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Hell, the Rights of the Child, Freedom of Religion, and Exit Costs

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Abstract

Article 14 of the United Nation's *Convention on the Rights of the Child* declares, "States Parties shall respect the right of the child to freedom of thought, conscience and religion." In this paper I will consider whether signatory nation-states may be in breach of this article by permitting religious groups to communicate the concept of Hell to children in a particular way.

Introduction

In 1989 most member states of the United Nations¹ signed and ratified the *Convention on the Rights of the Child*. This convention was established in recognition of the principle that "the child, by reason of his physical and mental immaturity, needs special safeguards and care" (Preamble). Article 14 of this convention seeks to establish the child's right to freedom of religion. In this paper I consider whether Article 14 is breached on those occasions when signatories permit religious groups to impose sufficiently high exit costs upon its child members.

It is worth noting that a violation of the *Convention on the Rights of the Child* represents a breach of treaty law; and that treaty law assumes different weight within different jurisdictions. So, whilst a violation of this convention might represent a breach of the

¹ The most notable exceptions being the United States and Somalia.

supreme law of the land in one country, such an offense might exist below statutory law in another (Vienna Convention on the Law of Treaties, 1968).²

Article 14 of the Convention on the Rights of the Child

Article 14 of the *Convention on the Rights of the Child* declares, “States Parties shall respect the right of the child’s to freedom of thought, conscience and religion” (1989). This section is an extension of Article 18 of the United Nation’s *Universal Declaration of Human Rights* that states,

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice (1948).

The office for the High Commissioner for Human Rights (UNHRC), commenting on this particular right, stated,

The Committee observes that the freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations . . . (Article 5, 1993).

Given the bearing this commentary has on Article 14 of the *Convention on the Rights of the Child*, the following assertion seems straightforwardly the case.

1. If an act impairs a child’s ability to have or to adopt a religion then, in permitting this act, signatory states may be in violation of Article 14.

It is the child’s right to “have or to adopt” a religion that may be potentially under threat from those religious groups who impose sufficiently high exit costs.³ This is because such costs have the coercive force necessary to impair a child’s right “to replace one’s current religion or belief with another or to adopt atheistic views.” To better gauge the nature of this impairment, it is necessary to familiarize ourselves with the concept of an exit cost.

Exit Costs

An exit cost is that which a member of a group pays, or expects to pay, as a consequence of leaving the group. For example, if it is a consequence of leaving a group that you are unable to re-enter it later, then this inability to return constitutes an exit cost. It may

² My thanks to a blind reviewer for this point.

³ Given that the Article 14 is grounded in the *Universal Declaration of Human Rights* one might wonder why I have restricted this discussion to children rather than to people in general. The reason is, because of the special status normally afforded to children, the arguments presented have particular weight when limited to them. However, there is no in principle reason why the arguments presented could not be modified to apply to adults.

prove useful at this point to distinguish between *actual* and *asserted* exit costs. An actual exit cost is that which is actually incurred by a member when they leave the group. An asserted exit cost is a cost that the group asserts a member will incur if they leave the group.

To illustrate this distinction, consider a group that informs its members that were they to leave the group they would be killed.⁴ What is more, the ex-member is indeed killed upon her departure. In this case the exit cost is both asserted and actual. It is asserted because the group had stated that this would occur if she left the group, and it is actual because it came about. Contrast this example with a group that informs its members that were they to leave they would be struck by lightning. Yet on those occasions when members do leave the group, no such bolt from above is forthcoming. This is an example of an asserted, but non-actual, exit cost.

It is important to realize that we need not concern ourselves with the actuality of the exit cost in this paper. This is because if a religious group succeeds in convincing its child members of the actuality of an asserted exit cost, then, even if the cost is non-actual, its coercive force will be equal to that of an asserted and actual exit cost. In other words, as long as a child believes an asserted exit cost is also actual (although it may not be), its coercive force will be the same as an exit cost which it both asserted and actual. Consequently, as long as the exit cost is both asserted and believed, for our purposes we can consider its actuality irrelevant.

Asserted exit costs, at least potentially, have coercive force. In other words, it is reasonable to assume that if a child is told that they will suffer considerably if they leave their religious group, then this may affect their ability to do so. Due to this relationship between exit costs and coercion, the following assertion seems uncontroversial.

2. If an exit cost is sufficiently high, regardless of its actuality, its assertion (if believed) may impair a child's ability to have or to adopt a religion.

Given this relationship, it is interesting to note how the severity of the exit cost impacts the likelihood that it will impair a child's ability to have or to adopt a religion.

The higher the exit cost the more reasonable it is to assume its imposition could impair a child's ability to adopt an alternative religion or belief, *ceteris paribus*. For example, if having your hand slapped is less of a cost than having your hand cut off, the coercive force of the latter will be the greater. As such, religious groups imposing the exit cost of hand amputation, rather than slapping, are more likely to be imposing a sufficiently high exit cost (a sufficiently high exit cost is a cost that impairs a child's ability to adopt an alternative worldview). It is upon this relationship that the following assertion is made.

3. The more severe the asserted exit cost, the more likely it is that it is sufficiently high.

⁴ In 2006 Abdul Rahman was arrested in Afghanistan for converting from Islam to Christianity. Under the Hanafi school of Islamic jurisprudence, apostates may face the death penalty for their conversion. Under considerable international pressure Abdul was spared this fate.

With this correlation between the severity of the exit cost and the likelihood of its being sufficiently high in place, it should now be apparent that the groups most likely to be employing sufficiently high exits costs are those that impose exit costs of an infinite degree and duration.

The Concept of Hell

One rather brute manner by which the severity of an exit cost may be cashed out, is in terms of the degree and duration of the suffering it entails. Accordingly, the most severe exit cost will be one that entails an infinite degree of suffering for an infinite duration. I will define an exit cost that entails an infinite degree and duration of suffering as “Hell.” This leads naturally to the following assertion.

4. The most severe asserted exit cost is Hell.

Please note that I am only concerning myself here with those groups who explicitly inform their child members that if they leave the group they will, upon their death, be situated in something akin to Hell. I am not suggesting all religious groups that contain the notion of Hell within their cosmology are necessarily imposing it as an exit cost.

If a religious group were to impose Hell as an exit cost upon a child member, then (providing the child believes in the actuality of the cost) such an act, if permitted by a signatory state, would most likely constitute a violation of Article 14 of the *Convention on the Rights of the Child*. This assertion is supported by the following argument.

1. If an act impairs a child’s ability to have or to adopt a religion then, in permitting this act, signatory states may be in violation of Article 14.
2. If an exit cost is sufficiently high then, regardless of its actuality, its assertion (if believed by the child) may impair a child’s ability to have or to adopt a religion.
3. The more severe the asserted exit cost, the more likely it is that it is sufficiently high.
4. The most severe asserted exit cost is Hell.

Therefore,

5. In permitting the act of imposing Hell as an exit cost upon a child (if believed by the child) signatory states are most likely to be in violation of Article 14.

To illustrate the impact of this argument, consider the following childhood memory of a Catholic school in the U.S., as reported by Reardon:

The nuns were absolutist on the teaching of the church. If you died with just one mortal sin on your soul, you would go straight to hell. The nuns told the kids about hell. There was fire. Devils ran the show (43).

Providing the Nun’s conveyed to the children the understanding that leaving the fold constituted a mortal sin, that the “pains of hell are essentially immutable” and that “Hell is a state of the greatest and most complete misfortune” (Honthlein), then the argument given

above would suggest that, by permitting this type of instruction, the U.S. government, in allowing such a Catholic school to teach children, may have been in violation of Article 14.

Objection 1

Some may object to the conclusion that signatory states that permit religious groups to assert that Hell is an exit cost are in breach of Article 14 on the grounds that it is a parent's moral duty to protect their children from harm. Hell, they may argue, is akin to the jagged rocks at the bottom of a cliff's edge. It would be irresponsible for parents not to warn their child about the dangers of falling over this cliff, since such an outcome would harm the child. Likewise, it would be irresponsible for parents not to warn their child about the dangers of leaving their religion, since they take such an outcome to also result in the child's harm.

Although such an objection seems appropriate, I believe it is misplaced. I am neither suggesting that religions that introduce the concept of Hell to children are acting immorally, nor that they should necessarily change their current practices. Rather, my aim is to demonstrate that by permitting religious groups to impose Hell as an exist cost, signatory nation-states may currently be in breach of Article 14.

Objection 2

Some may object to the conclusion that signatory states that permit religious groups to assert that Hell is an exit cost are in breach of Article 14 on the grounds that such groups have the right to impose any religious practice or belief they see fit upon their children. This objection is often supported by reference to the right to freedom of religion and/or particular parental rights. For example, Article 18 of *Universal Declaration of Human Rights* states that everyone "has the right to manifest his religion or belief in teaching, practice, worship and observance" (1948). If manifesting one's religion includes warning children about the possibility of Hell, then it would seem, *prima facie*, that this practice is protected by the very same law invoked to question its legality.

The same objection can be made from certain parental rights. Article 18 also states,

The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions (1948).

Once again it seems that the parent's choice to warn children about the possibility of Hell is protected by the very same convention I suggest is breached by this practice. Yet I shall argue that neither the right to freedom of religion, nor parental rights can legitimize such actions.

To illustrate this point, consider a religious group that instructs its child members to sacrifice a virgin once a year. Perhaps this instruction should be permitted because religious members have the right to manifest their religion. Or perhaps it might be permitted as the children's parents have the right to ensure the religious instruction of their children. Neither possibility seems plausible. Both our freedom of religion and our parental rights come with

an important caveat. This caveat, in regards to freedom of religion, is clearly staked out in Article 18,

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

In other words, we are free to express our religious convictions, and instruct our children as we see fit, providing we do not deny the rights of others in doing so. Consequently, the practice of imposing Hell as an exit cost cannot be legitimized if, as I have argued, it does constitute a denial of the rights of the child.

It may be asserted that such a caveat invalidates the whole notion of freedom of religion. This is because the unlawfulness of virgin sacrifice itself rests on presumptions that are inherently religiously biased (McLean). In which case, as true religious freedom is non-existent, it serves little purpose to call upon it to protect the rights of the child. Although I accept that the wider sense of religious freedom is invalidated the moment it is restricted by state law, I do not believe this invalidation significantly detracts from my thesis. This is because, even if religious freedom is especially narrow, it may still be the case that children have a right to it.

Objection 3

Some may object to the conclusion that signatory states that permit religious groups to assert that Hell is an exit cost are in breach of Article 14 on the grounds that people who wish to leave such groups usually no longer believe in its tenets. In which case, it is likely they will no longer believe that Hell is an exit cost. Consequently, the prospect of Hell would no longer impede them from leaving the religion, and so is unable to breach the article.⁵

Even if this reply holds, its scope only extends to religious believers who desire to leave the group. It does not encompass members who may be so affected by the threat of Hell, they are impeded from even desiring to leave the group. In other words, it seems plausible to suggest that there may be members who *would* desire to leave the group were the threat of Hell not so severe.

Objection 4

Some may object to the conclusion that signatory states that permit religious groups to assert that Hell is an exit cost are in breach of Article 14 on the grounds that it now seems far too easy to be in breach of this article. To illustrate this, imagine that religious parents, conscious of Article 14, decide not to mention Hell to their child (despite their religion's firm position that people who leave the group will go to Hell upon their death). One day the child overhears a non-religious stranger mention the religion's position on Hell. Upon hearing this, the child is so fearful of Hell that any desire they might have had in the future to leave the religion is now extremely unlikely to surface. The question is, would the stranger's behavior, if permitted by the state, represent a breach of Article 14?

⁵ My thanks to John Weckert and Graeme McLean for this objection.

It may be possible to drive a wedge between cases where religious members intentionally communicate the concept of Hell to their children in order to dissuade them from leaving, and cases like the non-religious stranger. For example, one might point to the fact that it may be illegal for tobacco companies to advertise cigarettes in a children's magazine, and yet an adult who leaves their copy of *Pipe Smoker's Gazette* lying about for a child to peruse may not have acted illegally (albeit perhaps irresponsibly).

However, another option would be to bite the bullet and claim that the stranger's behavior, if permitted by the state, does represent a breach of Article 14. At first this may seem too big of a bullet to bite. However, we should remember that we do so on the presumption that premise 4 is true, and that "The most severe asserted exit cost is Hell." If we similarly thought that reading *Pipe Smoker's Gazette* was the most likely way to get addicted to smoking, then we may feel more inclined to think that the act of leaving the gazette around for a child to peruse should not be permitted by the state.

Conclusion

Please note that the aim of this paper has not been to suggest that the religious groups who assert such costs are necessarily acting immorally. Rather, I have suggested that signatory states may presently have a legal obligation to protect children from those practices that may impair their ability to "replace one's current religion or belief with another or to adopt atheistic views" (Article 5, 1993). And given that exist costs carry with them the coercive force necessary to impair such an ability, it seems that the act of asserting that Hell is an exit cost is most likely to be in breach of Article 14 of the *Convention on the Rights of the Child*. Baring a fault in the argument presented here, one of three possible solutions present themselves: either states prohibit the relevant practices of certain religious groups, offending states withdraw from the convention, or Article 14 is suitably revised.⁶

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⁶ I would like to thank Daniel Cohen for his assistance on this paper.

United Nations

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