order for the CEAS to be fair, to promote the ethical handling of asylum cases, and to prevent refugees from selecting one more “profitable” country over another, member state assignment is of vast importance.

In addition to these measures, member states are also obliged to conduct a personal interview with the asylum applicant. The interview serves multiple purposes. Interviews can

¹⁰⁹ The CEAS represents a large moral, philosophical, and legal ideal. In Article 2 of the Dublin II Regulations, the CEAS is described as: “A constituent part of the European Union’s objective of progressively establishing an area of freedom, security, and justice open to those who, forced by circumstances, legitimately seek protection in the Union.” While established for the good of those who seek asylum, recent events have prompted questions on the true intent in both taking and refusing refugees European asylum. European Union, “Dublin III Regulations and Protocol 604/2013,” *Official Journal of the European Union* 56 (2013): 31.

¹¹⁰ Additionally, the term “third country national” carries the same definition previously given in this chapter. European Union, “Dublin III Regulations,” 31-35.

¹¹¹ *Ibid.*, 34.

help clarify which member state is responsible for a refugee and interviews can establish why the refugee is seeking asylum.¹¹² These interviews are to be conducted in a language that the applicant understands, and an interpreter or translator can also be used.¹¹³ The Dublin III System establishes a refugee's point of first entry and the member state where the applicant first enters the European Union, who is responsible for providing asylum. In order to keep an official log of entry and movement, fingerprints are used to monitor refugees and other individuals who have entered the European Union illegally.

The EURODAC system, as established in European Union Regulation number 603/2013, is a digital databank of fingerprints from refugees, immigrants, and migrants entering the European Union. Most of the document references nuanced laws on how fingerprints are obtained, how long fingerprints are stored, and how officials can gain access to refugee's personal information. While these details are important, the primary purpose of having a fingerprint storage platform is to ensure that refugees receive asylum in the country that they are first fingerprinted. Regulation 603/2013 states: "Each member state shall promptly take the fingerprints of all fingers of every applicant for international protection... and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection."¹¹⁴ In order to prevent future diplomatic disagreements, the European Union decided to create a system where one common rule would apply to all situations.

While the Dublin System was created to be "common" there are many concessions to the rule. The Dublin System only establishes how refugees are tracked—no legislation is provided on what type of aid or support refugees should receive upon their entrance into a hosting state.

¹¹² European Union, "Dublin III Regulations," 33, 37-38.

¹¹³ *Ibid.*, 38.

¹¹⁴ European Union, "Dublin III Regulations 603/2013," *Official Journal of the European Union* 56 (2013): 10.

The extent of the CEAS only spans as far as establishing member state responsibility. Moreover, each member state still holds the ability to create its own asylum laws, so long as national legislation does not conflict with European Union policy. On paper, refugees should receive the same amount of security; however, because member states can create their own policies, refugees receive varying levels of treatment.¹¹⁵ Refugees are forced to live in a state of uncertainty as their member state is determined, and the “guaranteed testimonial” is often never heard.¹¹⁶ The CEAS is not as “common” as one is led to believe.

While scholars and policy-makers alike argue that member state assignment is good, having a policy of “equal distribution” would be even better. As the Dublin System stands, countries who have external borders receive a greater number of asylum-seekers, thus leaving their immigration services overwhelmed. New European Union policy should look toward effective burden sharing.¹¹⁷ If refugee numbers were distributed according to the abilities of hosting states, there would be greater continuity in the treatment of refugees.¹¹⁸ And agreement on how refugees can be equally distributed would be fairer to member states, and if refugees are equally distributed, hosting states can more successfully provide for a refugee’s needs.¹¹⁹ But in current European laws and regulations, there are no mechanisms for sharing the responsibility of providing refuge.¹²⁰ Because burden-sharing is not a part of the asylum system, refugees must

¹¹⁵ United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles. “The Dublin Regulation.” *UNHR: The Refugee Agency* (accessed on May 31, 2018), 1, <http://www.unhcr.org/protection/operations/4a9d13d59/dublin-regulation.html>.

¹¹⁶ Ibid. The United Nations High Commissioner for Refugees has urged that refugees have a hearing to convey crucial information to authorities, so that refugees can make an appeal for why they should receive sanctuary.

¹¹⁷ Sergia Carrera, Steven Blockmans, Daniel Gros, and Elspeth Guild, “The EU’s response to the Refugee Crisis: Taking Stock and Setting Policy Priorities,” in *Center for European Policy Studies (CEPS)*, Essay No. 20/16 (2015): 13.

¹¹⁸ Benjamin Hulme and Dora Kostakopoulou, “European Union Migration Law and Policy,” in *Critical Perspectives on Migration in the Twenty-First Century*, eds. Marianna Karakoulaki, Laura Southgate, and Jakob Steiner (London: E-International Relations Publishing, 2018), 211.

¹¹⁹ Elspeth Guild, Cathryn Costello, Madeline Garlick, and Violeta Moreno-Lax, “The 2015 Refugee Crisis in the European Union,” *Center for European Policy Studies (CEPS)*, Policy Brief No. 332, (2015): 1.

¹²⁰ Betts and Collier, *Refuge: Rethinking*, 48.

face uncertainty, and grapple with vague European Union legislation, all while trying to provide for themselves and their families.

Austrian Immigration and Asylum Laws

While having burden-sharing and a more “universal” asylum system is widely considered a better alternative to the current system, member states still hold a considerable amount of power when establishing immigration laws and implementing European Union policies. In Austria, all asylum applications are processed by the Austrian Federal Office for Immigration and Asylum (BFA). The BFA grants or denies asylum applications, reviews individual asylum cases, and grants subsidiary protection or humanitarian rights to remain within Austria.¹²¹ Asylum applications can only be made in the national territory of Austria. Asylum claims are first made with a police or law-enforcement officer. An initial interview is conducted with the asylum-seeker. Based on interview responses, the asylum-seeker is then fingerprinted. Their fingerprints are then compared to the EURODAC fingerprinting system.¹²² The asylum-seeker is now placed on an asylum-seeking track, which progresses in a series of regulated steps.

There are two tracks that an asylum-seeker can be placed on: a Dublin Procedure track or an Austrian track. The Dublin track is implemented if there is a question over whether or not the asylum-seeker was first fingerprinted in another member state. If additional fingerprints are found, the asylum-seeker must have their claim filed in the first receiving member state, unless an extenuating circumstance is found. The Austrian track is implemented if Austria is the point of first entry. Austria is therefore responsible for processing the asylum case.¹²³ Once the

¹²¹ The Austrian Federal Office for Immigration and Asylum, *Federal Office for Immigration and Asylum: Asylum Procedure, Brochure* (Vienna: Austrian Federal Office for Immigration and Asylum, 2017), 2-3, https://www.bfa.gv.at/files/broschueren/Informationsbroschuere_Asylverfahren_in_Oesterreich_EN.pdf.

¹²² The Austrian Federal Office for Immigration and Asylum, *Federal Office for Immigration and Asylum*, 10.

¹²³ *Ibid.*, 16.

Austrian asylum process is underway, asylum-seekers are given an interview where they present their need and evidence for claiming asylum. After this hearing, the applicant is either given a positive or negative. A negative hearing can be appealed; if the appeal is not successful, then the applicant must voluntarily return to their country of origin, or they will be deported by the Austrian Federal Police.¹²⁴ The process of claiming asylum can take months to years. While the first steps of the process, fingerprinting and triage interview, occur in rapid succession, the subsequent portions can take between 1-2 years. The Austrian asylum process, briefly presented here, is supported by the European Union's Charter on Fundamental Human Rights, the 1951 Convention Relating to the Status of Refugees, and the United Nation's Universal Declaration of Human Rights. Austria's asylum process is an example of how these aforementioned documents are implemented by individual member states.

Repercussions of United Nations and European Union Legislation

In recent years, the UNHCR has been forced to provide humanitarian aid with little support from the European Union. In 2015, when the European Refugee Crisis was just entering the world's view, the UNHCR did not lead the conversation surrounding refugee law or policy; rather, the UNHCR was reactive to the European Union's directives.¹²⁵ As discussed, the European Union establishes a general framework, but member states still make a majority of the "on the ground" operational decisions—as enforced by national and local laws. When discussing the intersections of UNHCR and European Union policy implemented in 2015, Alexander Betts and Paul Collier write:

Panic is not too strong a word to describe what happened: each step was a reaction to the unanticipated consequences of previous actions which turned out to be blunders. The cumulative legacy was a series of misfortunes... The European Union has been

¹²⁴ The Austrian Federal Office for Immigration and Asylum, *Federal Office for Immigration and Asylum*, 10.

¹²⁵ Betts and Collier, *Refuge: Rethinking*, 58.

permanently and radically weakened. Its mechanisms and rules were repeatedly ignored by member states.¹²⁶

International discord was fueled by inter-European Union disagreements, security concerns, and by the “otherness” that refugees presented. From the management of migratory flows and the disregard for European Union legislation, to the lack of security measures at border crossings, the European Union failed to act upon its own legislation and United Nations human rights standards.¹²⁷ Rather than using already established legislation, the European Union resorted to panic when placed on the world’s humanitarian stage.

¹²⁶ Betts and Collier, *Refuge: Rethinking*, 93.

¹²⁷ Susana Ferreira, “From Narratives to Perceptions in the Securitization of the Migratory Crisis in Europe,” In *Critical Perspectives on Migration in the Twenty-First Century*, eds. Marianna Karakoulaki, Laura Southgate, and Jakob Steiner (London: E-International Relations Publishing, 2018), 57.

Chapter 3

Dialogues of Religious Freedom in Austria from the Early Reformation to the Present

Austria is often considered the “heart of Europe.” Uniquely positioned between Western and Eastern Europe, Austria is a melting pot of both Germanic and Slavic peoples. The borders and inhabitants of Austria have changed over the centuries. What is today Austria was once a small portion of the expansive Holy Roman Empire. The Holy Roman Empire occupied lands stretching from modern day Czech Republic, Slovakia, Germany, and Hungary. From the time of the Roman Crusades, invasions by the Ottomans in the 1600s, the dark days of Nazi occupation, to current struggles with immigration, Austria has been the stage of some of history’s most influential dramas.

Vienna, once the jewel of the sprawling Holy Roman Empire, is now the capital of a small central-European country. While current political leadership in Austria is more nationalistic than prior decades, Austrian history is a testament to the many different cultures that have called Austria home. Different cultural groups bring their own religious practices. Austria has adapted its religious laws over the centuries. In the course of this chapter, I provide a brief historical sketch of the religious landscape of Austria from the early Reformation years through 2016. Understanding the religious history of Austria is paramount if one is to grapple with the issues that Christian minority groups face in Austria today.

Through the twentieth century, Austria was a stronghold for Roman Catholicism. The unofficial state endorsement of Roman Catholicism meant that other Christian groups, particularly Protestant Christians, were held to a different legal and social standard. The fraught relations between the national government, the Roman Catholic Church, and minority Christian groups continues to spur dialogue related to religious freedom and human rights within Austria

today. While Christian refugees often flee with no specific denominational affinity except for “Protestant,” Baptist Churches are opening their doors to refugees and now many Iranian Christian refugees identify themselves as Baptist. Baptists in Austria today, while now recognized by the national government, remain a religious minority group. This chapter will explore how Baptists have established themselves within Austria. Austrian legal codes are used to sketch the history of religious freedom for religious minority groups.

Catholic Controlled Lands: Reformation and Counter-Reform in Austria

Bearing the name “Holy Roman Empire,” automatically assumes three things: first, that those leaders on the throne are holy and ordained by God. Second, that the lands have Roman influence. Third, that there must be elements of reign, sovereignty, and justice to be considered an empire. Voltaire writes: “This agglomeration which was called, and which still calls itself the Holy Roman Empire was neither, holy, nor Roman, nor an empire.”¹²⁸ Since the early 900s, the Holy Roman Empire was established as a Germanic Empire that covered a large swath of both Western and Eastern Europe. Beginning with Charlemagne, the regions of the empire were devoted to Catholicism and Roman authority, and the Holy Roman Emperor was crowned by the pope. While Catholic since conception, the Reformation began to change the political and religious landscape of the empire.

Because of the primacy of Catholicism, other religious groups, even other Christian denominations, were considered heretical and an opponent to Catholic authority. As Protestant religious fervor began to develop in France, Germany, and Switzerland, the effects of Protestantism spread into the heavily Catholic regions of Austria. Reformation historians often

¹²⁸ “*Ce corpus qui s'appelait encore le saint empire romain n'était en aucune manière ni saint, ni romain, ni empire.*,” Originally found in: Voltaire François, *Essi sue les meours et le'esprit des nations et sue les principaux faits de l'histoire depuis Charlemagne jusqu'à Louis XIII*, Tome I, Chapter LXX (Paris: Garnier Frères, 1963), 683.

attribute that Protestant fervor made its way into Austria from the evangelization efforts of Anabaptist Balthasar Hubmaier (1480-1528). He moved throughout Moravia (what is today the Czech Republic), eventually arriving in modern day Vienna, Austria. Whilst in Vienna, he baptized over 2,000 people. He was then put on trial by the Catholic Church in Vienna and was burned at the stake in 1528.¹²⁹ Throughout the early to mid 1500s, many skirmishes between Austrian Catholic authorities and Christian Reformers ensued. Austrian monarchs wanted to regain Catholicity, thus prompting counter-reformation efforts. Austrian Catholic primacy was secured through the battle of “White Mountain” in 1620. This battle was the turning point for re-Catholicizing the western region of the empire.¹³⁰ During the reign of the Hapsburgs, which lasted until 1740, the empire remained predominantly Catholic, with 95-99 percent of the population identifying as Catholic.¹³¹ As the reign of the Hapsburgs transitioned to the house of Habsburg-Lorraine, Emperor Joseph II (1741-1790).¹³² Joseph II, who was largely influenced by Enlightenment ideals, sought to give more equal representation to religious minority groups, including Orthodox Christian communities, Protestants, and the Jews.

In 1781, Joseph II issued his Patent of Toleration. In this document, religious freedom was granted to two Protestant Christian groups. The Patent of Toleration declares: “We have found Ourselves moved to grant to the adherents of the Lutheran and Calvinist religions, and also to the non-Uniat[arian] Greek religion, everywhere, the appropriate private practice of their faith,

¹²⁹ Ian M. Randall, *Communities of Conviction: Baptist Beginnings on Europe* (Germany: Neufeld Verlag: 2009), 3-4. Another note of interest is that Hubmaier’s wife, Elisabeth, was also executed by drowning. Drowning, the choice of execution for Anabaptists, was selected because of the insistence of a “believer’s baptism.” In Austria today, Hubmaier continues as an inspiration for Christian minority groups. His death is memorialized at the *Stubentor U-Bahn* stop in Vienna.

¹³⁰ Laurence Cole, “The Counter-Reformation’s Last Stand: Austria,” in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, eds. Christopher Clark and Wolfram Kaiser (Cambridge: Cambridge University Press, 2003), 286.

¹³¹ *Ibid.*, 286.

¹³² Kaiser Joseph II, *Das Toleranz-Patent. Urkundliche Geschichte seiner Entstehung und seiner Folgen*, ed. Gustav Frank (Vienna: Wilhelm Braumüller, 1882), 37.

regardless of whether it had been previously customary or introduced, or not.”¹³³ This quote reveals Joseph II’s conceptualization of “religious freedom.” Only two Christian minority groups are recognized: Lutherans and Calvinists. During this time, many vibrant Protestant denominations such as the Anabaptists, Baptists, and Mennonites, among others could have also benefited from state recognition. Joseph II’s patent is the first positive discussion of Protestants vis-à-vis the Austrian state.¹³⁴ While Joseph II’s legislation was a step forward for Christian minorities, certain conditions had to be met by the communities. Lutherans and Calvinists who wished to form a church must have at least one hundred families within several hours of travel of one another in order to be considered a “religious community.” These communities had the right to build their own places of worship, as long as their buildings did not have an entrance on the street, bells or chimes of any kind, or towers and spires. Sacramental rites should first be deferred to Catholic priests and then to Protestant ministers.¹³⁵ While Joseph II began to create religious tolerance, generations would pass before full religious liberties would be given to Christian minority groups in Austria.

Religious Freedom in Austria in the 18th Century through the 20th Century

Joseph II’s new religious freedom rights were limited to only two Protestant denominations, and these freedoms remained contingent and conditional. When his patent went into effect, adoption was slow and uneven. To complicate social matters, the Holy Roman Empire was formally dissolved in 1806. Austria, now a smaller albeit expansive empire, was still ruled by familial monarchs. In 1867, under the reign of Frances Joseph I (1830-1916), a

¹³³ Kaiser Joseph II, *Das Tolerenz-Patent*, 37.

¹³⁴ Reasons that Orthodox Christians were granted the right to worship is two-fold. First, because of the Orthodox endorse the doctrines of “one, holy, catholic, and apostolic,” convictions also shared by Catholics. Orthodox communities were allowed to form because they did not pose a threat to social or religious stability. Secondly, many Orthodox believers had been immigrating in and out of Austria for centuries and posed no threat to the established “Austrian Society.”

¹³⁵ *Ibid.*, 37-38.

document enumerating Austrian Citizens rights was published.¹³⁶ The document is known as General Rights of Nationals in the Kingdoms and Lands Represented in the Council of the Realm. The rights outlined span from securing citizenship to statutes of religious freedom. For the purpose of this project, religious freedom is the primary point of analysis.

Ideas relating to religious freedom in the General Rights of Nationals are similar to the convictions that Joseph II held a generation prior. Consider Article 14.1-2: “Everyone is guaranteed complete freedom of conscience and creed. The enjoyment of civil and political rights is independent of religious belief.”¹³⁷ What is particular about these opening statements is that it appears that any religion is respected and regarded by the Austrian Empire. To prevent the violation of a citizen’s conscience, any religious creed can be adopted. Furthermore, one’s religious convictions cannot be held against the individual in the public sphere. What is not enumerated in this article is that the former rule of only legally recognizing Lutheran and Calvinist groups still applies. While one’s “conscience cannot be violated,” the state only recognized these two denominations. Catholic and Orthodox Christian groups have long worked separately albeit harmoniously in Austria. Protestant denominations remain excluded from national recognition, which prevents religious minorities from receiving protection, financial stipends from the state, and from creating their own religious education curriculum. Religious practice is permitted, but legal recognition is withheld.

The General Right of Nationals outlines what constitutes acceptable rights of recognized religious community groups. Article 15 of the General Rights of Nationals states:

Every church and religious society recognized by the law has the right to joint public religious practice, arranges and administers its internal affairs autonomously, and retains

¹³⁶ At this time Austria’s lands were allied with the Kingdom of Hungary; this includes portions of lands that are now Slovakia, Romania, Croatia, and Bosnia.

¹³⁷ Austrian Parliament, *Staatsgrundgesetz vom 21. December 1867, über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder-StGG*, 3.

possession and enjoyment of its institutions, endowments and funds devoted to worship, instruction and welfare, but is like every society subject to the general laws of the land.¹³⁸

These are the rights that recognized religious communities hold. They are free from normative state and national interference, they are free to practice publicly, ecclesial leadership is elected by the community, and so forth. But what is often missed in nuance is the practical meaning of the last clause. Recognized by the empire or not, Christian groups are still subject to the authority of the empire and by proxy the legal counsel of the Catholic Church. From a historical perspective, early Protestants were known as schismatics. This understanding of Protestantism is often circulated by Catholic and Orthodox groups as reason for why Protestantism, but especially Anabaptist and Congregationalist varieties, should be stifled, as these groups have an inclination for division. Catholicism desires unity; national leaders thought that if Protestantism was widely adopted or supported, that there might be issues with political dissention. In an effort to maintain a harmonious moral and ethical landscape, Protestant minority groups remained unrecognized.

The final statement of concern in the General Rights of Nationals pertains to the places of worship for unrecognized religious minority groups. The legislation declares in Article 16: “The members of a legally [un]-recognized confession may practice their religion at home, in so far as this practice is neither unlawful, nor offends common decency.”¹³⁹ As already discussed with recognized Protestants, there are certain regulations for how Protestants are to carry out their public worship. Even in Joseph II’s Patent of Toleration, Protestant churches could not have the same exterior features as a place of Catholic worship. Here, unrecognized religious minority groups face further exclusion; worship is only permitted within the home. This is a regression to a time akin to Balthasar Hubmaier’s and his *Haushaben*. Faithful families would gather together

¹³⁸ Austrian Parliament, *Staatsgrundgesetz*, 3.

¹³⁹ *Ibid.*

in homes, unable to publicly worship elsewhere. Article 16 also brings to light another point: these groups are allowed to publicly worship as long as the gathering is not unlawful or does not violate common decency. One must ask what is the standard for defining common decency? In mid 1860s Austria, criteria of morality and public decency were being developed by a Catholic emperor and a widely Catholic public.

In the 1874 document *Recognition of Religious Communities*,¹⁴⁰ the Austrian government outlines the process of becoming a recognized religious community. While the *General Rights of Nationals* provides for the free expression of religion, the Austrian government differentiates between recognized and unrecognized religious community groups in *Recognition of Religious Communities*. The *Recognition of Religious Communities* sets forth the explicit protocol that must be followed if a religious community wishes to be fully recognized by the Austrian government, as explicitly outlined in the 1874 *Recognition of Religious Communities*. Article 1 of the *Recognition of Religious Communities* conveys that a religious community is evaluated on “the doctrine of their religion, on the nature of their worship, on their religious constitution, and on the moral standards of the community.”¹⁴¹ Before a religious community is recognized, or before a community is absolved, an appeal to the Minister of Culture is required.¹⁴² The religious community filing for recognition must also meet these seven criteria before being considered by the Minister of Culture:

1. The name and local boundaries of the religious community must be explicit.
2. The religious leaders must take full responsibility for their religious community.
3. A pastor or minister and other ecclesiastical officials must have specific rights and duties as outlined by the religion’s constitution.

¹⁴⁰ Known by the German title: *Anerkennung von Religionsgesellschaften*.

¹⁴¹ Austrian Parliament, *Gesetz vom 20. Mai 1874, betreffend die gesetzliche Anerkennung von Religionsgesellschaften*. StF: RGBl. Nr. 68/1874, in: *Gesamte Rechtsvorschrift für Gesetzliche Anerkennung von Religionsgesellschaften*, 1.

¹⁴² Austrian Parliament, *Gesetz vom 20. Mai 1874*, 1. In Austria today, the same position still exists but is known as “The Minister of Culture and Education.”

4. Austrian citizens who are members of the religious community must respect the local government.
5. The religious community must oversee the education of children.
6. The religious community must be able to raise monies and funds necessary for the economic success of the community.
7. The procedures of this document must be followed if additional changes are to be made to the religious community.¹⁴³

These criteria were the basis for how religious communities become officially recognized in Austria. From the Austrian standpoint, religions with a form of hierarchy (for example the Roman Catholic, Christian Orthodox, Lutheran, etc.) are more reliable because “power” does not go unchecked. The “unofficial and non-hierarchical” inner working of religious minority groups as found in Baptist or Mennonite communities was often seen as cult-like.¹⁴⁴ The Austrian government wished to preserve social decorum, which could be lost by a charismatic religious leader. Unrecognized groups were responsible for providing their own ministers and for providing enough money to pay a required governmental tax. Because the Austrian government wanted to preserve “accepted moral standards,” religious minority groups must uphold the requests of the Austrian government. One question remains: “Do these standards violate the intrinsic rights of religious minority groups?” In 1919, after the close of World War I, this question is tackled in light of changing ethical and human rights standards.

Dialogues relating to religious freedom continued in the same way until the beginning of the twentieth century. The Austrian Empire dissolved after World War I; Austria was transformed into a democratic republic. The Treaty of St. Germain was viewed as a landmark in

¹⁴³ Austrian Parliament, *Gesetz vom 20. Mai 1874*, 1-2.

¹⁴⁴ Here, it is helpful to think on the structure of a Baptist community versus the structure of a Catholic Church. In a Catholic parish, a priest is usually appointed to the position. The priest will have attended a regulated Catholic seminary. In a Baptist community, the pastor might apply to be the minister of a congregation, or an individual pastor might gain a following and then accumulate a “congregation.” These ministers might or might not have been trained at a seminary level. In the eyes of an Austrian Catholic majority, the “following” of individual ministers and their teachings was more like a “sect” or “cult” rather than an “authoritative Christian religion.”

religious freedom and social thought for Austria.¹⁴⁵ The treaty was originally drafted and signed in 1919, and the treaty was officially put in force on July 16, 1920. Many aspects of the treaty relate to the peace-keeping efforts after World War I and to establish the new Austrian Republic. Nonetheless, the treaty also discusses provisions for religious communities and churches. Article 63 of the Treaty of St. Germain declares:

Austria undertakes to assure full and complete protection of life and liberty to all citizens of Austria without distinction of birth, nationality, race, or religion. All citizens of Austria shall be entitled to the free exercise whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.¹⁴⁶

While this article seems to include all religions, Lutherans and Calvinists remain the only two fully recognized Protestant Churches. Furthermore, the last line of Article 63 makes religious liberties conditional. As previously discussed, religious freedom is only permitted if the group's practices are consistent with public order and morals. Many of the same concerns regarding worship in the 1867 General Rights of Nationals and religious recognition in the 1874 document Recognition of Religious Communities remain unresolved. Interpreting the standards of common morals is both challenging and vague. In a practical sense, Catholic authorities were not convinced of the authority of Protestant teachings. If Austria was to remain a bulwark of Christian Truth, then any dissention, mostly from the pulpit, must be prevented. Thus, the 1919 treaty continues to propagate religious freedom, but not equal religious recognition.

¹⁴⁵ Not only does the Treaty of St. Germain define religious freedom standards, the treaty also dissolves the Austro-Hungarian Empire, thus making Austria a republic.

¹⁴⁶ *The Treaty of Peace Between the Allied and Associated Powers and Austria, Together with other Treaties, Agreements, &c., Signed at Saint-Germain-en-Laye, September 10, 1919; and Declarations, Treaties, and other Documents Relevant thereto, signed at Paris December 5 and 8, 1919, and July 16, 1920, at Sèvres, August 10, 1920* (London: His Majesty's Stationary Office, 1921), 32-33.

A notable portion of the Treaty of St. Germain relates to an article written for religious minorities.¹⁴⁷ Article 68 of the treaty enumerates these provisions:

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious, or linguistic 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.¹⁴⁸

This article, while directed to religious minority groups, is primarily speaking to the financial needs of these communities. The Austrian government maintains churches through small financial sums, in order to promote the wellbeing of the community and the religious education of children. Until explicitly stated in the Treaty of St. Germain, monies were not always guaranteed to Calvinist and Lutheran Churches. Maintaining a religious community requires consistent funding, and the states sees religion as a crucial element of society, thereby promoting religiosity through financial support. Nonetheless, financial provisions are only supplied for recognized religious communities. The beforementioned unrecognized minority groups receive no stipend and are not allowed to have a say in the religious education of their children in public schools.¹⁴⁹ Religious minorities—recognized or not—are not widely discussed within Austria until after World War II.

Europe was socially, economically, and culturally changed after the horrors of World War II. In 1945, the Austrian government published a new set of legal provisions for Austrian citizens. The original 1920s Austrian constitution was extensively revised in 1945.¹⁵⁰ The Federal Constitution of Austria provides the basis for both citizens' rights and national

¹⁴⁷ The language of this document is also vague. Some recognized protestant groups were still considered minorities because of the number of congregants compared to the population of Austria. The treaty does not explicitly reference recognized or unrecognized groups.

¹⁴⁸ *The Treaty of Peace*, 34.

¹⁴⁹ *Ibid.*

¹⁵⁰ Known by the German title: *Bundesverfassungsgesetz Österreich*.

jurisprudence. The Federal Constitution of Austria also provides specific rights to religious communities. Article 7.1 of the Federal Constitution of Austria states: “All nationals are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded.”¹⁵¹ While equal before the law, unrecognized religious minority groups still do not receive the same religious status and recognition as recognized communities. While individuals are free to participate in aspects of Austrian society, not all religious communities can fully participate in the benefits that the state provides to recognized churches. Surprisingly, the above quotation is one of the few direct references to religion in the updated constitution. The remaining references to religion and religious status refers to religious education in schools.¹⁵² Even in 1945, the 1874 document on the Recognition of Religious Communities was still legally binding. Major religious reform would come with the next generation.

Of the documents discussed in this chapter, only the Patent of Toleration by Joseph II specifically lists the specific denominations that are recognized religious groups. Since the late 1780s, Lutheran and Calvinist congregations are the only ecclesial communities recognized by the Austrian government. What is curious about the religious legislation that develops within Austria is that very few documents make this denominational recognition explicit. Lack of clear terminology makes it challenging to understand how religious minority groups are being recognized and treated within Austria.

Minority Religious Communities Strive for National Recognition

In 1998, additional legislation was passed to clarify the 1874 laws on the religious status of unrecognized religious communities. The 1998 document Laws on the Status of Religious

¹⁵¹ Austrian Parliament, *Bundesverfassungsgesetz Österreich* (ratified on December 19, 1945), 8, https://www.ris.bka.gv.at/Dokumente/Erw/ERV_1930_1/ERV_1930_1.pdf.

¹⁵² The provisions for religious education are enumerated in Article 14 of the Federal Constitution of Austria.

Confessional Communities states that Religious Belief Communities are “associations of adherents of a religion which is not legally recognized.”¹⁵³ Being recognized by the Austrian government is still conditional to the points discussed with the 1874 laws on the Recognition of Religious Communities but is made more explicit with updated language vis-à-vis current religious minority groups within Austria. Any religious community seeking recognition must file a claim to the Federal Minister for Education and Cultural Affairs. Furthermore, as stipulated in Article 11 of the Laws on the Status of Religious Confessional Communities, these five prerequisites must be met:

1. Existence as a religious community for at least 20 years of which at least 10 years as a religious belief community with legal status in the sense of this federal law.
2. Number of followers in the amount of at least 2 per thousand of the population of Austria according to the last census.
3. Income and assets must be used for religious purposes (which also includes charitable and benevolent purposes justified by the religious community).
4. Positive basic attitude towards society and the state.
5. No illegal disturbance of relationships to existing legally recognized churches and communities as well as other religious communities.¹⁵⁴

These requirements, which are developed from the 1874 document, are a daunting set of requirements for small religious organizations. Three separate echelons of recognition are promulgated by the above criteria: officially recognized religious societies, religious confessional communities, and associations.¹⁵⁵ This requires at least twenty years of waiting before an unrecognized religious community can gain full recognition. Critics of the 1998 legislation attribute the long wait time as a form of religious discrimination.

¹⁵³ Austrian Parliament, *Bundesgesetzblatt für die Republik Österreich: 19 Bundesgesetz: Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften* (Vienna 1998), 485.

¹⁵⁴ *Ibid.*, 487.

¹⁵⁵ United States Department of State, “Austria,” in the *International Religious Freedom Report for 2009* (Washington D.C.: Bureau of Democracy, Human Rights and Labor, 2009), 2, <https://www.state.gov/j/drl/rls/irf/2009/127298.htm>.

Austria's legislation on the status of religious "cultic communities" or "confessional communities" or "sects" was met with opposition by unrecognized religious minority groups.¹⁵⁶ The United States took interest in the 1998 legislation, as claims of religious persecution were being filed vis-à-vis violated human rights. The Department of Justice (DOJ) investigated the aforementioned claims; in 2009 and 2011 the DOJ published two articles, respectively, on religion in Austria. The Austrian government is secular and federal laws provide for religious freedom within Austria.¹⁵⁷ The DOJ further reports that "recognized communities receive national support, provision, and are able to create their own educational curriculum, while unrecognized communities lack such support."¹⁵⁸ Some groups felt that the criteria of the 1998 legislation was too strict, thus restricting religious freedom of minority groups.

The DOJ further reports that the European Court of Human rights (ECHR) criticized the waiting period of recognition and the number of citizens required in order to claim recognized status.¹⁵⁹ The Austrian Constitution provides for freedom of religion, yet religious minorities felt as though they were being regarded as "second-class" religious organizations or "sects."¹⁶⁰ In a law review note written by Christopher J. Milner, he provides an analysis of the current status of religious minorities:

Instead of making it easier for religious groups of all sizes to enjoy the benefits of full recognition as a religion, Austria has acted to slow recognition for some, cut it off

¹⁵⁶ Terminology surrounding unrecognized religious communities in Austria is varied. For clarity, "recognized or unrecognized confessional communities" will describe religious groups within Austria.

¹⁵⁷ *Ibid.*, 2.

¹⁵⁸ *Ibid.*, 2-3.

¹⁵⁹ United States Department of State, "Austria," 3.

¹⁶⁰ United States Department of State, *International Religious Freedom Report for 2009*, Bureau of Democracy, Human Rights and Labor: Washington D.C. (2009), 3. These are the only confessional belief communities recognized by the Austrian government, but these groups lack full recognition by the state as a recognized religious community. Eleven groups constitute religious confessional communities according to the law: the Baha'i Faith, Baptists, Evangelical Alliance, Movement for Religious Renewal--Community of Christians, Free Christian Community (Pentecostalists), Pentecostal Community of God, ELAIA Christian Community, Seventh-day Adventists, Hindu Religious Community, Mennonites, and the Alevis.

altogether for others, and place a moratorium on recognition for all religions for at least the next ten years. This step backwards is a troubling step in a Western country.¹⁶¹

During the late 1990s through 2011, similar dialogue continued between unrecognized and partially recognized religious groups. From authors such as Milner to the U.S. DOJ, many domestic and international observers questioned Austria's new religious status laws. Debate over the 1998 legislation was fierce, and religious status discussions continued through the first two decades of the twenty-first century.

Freikirchen in Österreich: Gaining National Recognition Through Ecumenical Unity

At this juncture, our discussion is going to turn to a case study of the effects of the aforementioned legislation. Freedom of religion, but not national recognition, is guaranteed in Joseph II's 1781 Patent of Toleration, the 1867 General Rights of Nationals, 1874 legislation on the Recognition of Religious Communities, the 1919 Treaty of St. Germain, the 1998 Laws on the Status of Religious Confessional Communities, and the law on the Status of Religious Confessional Communities.¹⁶² The Austrian state recognizes churches as independent and autonomous organizations. The advantage of being a nationally recognized religious community is that "legal recognition implies [that a church or religious community] is a legal personality under public law, endowing it with the status of a [corporate body] under public law."¹⁶³ Whilst the aforementioned documents have permitted free religious practice, freedom of creed, conscience, and confession, national recognition, which secures protection and provision under the law, is not guaranteed by the state.¹⁶⁴ The nuance of being able to freely practice but not

¹⁶¹ Christopher J. Milner, "Losing My Religion: Austria's New Religion Law in Light of International and European Standards of Religious Freedom," *Brigham Young University Law Review* (1998): 641, <https://digitalcommons.law.byu.edu/lawreview/vol1998/iss2/11>.

¹⁶² Walter Reichel and Thomas Eder, eds. and Maria Bennett, trans, *Religions in Austria* (Vienna: Federal Chancellery, Federal Press Service, 2011), 9.

¹⁶³ *Ibid.*

¹⁶⁴ Reichel, Eder, and Bennett, *Religions in Austria*, 10.

being granted legal recognition has fueled generations of debate within Austria. In this final section, the history of the *Freikirchen* (Free Churches) and Baptist Communities specifically are examined in light of the aforementioned legislation.

Protestant denominations, excluding Lutherans and Calvinists, remained unrecognized by the state until 1961. While other minorities have resided within Austria since the time of Joseph II, in 1961, a document known as *Protestantengesetz* (Protestant Laws) recognized additional Protestant churches as “free communities,” but these groups were not granted full recognition by the state.¹⁶⁵ Prior to the 1961 legislation, communities had grown due to displaced persons and refugees after World War II. This brings to light an interesting aspect of Austria’s religious history: growth of religious diversity is often directly linked to migration.¹⁶⁶ Take for example *Mollardgasse* Baptist church in Vienna. The church was founded in 1869, but its congregation only grew after World War II. Additional Baptist churches were formed in Salzburg, Bad Ischl, and Wien-Hütteldorf after the war.¹⁶⁷ Not only were Baptist communities growing, but four other Protestant communities began to form: Evangelical Churches, Elaia Churches, Mennonites, and the Free Pentecostal Churches. Because of confessional similarities, these churches came together to form what is now known as “*Freikirchen in Österreich*.”¹⁶⁸ These communities, while “free” under the 1961 legislation, still lacked full legal recognition. Rather than seeking recognition alone, these minority communities combined their resources to elicit change.

In 2013, fifteen years after the 1998 legislation on religious status was enacted, the *Freikirchen in Österreich* were granted full recognized status by the Austrian State. The

¹⁶⁵ Reichel, Eder, and Bennett, *Religions in Austria*, 18.

¹⁶⁶ Ibid. Another note of interest is the number of Romanian immigrants who arrived in Vienna from 1989 to 1990. Many Romanians identify as Baptist, so established Baptist communities began to see an increase of Romanian Baptist congregants. Some communities grew so large that “Romanian Baptist Churches” were formed.

¹⁶⁷ John D. Doss, M.Div, "Unique History, Unique Opportunity: Evangelicalism in Austria since 1945," *Eleutheria* 4, no. 2, Article 3 (2015): 17.

¹⁶⁸ Doss, "Unique History," 22.

document proclaims that the *Freikirchen* have met the requirements listed in both the 1874 and 1998 documents.¹⁶⁹ No longer were these communities considered “sects or cults” but were affirmed as legitimate religious churches and communities. *Freikirchen* are now granted rights and privileges afforded to recognized Churches. *Freikirchen* can now hire pastors from outside of Austria, they can develop their own religious curriculum for school children, they are able to receive a tax-free status, and they can buy real property as an organization.¹⁷⁰ With full recognition, Austrian free churches are able to have a role in Austrian public and legal spheres.

Baptists and the European Refugee Movement

Just as the Baptist church was establishing itself as a fully recognized religious community in 2013, refugees began to enter Europe as a part of what is now known as “The Refugee Crisis of 2015-2017.” As discussed in the previous chapter, Europe was faced with innumerable humanitarian challenges. Austria became a safe-haven amidst changing European rhetoric and border control. When German chancellor Angela Merkel opened Germany’s borders to refugees, the Austrian government began to provide official bus transport to Germany.¹⁷¹ As tensions with Chancellor Merkel’s immigration policy grew, Germany, in a series of low-profile discussions, revoked previous promises of asylum. Because of increased immigration, Europe began to lean to the far right politically. Hungary is one such example. Refugees on the Hungarian border were met with barbed wire and assaults with plastic bullets from the Hungarian military. This caused refugees to travel on foot to Austria, in the hope of

¹⁶⁹ Austrian Parliament, *Bundesgesetzblatt*, 1.

¹⁷⁰ United States Department of State, *Austria 2016 International Religious Freedom Report* (Washington D.C.: Bureau of Democracy, Human Rights and Labor, 2016), 3, <https://www.state.gov/documents/organization/269032.pdf>.

¹⁷¹ Betts and Collier, *Refuge: Rethinking*, 85.

gaining asylum.¹⁷² As refugees were entering Austria, the government could only provide for their most basic needs. And in hospitable welcome, Baptist churches welcomed refugees.

Baptist communities, both historically and currently, are missionary and evangelical in nature. Mission work, or the serving of one's neighbor in compassionate servitude, is a core ideal for Baptists. When refugees were first making their way to Austria, Baptist Churches began to provide for the needs of incoming refugees. Refugees were given hot meals and pastors to serve as counselors. In the case of refugees who were fleeing because of religious persecution, Baptist churches became their new-found spiritual home. Refugees who flee religious persecution often do not have a Christian denominational affiliation. In most cases, Christian refugees are simply looking for a place to worship with other believers. Very few Protestant communities have services in Persian. *Projekt: Gemeinde*, a Baptist Church in Vienna does have such a service, and they gladly opened their doors to fleeing refugees.

Projekt: Gemeinde is a unique place to worship. The church has three services each Sunday. One for Spanish speakers, one for Persian speakers, and one for German speakers. The Persian speaking community is the largest, with attendance ranging from 80-200 members. In a traditional sense, the *Projekt: Gemeinde* incorporates many Baptist elements: there is a church building where gatherings are held, biblical instruction is given in the form of Bible studies and sermons, members are baptized, and communion is celebrated once a month. What makes this Baptist community different is not only a worship service for the refugee community, but ministers and other members of the congregation are committed to seeing that incoming refugees have a place to call home—permanently. In working with *Projekt: Gemeinde* for the past two

¹⁷² Betts and Collier, *Refuge: Rethinking*, 82-85.

summers, I have been able to see the interactions of religion and the Austrian government as the asylum process unfolds.

Refugees fleeing because of religious persecution often need an Austrian church's support before asylum is granted. When a refugee appears for their court hearing, they are asked to give a testimony of their faith, how they came to arrive in Austria, and to explain why they need asylum. In most circumstances, a refugee must answer a series of questions related to their Christian faith. For example, a refugee might be asked to name the twelve apostles or to list the Ten Commandments. These questions are asked to "verify" that the religious conversion is genuine. Additionally, a pastor will usually attend the hearing to speak on behalf of the refugee and the church where they serve.

Without full recognition, Baptist churches would not be able to serve as a reliable mediator between individuals and the Austrian government. If Austrian Baptist churches were not recognized, then the ministers who attend asylum hearings would only be considered Austrian citizens—not a recognized Baptist minister. This would mean that as refugees are filing for asylum, they would only have their testimony to vouch for their need. In being a recognized community, the Austrian government is obliged to recognize the autonomous religious authority of the Baptist community and its ministers. Thankfully, ministers are not forced to ask the question: "What would happen to refugees seeking religious asylum if we were not a recognized community?" Religious recognition prevents religious discrimination of Austrian natives and refugees alike.

Chapter 4

When Faith Means Fleeing: Testimonies from Iranian Christian Refugees Living in Vienna, Austria

When I first began working with Iranian Christian refugees living in Vienna, Austria during the summer of 2017, I was struck by their personal narratives. Each refugee has a story of why they need to seek asylum in the European Union. Their testimonies are equally disheartening and inspirational. I found such strength and dignity in how they approach the challenging political and social issues that they face, but also in how they convey their perspectives of Christianity. While international media syndicates portrayed the European Refugee Crisis of 2015-2017 as total chaos, which at times it certainly was, I found that Iranian Christian Refugees were calm throughout the storm. Refugee's lives were and are held in the balance of international policy and the Austrian asylum system, but Christian refugees feel that have something worth fighting for: their profound Christian faith.

The human spirit can be enkindled with deep passions and inspirations. For Christian refugees from Iran, faith, belief, and religious conviction is the driving force for leaving a familiar world behind to embark on a journey unknown. The testimonies and stories that I present in this chapter were collected in a series of interviews with Christian refugees living in Vienna, Austria. These refugees are active participants in *Projekt: Gemeinde*—an international Baptist Church in Vienna, Austria. These interviewees are dear friends to me, so I present their stories with great care and responsibility. To ensure their security and to remain faithful to their personal requests, I will present their narratives anonymously. Rather than viewing each interview as an individual story, I will present their testimonies as one collective voice. This not only ensures the participants anonymity but will present the reader with a community's response of being an Iranian Christian refugee. I interviewed two married couples, and one individual; all

participants in this study arrived in Vienna between late 2015 and end-of-year 2017. While the narrative of the single individual deviated slightly from those of the couples, as the individual first immigrated to Austria as an unaccompanied minor, I still found that their five stories created a collective as they all worship in the same Christian community.

This chapter is divided according to the questions that I posed to the participants. These questions were formulated with the intent of discovering how Iranian refugees perceive of their former lives in Iran, the asylum system in the European Union, seeking asylum in Austria, and their personal experiences with Christian communities in Vienna, Austria. The purpose of presenting these testimonies is to not only display the inner strength of refugees, but their testimonies support the position that Iran is unsafe for Christian converts, European Union policy does not make the asylum process easy, and that transitioning into Austrian society is challenging. The following questions were written with the intention of being pointed yet open-ended. Rather than limiting the discussion to specific points of doctrine, law, or theology, I thought it would be best if participants felt free to express their stories with moderate prompting. The following is a synthesis of the five interviews that I conducted in June 2018.

Before coming to Europe, what was the political and religious climate of your home country like? Can you describe the factors that led you to seek asylum in Europe?

We all grew up and lived in the Islamic Republic of Iran. From the time that we were young, we were taught to live like Muslims, and we are afraid of the Iranian government. Many of our fears and concerns about the government come from events that happened in late 1979 through the early 1980s, when there was a war between Saddam Hussain's Iraqi forces and the people of Iran. This was a hard time for all of us, because the war was happening in our very streets and homes. During the years of the Constitutional Revolution, we faced war and poverty; it was hard to provide for our daily needs.

In Iran, if you are not an ethnic Christian, then you are a Muslim. If you are born Muslim, then you remain Muslim. If you are an ethnic Christian, then you are most likely Orthodox, and the government cannot change your religious status. The government of Iran uses Shia' law, so Christians have very little religious freedom. In Iran, people are only allowed to know things about Islam. There is no religious tolerance in Iran. Islam is a religion of rules. The only thing that Islam teaches is: "you must." There is no joy or peace or comfort that comes from being a Muslim. Over time, we became disillusioned by the teachings of Islam. We no longer believed that Islam was true, and we started to look to Christianity. This was when we began to feel that Christianity is the ultimately-true religion. We did some research about Christianity, and we tried to find underground church meetings in Iran. Doing research and attending meetings is dangerous, because if someone finds out and reports you, then your life is in danger. If the government finds out that you are learning about Jesus Christ, and you are a Muslim, the government will kill you.

Iran has something known as the "morality police." These police officers are responsible for ensuring that women have their head scarves on correctly and for making certain that people do not disrupt the peace. Converting to Christianity means that you are "disrupting" the peace. If the morality police find out that you are exploring Christianity, then they will place your name on a "black list." Once your name is on this list, the police will find you and potentially kill you. Alerts are placed on your passport and on other personal identification cards. If you want to flee Iran, you need to go before it becomes impossible to leave the country. The police will stop you at the airport if you are trying to escape. The morality police will arrest Christians, and then the police will release them. Within hours of their release, the Christian is often found dead. Autopsies are never performed on their bodies. One can only, albeit accurately, guess who

stands behind their deaths—the government. Being a Christian in Iran is dangerous; being a Christian in Iran will cost you your life.

If your name is not placed on a “black list,” other bad things might still happen to you. The morality police enter into people’s homes to see if they have any Bibles or Christian literature. If a Muslim is found with a Bible, for example, the person is taken out in the street and is beaten or whipped. We have seen people taken from their homes—treated like wild animals—just because they had a Bible in their library. Especially during the war, we saw people executed by the government because they said that they were a Christian. People who profess a faith in Christ are sometimes placed in jail—between murderers and thieves and other terrible people. But what did the Christian do to deserve a place with horrible people?

Were you involved in a minority Christian church community in your country of origin? If so, can you describe the similarities and differences of Christian practices or worship in your home Country with how you worship in Austria?

In Iran, if you want to worship you must attend an underground Christian service. Many of the people at underground services are Protestant, but there are also some Catholics. Even finding an underground church to attend in Iran is very hard. Telling a close friend means that an entire community might be betrayed. Attending these gatherings is dangerous, because if the police arrive, everyone is immediately in danger. Sometimes, the police arrive in normal clothing, and will take over during the service. If a community suspects that they have been discovered, the church usually disbands, to ensure that everyone is safe. In these underground church meetings, people must worship very quietly. If people sang or prayed too loudly, then neighbors might hear. Because underground churches are so threatened, they are not a viable option for many Christians.

The way that we worship here in Austria is much different than how we worshiped in Iran. The first major difference relates to prayer. In Islam, you cannot pray in your own home or anywhere else. We are all forced to pray at the mosque—which can be very challenging for women and young mothers. Women must mind their monthly cycles to ensure their purity; women are not even allowed to wear nail-polish or nice make-up, and women must obey the “modest dress code.” When you go to the mosque to pray, there might be several thousand people there. But these people are only praying for themselves. Since becoming Christian, we have learned that we are able to pray with and for other people. In Austria, we are able to pray with a pastor or minister who is concerned for us. We are able to share our needs, challenges, and joys with our brothers-and-sisters-in-Christ. Prayer is invaluable when building a relationship with Christ and when creating a Christian community. Prayer connects us to God. Now we are able to pray as loudly as we would like, and in places outside of church buildings. For us, prayer is the first step towards a new life with the True God.

Christians are ready to care for one another. When we were fleeing Iran, we realized that we were going to need additional help if we were going to make it to Europe. At times we needed places to sleep and food to eat. As we were journeying on foot, we found other Christians who were fleeing Iran, and we would try to help each other in different ways. We felt that it was our responsibility as brothers-and-sisters-in-Christ to help one another. This created a community that we could rely upon for short periods of time while we traveled. We are like the lost sheep in Christ’s Gospel parable. In Luke 15, Jesus tells a story of how a good shepherd will leave the ninety-nine well-tended sheep to save the one sheep that has gone astray. As we wandered, people tried to take care of us. We saw Christians in the street handing out food and clothing. We have all discovered that Christians are full of love towards those who are in need.

Since joining a Baptist Church here in Vienna, we have seen how lovely and wonderful it is to have a Christian family.

Why did you seek a Christian community in Austria? Has your religious affiliation aided your asylum process?

Our stories of faith began back in Iran. We sought a Christian community in Iran because we felt God calling us. For each of us, we see Christ as a bright spotlight that has been guiding us along a dark path. There is no way to know or understand the plan that Christ has for our lives; Christianity includes elements of mystery. We only knew that this path was chosen for us, and that we never walk alone. Even as trials come, we continue to be faithful and strive to seek God's will. The beauty of the Christian life is to discover what God has in store for us. From the time that we were in Iran to now, all we wanted to know about was Jesus Christ. As we learned more about Jesus, we discovered that God loves us more than our own families do. This kind of love urged us to ask questions about our faith and to seek out other believers.

Each of us has many struggles. We have all faced depression, trauma, and anxiety. This church, *Projekt: Gemeinde*, has taught us that we are never alone. When Christians help one another, the entire community is uplifted. Whenever we had problems, the community of refugees and pastors was ready to help us. The pastors are always ready to pray with us. People in the congregation are invested in the lives of each other. Church is a community; the community here is one of friendship, family, and fellowship. Without a church so devoted to Jesus Christ and to refugees, we are not sure how we would have made Vienna home. Because we have been able to worship openly in a Christian community, we have been able to overcome our fiercest struggles. We no longer struggle with severe depression and anxiety. For the first time in our lives, we are learning what it is like to be loved, to experience kindness, and to feel wanted. We have learned how to build relationships with other Christians. Fellow Christians

have taught us to seek the peace that God provides. Without joining this community, none of these positive things would have happened to us.

Another important reason that we joined a Christian church is because we wanted to learn more about God. For our entire lives, it was forbidden to learn about Jesus Christ. But now that we are in Austria, we can learn, ask questions, and conduct as much research about Christianity as we would like. Even when we were “Muslims,” we were never really able to learn about our religion. We were only told what we should and should not do. For example, we had to engage in ritual washings even if we wanted to touch the Quran. This practice is strange—the book is just made of ink and paper! Muslims are not allowed to make marks in or highlight in their copies of the Quran. But in Christianity, we are able to approach our Bibles at any time for study. We are able to grapple with challenging ideas about faith and doubt. Being able to learn about Christianity means that you grow familiar with God.

Projekt: Gemeinde has also helped throughout the asylum process. Some of us have successfully gained asylum, while others of us are still waiting to call Austria our permanent home. Many people in our community need help filing for asylum in Austria. We had no experience with European or Austrian law, so we needed someone to help us throughout the process. At *Projekt: Gemeinde*, we were given all of the support that we needed—both in a legal and religious sense. We have learned that asylum is challenging but having a relationship with Christ is larger than any trouble. By having a strong faith, we feel that our asylum process is “small” compared to the “largeness” of our God. We know that God is overseeing our asylum process, because God placed us where we are today. If we were able to travel throughout Eastern Europe on foot, we know that those in power will recognize our plight. God has

provided miracles for us in the past, and we know that God will continue to be our source of strength.

Even though we know that God will provide for our asylum, it is challenging to explain the many reasons why we need asylum. As we have said before, Iran does not tolerate Christian converts. We are viewed as apostates and our lives are in danger. When we arrived in Austria, the authorities wanted to return us to Iran—because Iran currently has no war or poverty. People assume that if you are seeking asylum then you need to flee because of war, poverty, natural disasters, or famine. Our reason for seeking asylum relates to our faith. Some of us arrived in Greece. The Greek authorities fed us and let us go on our way.¹⁷³ At every nation's borders, we were forced to explain why Christian converts are not safe in Iran. Once we began to explain why Christians are in danger, the Austrian government began to take notice. When we gave our asylum testimonies in court, we focused on how Christ has changed and transformed our lives—making it impossible to return to Iran.

In order to support our religious claim, we have all chosen to be baptized, and we have taken the *Glauben wagen* course designed to teach refugees about Christianity. On the days that we gave our testimonies in court, we took letters of support from pastors, our baptismal certificates, and the paperwork requested by Austrian authorities. If we do not fully explain the nature of our home country or explain how God has led us to Austria, then we would not gain asylum. Religion is our only viable claim for asylum in the European Union.

¹⁷³ In overwhelmed countries such as Greece, refugees were not fingerprinted by authorities. The Dublin System mandates that a country must provide asylum to those who are fingerprinted within its borders. Greece could not feasibly provide asylum for the number of refugees who were entering via Mediterranean migration routes. Greece's "solution" was to provide temporary aid and to let asylum-seekers pass onward to another European Country.

What does the word “crisis” mean to you? Do you have an example or story that you would like to share?

When I asked this question to my interviewees, I was greeted with confused faces. They looked at me with puzzled stares and asked: “What is a crisis? What does that word mean?” I soon came to understand that in Persian, there is no word for “crisis.” I tried to give examples, alternative definitions, synonyms—but nothing seemed to click for them. The Oxford Dictionary of English defines “crisis” as: “A time of intense difficulty, trouble, or danger.”¹⁷⁴ I thought for certain that there must be some equivalent word for trying or challenging situations. This linguistic revelation fascinated me. Imagine an entire language—and people—who have no way of describing external conflict. I was told that if a “crisis” were to happen to someone, a Persian would just say: “Okay, I guess that this is going to be hard, but I will figure this out.” Rather than engaging in some attitude or external display of “crisis,” I found that refugees simply accepted their situation and moved forward in the best way possible. Contrary to Western understandings of “crisis”—which usually includes panic, fret, and anxiousness, I was urged by my interviewees to see crisis as a challenge, but a challenge that could be overcome. In the responses below, these refugees express how they perceive of “crisis.”

The Refugee Crisis of 2015-2017 definitely had some positive and negative aspects. The major negative outcomes relate to the fact that we all had to leave our families, friends, homes, and livelihoods in order to seek asylum in Europe. This meant that we had to gain courage to leave Iran and to seek safety somewhere else. We all fled in fear, because being a Christian in Iran is very dangerous. We were not sure if we would be able to survive if we remained in Iran much longer. In leaving everything, we all had to strongly identify with *why* we were leaving.

¹⁷⁴ "Crisis, n.1," OED Online, December 2018, Oxford University Press, <http://www.oed.com/viewdictionaryentry/Entry/11125> (accessed February 18, 2019).

First, we had to reckon with the fact that Iran did not want us. The government propagates so much fear about Christian converts that we knew that our neighbors would turn us in or harm us, or that the morality police would find us. It is hard to rationalize that your own people do not want you—just because you have a different religion. We struggle with our Persian culture. We will always consider ourselves Iranian, but how is this possible if our own people do not want us? In leaving everything behind, we are learning how to totally rely upon God; while challenging, this has turned out to be a positive step for us. We had to put our entire lives in God's hands. We knew that God would lead us to where we were supposed to be. God is before us and God is above us, so we knew that God was planning our way as we fled to Europe. Since coming to Austria, we have been able to find God and to experience the love of other Christians—something that would have been impossible in Iran.

While Austria is much better than living in Iran, we still face struggles each and every day. At least in Austria, we are able to work on our problems and struggles. In Iran if you said to a group of friends: "Hey, there is a problem in our society, let's do something about it!," you would probably be killed. The Iranian government does not like for people to change anything. But in Austria, we are able to see a problem and work towards a solution. People have more freedoms and rights in Austria, which means that we are able to do something about our struggles and challenges; problems here can be solved. Even though we know that there are more freedoms for us, we still struggle to find our place in Austrian society. Because we look different—we have dark skin and hair—Austrians judge us. They think that we are all Muslims or that we are terrible people. Austrians are not always open to our heritage, culture, or traditions. Many days we are discouraged by the racism and fascism that we find in Austria.

Austrian citizens and politicians do not always want us to be here, even though we have no other place to call home.

We have all struggled with depression and trauma. Some of our depression stems from our childhoods, when the Iranian government was being reinvented in the early 1980s. But our journeys to Europe were also especially challenging. We were often without needed supplies, and we were often alone and very scared. This has left us with many scars and struggles that we must overcome each and every day. Christianity has helped us to engage with our struggles. When we look to Jesus to help us with our problems, we are healed. Since coming to Austria, we have been able to turn our struggle with depression into a deep relationship with Jesus Christ. Overcoming sadness and despair has taught us that anything is possible through the power of prayer. When we pray to God, we feel as though we are not hopeless; we know that our struggles can be overcome.

What do Christian theology and Faith mean to you? Do you think that Christian theology should engage and interact with crisis-related issues? Do you think that Christian theology and or faith engages with crisis?

For us Christianity is all about relationships. In Iran we were not allowed to have a relationship with fellow believers, and we were not allowed to have a relationship with God. We believe that having a relationship with God is having a relationship with your Creator. God shows unending love, kindness, and compassion. When you enter into a relationship with God, you learn that you are so valued and cared for. God is our heavenly father, and God treats us like his Children. For us, God is the friend that continues to love us and shows us how to live a better life. God has helped during this journey, and it is only through God's provision that we have made it to such a wonderful country as Austria. Christianity has taught us to be happy, at peace, and content with the blessings that we have been given. Even when we make mistakes, God

forgives us, and God urges us to repair our ways. No matter what, the Christian faith wants you to have a pure relationship with God. This relationship brings life!

Christianity must interact with “crisis” and struggles. We are called to help those who are in need. The best way to help others is to be hospitable and to share the Gospel. People are able to live a much better life if they rely upon God’s promises. When we share the Gospel message with love, people are able to experience true and lasting love and peace. Christians who hear and accept the Gospel message are able to have profound relationships with other Christians, but they are also able to enter into a relationship with their Creator. We believe that God is not here to judge or condemn us; we believe that God wants to be our helper and guide. God makes miracles happen. We know that God has shown us many mercies during our immigration and asylum-seeking process. We want all people to have the same divine protection and provision that we have. Not only do we want people to have internal peace, we also want to worship with new believers. While God does things for us, we also think that it is important to worship and celebrate God’s goodness. We want people to rest in the fact that when we worship God, we are engaging in a divine act of love. Because Jesus paid for our sins on the cross, we are able to thank God for God’s unending goodness.

Our lives have been filled with many struggles and being a Christian has made these challenges easier to bear. We know that God does not want us to worry about what tomorrow might hold. We should only be worried about what is before us—we do not need to plan for the future. God will take care of you; God cares about us. When we pray to God, we know that we will be provided for. We know that our lives have been changed because we see how God helps us with our daily struggles. God “has our back.” Faith in God’s promises makes our struggles small in comparison to God’s greatness.

What is the current place of refugees in the Christian church and what do you think that place should be?

We think that refugees have a lot to offer churches in Austria and across the world. All Christians love and worship the same God, even if we are from different places. Because we have invested so much of our lives and identities in learning about Jesus Christ and Christianity, we love to teach others about the Christian faith. Since coming to Vienna, we have been involved in teaching Bible studies and we have led classes on Christianity to other refugees. We believe that Christianity is the only way to live a peaceful and happy life, and we want to share this with everyone that we meet. And if we cannot teach, then we want to serve the church in any way possible. Service is important to Christianity, because we all need to work to make sure that the Kingdom is enlarged. We have seen how dedicated the pastors are, and we want to give what we can to this community. Some of us are great cooks, others can serve as translators, while others can help with the children's church. Every task is important, and we want all people to feel welcome here.

The biggest way that refugees can help in the Church is to be an example of Christ's love. We know what it is like to feel weak and vulnerable; we know the importance of being a friend. If our actions reflect the goodness of God, then others will want to learn about Christianity. Christianity is more than a set of beliefs—Christianity is a lifestyle. Since coming to Austria, we have learned how to be honest, kind, and open to those that we meet. We all wish that we had come to Christianity sooner. Even though being a Christian in Iran caused us many problems, we would rather have faced this “crisis” sooner; becoming a Christian changes everything for the better. The unending love of Christ has made us into the people that we are today. If we had one message to give to the world, it would be to “spread the love.”

Note on Study Protocol and Methodology Used in Chapter 4

This project was found to comply with the appropriate ethical standards and was exempted from the need for formal review by the College of William and Mary Protection of Human Subjects Committee (Phone: 757-221-3966) on 2018-05-01 and expires on 2019-05-01.

An Afterward that Looks Toward the Future

The narratives, social contexts, and legal accounts presented in this thesis are only the beginning of a social and religious dialogue between faithful Christian refugees, local and state governments, and their religious communities. Religion does not take place in a vacuum; Christianity is a living tradition that is borne by each faithful generation. For Iranian Christian refugees, their theological perspectives will feed into the already vibrant religious dialogue happening within Austria. Their stories of leaving Iran, entering the European Union, and joining a Christian congregation in Austria will define their faith, families, and refugee communities. The stories of Christian refugees are often unheard, but as Iranian Christian refugees begin to speak about their experiences of social and religious transformation, attuned listeners will see the depth that their stories convey.

In describing their lives in Iran, Christian refugees provide us a glimpse into the intricate laws of an Islamic Middle Eastern country. We are able to see what “justice” looks like in the eyes of the Iranian government, and we are able to witness the fear that people sense from their government. In entering the European Union, refugees are faced with the overwhelming prospect of needing to gain asylum. The risk is exceptionally high if asylum is not granted. The asylum process is long, arduous, and often very lonely, yet refugees persevere knowing that God will secure their path. Underscoring both of these transitions—from Iran and into the European Union—is the complex topic of religion. While refugees claim that religion is the reason for their asylum and entry into Europe, they also understand that such religious liberties are not simply given. They are acutely aware that if they had entered into Austria prior to 2013, the Austrian government might not have accepted their Protestant affiliation, thus leaving them yet again without religious freedom or asylum.

The future will only tell of how Christian refugees integrate into Austrian society. Time will only be able to speak to the influence that refugees will have on their new communities and governments. Even though what lies ahead is uncertain, I can rest knowing that those who have the most right to despair are full of hope.

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