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May 1, 2018

Roundtable Discussion:

Reflections on International Religious Freedom

I am very honored and grateful for this opportunity to share with all of you some reflections on this topic based upon my four years of work on the US Commission on International Religious Freedom, or USCIRF, currently as chairman. USCIRF is an independent, bipartisan federal commission tasked with advising the president, the secretary of state, and Congress on US foreign policy with respect to the promotion of religious freedom abroad. We are neither part of the State Department nor even within the executive branch, so our independence means that we can speak much more freely than other parts of the bureaucracy.

My thesis, though perhaps not simple, is straightforward: We have very strong principled and prudential reasons to advance international religious freedom. Moreover, due to both positive and negative developments, we must seize this moment to join together and increase our efforts.

In speaking about my work on international religious freedom, I often note three areas of possible disagreement among my colleagues. This may seem like a roundabout way to buttress my call for greater cooperation, but sharing my views on these disagreements will allow me to set forth what I think should be the parameters for our shared work and why. Differences of opinion on this subject are important and interesting to highlight because it is often thought, rightly or wrongly, that international religious freedom is a “water’s edge” issue. That is to say, given how dire the religious freedom situation is in so many places around the world—given

how many people live under oppression or in danger of attack—one would expect that it would be easy to find unanimity or consensus in institutions in the West over such issues. This might be especially so for Americans, who see religious freedom as holding a special place in their national story. But, as with most things in life, it's more complicated than that. Here, I'd like to address three planes of disagreement concerning the promotion of international religious freedom and outline my own position on these matters. In doing so, I hope to show why religious freedom is so important and why now is the time to redouble our efforts in support of international religious freedom.

The three planes of disagreement are what I will call: (a) philosophical; (b) strategic or tactical; and (c) political or partisan. After discussing them, I will then turn to the opportunity—and challenge—of our present moment. Having defended the priority of religious freedom conceptually, I will also show its importance practically. Not only is there mounting evidence that religious freedom is important for peace and development, but also we stand to benefit now from a rising tide of interest in the issue, if we take advantage of it. But, at the same time that this opportunity presents itself, we also face increasing difficulties abroad. Yet these challenges make our robust engagement even more critical.

A few years ago, I joined some of my colleagues on the commission in a letter to the Saudi ambassador to the United States, calling upon his government to overturn to sentence of Raif Badawi, another victim of Saudi Arabia's theocratic tyranny, to a thousand lashes, ten years in prison, and a large fine and, in case of their refusal, volunteering each to take one hundred of the lashes. As my mother asked, why would I do such a thing?

Just a short time ago, in mid-April, USCIRF held a summit on international religious freedom in Washington, DC, marking the twentieth anniversary of Congress's passage of the

International Religious Freedom Act, which created our commission as well as the position of ambassador-at-large for international religious freedom and the State Department's international religious freedom office. It is worth noting that Congress saw fit to create a commission, ambassadorship, and State Department office on international religious freedom, not international human rights—though of course there are many offices and officials dedicated in different ways to that topic. Why did Congress seek to lay special emphasis on religious freedom?

Practically speaking, the reason is that, among the panoply of foreign-policy priorities, from political to economic to military and so on, religious freedom often takes a back seat. We on the commission, and others, are tasked with ensuring that religious freedom is a key consideration in all aspects of US foreign policy. But why should it be a priority? Why should it be elevated ahead of other concerns or at least placed alongside more traditional concerns?

Indeed, framing this in terms of the first plane of disagreement, the philosophical, I can put this question more sharply. Some of my colleagues and interlocutors have argued that a commission such as ours should not exist or at least should not single out religious freedom and that our foreign-policy apparatus should not treat religious freedom as first among equals in the family of human rights. I imagine that they would take issue with this APPG as well. Why are they wrong?

Well, why does religious freedom matter? In America, we sometimes refer to religious freedom as the first freedom. In part this is because religious freedom is the first freedom in our Bill of Rights. But there is a deeper sense in which religious freedom is the first freedom. Let me illustrate this with a story—a Bible story. There is a puzzling episode in chapter five of the Book of Exodus. There, Moses asks Pharaoh to let the Israelites go to the wilderness for three days to

worship God. This is a strange request; the reader knows that the plan is no three-day prayer retreat but a full-on escape. So what is going on? Is Moses lying? If he is lying, it isn't a very good ruse because, later on, Pharaoh, apparently wise to Moses's tricks, says he'll let the Israelite men go if they leave the women and children behind, thereby ensuring the men's return. But Pharaoh's cautious response is curious, too. What is Pharaoh worried about? After all, if the Israelites do make a break for it, he can always send his army to retrieve them, precisely as he does when emancipation finally comes. He cannot know what we know, namely that the Israelites will manage to escape the pursuing Egyptian army by way of the unexpected miracle that splits the sea. So why not let the Israelites—men, women, and children—go for three days? Even if Moses is lying, where are they going to go? Similarly, the fact that, *sans* miracle, the Israelites are trapped between the sea and the army makes Moses's ploy all the more strange.

I propose that Moses requested three days' leave to worship God, and Pharaoh refused, because they both understood the same fundamental truth: that to allow the Israelites to go worship their God—to exercise religious freedom, even in this small way—would be to recognize an authority beyond Pharaoh's own. It would be to admit that the Israelites did not belong wholly to Pharaoh, that they were subject to a higher power and, quite possibly, that everyone else was, too.

Religious freedom is the first freedom because it is the first place we learn the idea, conceptually and perhaps historically as well, that our whole lives do not belong to the state, that there is a realm of life beyond the reach of the state. Before the separation of temporal and ecclesial power that we see in both Judaism and Christianity, the gods were the gods of the city, and sometimes, as in the case of Pharaoh, the ruler was a god himself. Either way, the state claimed the whole individual for itself, not just the power of life and death but also the entirety

of the person's allegiance. But then the transcendent state was replaced by a transcendent God, who declared that there was an authority outside and above the state. Render unto Caesar the things that are Caesar's and unto God the things that are God's. The coins belong to Caesar because they bear his image, but human beings, from the lowliest servant to Caesar himself, belongs to God because they bear His image.

From there, the rest follows. Once we establish in principle the limited state, we open the door to the whole family of freedoms that we now know as human rights. In this way, religious freedom stands as the ultimate bulwark against totalitarianism, and it explains why dictators everywhere resist it so desperately. No matter how much control the government has, no matter the regime, religious freedom testifies that there is a source of authority beyond the state, an authority that limits the state's totalizing impulses.

All of our rights are sacrosanct because they protect basic human goods, that is, protect our ability to pursue the ingredients in a flourishing human life. The term "freedom of conscience" gets thrown around a lot, but it needs to be better understood. I like to tell my students often something I learned from my teacher, that a good life starts and ends with three steps: asking the most important questions, seeking the best answers, and then living accordingly. For most people, eighty-four percent of the world's population according to one study, that means living out our highest, most sacred obligations in the form of a religious life devoted to the divine, to God.

This right is enshrined in Article 18 of the Universal Declaration of Human Rights, and because it entails the right to practice "either alone or in community with others and in public or private" it also necessarily entails other rights such as freedom of expression and freedom of association. Although religious freedom is profoundly intertwined with these other basic rights,

in this light, it is no surprise that religious freedom is the right, perhaps more than any other, for which people are most willing to suffer and die. Religious freedom safeguards the right to acknowledge what is most sacred and to live one's life according to one's sacred obligations.

Thus, religious freedom is not only deeply important to people just as such but also foundational to the whole concept and structure of human rights.

Moving to the second plane of disagreement, I note that even among those who wish to prioritize religious freedom, there is disagreement about the strategy and tactics. Through USCIRF's annual report, which, among other things, contains chapters on the twenty-five or thirty worst countries in the world for religious freedom, we engage in what is sometimes called in naming and shaming, calling out countries for perpetrating or tolerating violations of religious freedom. The worst countries are recommended for designation as CPCs, or countries of particular concern, and the worst non-state actors, as EPCs. I will be the first to agree that our relations with other countries should entail an all-of-the-above approach. We must employ quiet diplomacy when appropriate and useful. But I cannot side with those who oppose the naming and shaming at every turn. They claim openness to all methods, but in reality they find an excuse each time to oppose speaking loudly and clearly against the worst depredations. Sometimes prudence counsels quiet diplomacy. But sometimes quiet diplomacy is born of cowardice. And sometimes it is born of a cynical complicity with dictators.

As I like to say, many of these regimes are the worst violators of religious freedom because they are generally bad regimes. If they were the kinds of regimes that would respond to us asking nicely, then they would not be on our list in the first place. To be sure, this does not mean we cannot quietly and nicely appeal to their interests. We must certainly do this wherever possible. But to believe that quiet diplomacy alone will always do the trick is naïve at best.

Finally—and perhaps relatedly though in ways I won't elaborate—the third plane of disagreement concerns partisan politics. As members of a bipartisan commission, three of us are appointed by the president, and six of us are appointed, separately, by the leaders of the two parties in both houses of Congress. So we have different political masters, so to speak. Some of us, and I include myself in this category, believe it is important, subject to important prudential considerations, to speak in a principled way about religious freedom whether or not it is politically convenient for those masters. Others disagree. Fortunately, we have fewer cases of the latter than when I started with the commission, but the wider point—the wider debate—still holds. Should we criticize members of our own party for failing to prioritize religious freedom, or should we protect them? Should we criticize other countries even as parts of our government look the other way in pursuit of other aims, such as trade deals or military cooperation? Should we criticize our allies when they have abysmal records on religious freedom? Again, the answers to these questions must be tempered with the wisdom of prudence. We must balance religious freedom with other legitimate priorities. But the starting point should be: yes, we should criticize. USCIRF exists precisely because, for the sake of other priorities, religious freedom too often gets short shrift.

So those are the three planes of disagreement: philosophical, strategic, and political. Let me turn now to why I think we find ourselves at such a critical juncture in the fight for religious freedom around the globe. I'll begin with the good news and then turn to the bad.

Thanks to social scientists such as Brian Grim, there is more and more research that shows the correlation between religious freedom and a host of critical social indicators, such as prosperity, stability, and peace. Furthermore, this may underpin the argument that religious freedom is a prerequisite for democracy, rather than the other way around. For some time now,

many have believed that promoting democracy would lead to the emergence of human rights. In some places, such as Burma, the evidence on this front has been disappointing. We now have increasing reason to suspect that we should start with religious freedom. Indeed, the data from Grim and others not only suggest that we should re-conceptualize our thinking about human rights but also strengthen our hand in making the case to bad regimes that protecting religious freedom is in their interest.

Another important feature of our present moment is the growth, beyond NGOs, of national and international bodies committed to this issue, not least of which is this august group. In the US, we have, as I mentioned, USCIRF, the State Department's IRF office, and our second consecutive highly qualified, distinguished, energetic ambassador. Canada had a similar office under the Harper government, but the Trudeau government discontinued it. I hope it will return. Denmark has recently created such a position as well, and we hope others will follow. The UN has an excellent special rapporteur on freedom of religion or belief, and the EU has an excellent special envoy for the same. We at USCIRF are especially proud of the growth of the International Panel on Parliamentarians for Freedom of Religion or Belief, to which some of you belong and which we helped to nurture, and which is also supported by the government of Norway. The rise of so many offices and institutions may be connected, if subconsciously, to the end of the theory of secularization, so popular in the nineties, that the modern world would soon leave religion behind in favor of secularism. Recognizing that the theory has been thoroughly discredited (for now), more and more people accept that we must think carefully about the role of religion in the world.

There are some worrying reasons as well to suggest that we must seize this moment to enhance our efforts with respect to international religious freedom. There is, of course, plenty of



bad news, such as the rise of violent non-state actors like ISIS, Boko Haram, and too many others. But I want to focus on a different theme, namely the rising authoritarianism in many places of the world. Xi Jinping's actions in China, including notably the "sinicization of religion," have demonstrated, as the *Economist* noted on a recent cover, that "the West got China wrong." Relative economic liberalization in China has not led to political liberalization. Additionally, Putin's Russia continues to set the standard for its region, raising the bar on religious repression with heretofore unforeseen measures, such as that country's first banning of an entire religious group, the Witnesses. I mention not just Russia but its region because the former Soviet states of Central Asia are increasingly following suit. There is, unfortunately, a familiar pattern now. In the name of combatting Islamic fundamentalism, Russia and the 'Stans apply anti-extremism and anti-terrorism laws against innocent Muslims as well, casting a wide net that catches anyone deemed suspiciously too religious. This is not to say that concerns about Islamic fundamentalism are not well founded; they most certainly are. But they must not serve as a pretext for cracking down on religious piety generally. Discriminating between those who are peaceful and those who intend violence requires greater investment of time and attention, but it is essential to preserving religious freedom and the rule of law.

Sadly, the use of national security imperatives as an excuse for denying religious freedom is hardly contained to the former Soviet Union. We see it in many countries. And we know it is an excuse because it is used against so many groups that cannot plausibly be construed as terroristic threats, such as Witnesses, Seventh-day Adventists, Baptists, and others. In the case of pacifist groups, the accusation is risible. When one speaks to government officials in these countries, one can sometimes receive a more nuanced response, one that does not deem these small, evangelical sects as threats to national security but as threats to social stability. In the

Central Asian states, for example, officials claim, with some justice, that Muslims, Catholics, Orthodox Christians, and sometimes Jews have lived together relatively peacefully in their countries for many years, a phenomenon to be admired for sure. The officials argue, though, that the arrival of newer groups not “traditional” to their society threatens to fray the delicate social fabric, particularly because these groups tend to proselytize.

In response, first, it is important to note that threat is exaggerated. History tells us that these groups are unlikely to make many converts in a short period of time, and if they do manage to do so over a long period of time, the adjustment of the wider society would be commensurately organic. Nor is it likely, as some contend, that there will be fighting in the streets, as residents attack missionaries at their doorsteps. This is not to guarantee that there will be no strife, for instance, within families where one member converts and others disapprove, but the idea that this potential problem warrants restricting these groups so severely is wildly out of proportion. And, in any case, it is their human right.

Second, and more importantly, as the evidence I mentioned before indicates, we are now prepared to make the case that religious freedom is not just right but in the interest of regimes that wish to maintain stability. Indeed, as I say to anyone who will listen, freedom is the solution, not the problem. The oppression that these regimes perpetrate in the name of maintaining the peace in fact engenders the very resentment and resistance among the people they so desperately want to avoid. We have seen in the West that liberty is not an enemy but a friend of peace—and not only peace but also prosperity as well as just about every other positive social indicator the data miners can measure.

I hope we can join together in defending religious freedom for all people around the world.

