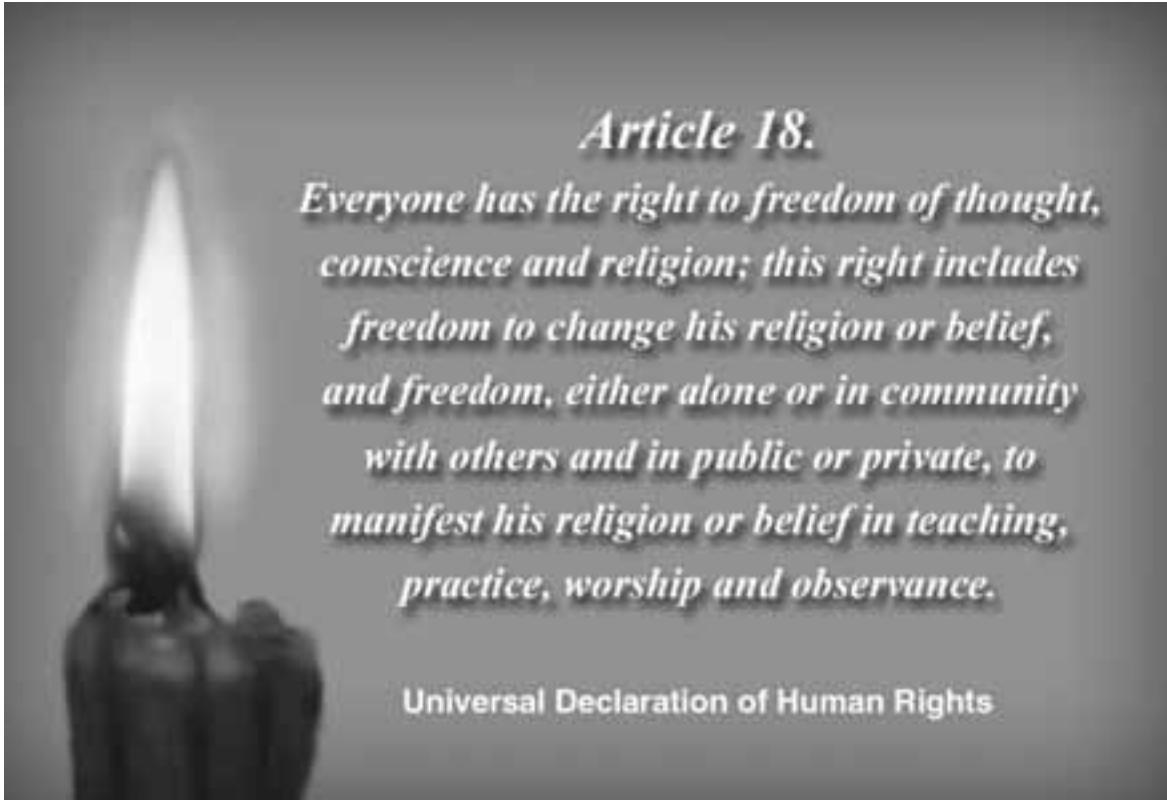


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D e m o c r a c y



RELIGIOUS FREEDOM
AS A
HUMAN RIGHT

N O V E M B E R 2 0 0 1

VOLUME **6** NUMBER **2**

Religious Freedom as a Human Right

From the Editors

The right to freedom of religion undergirds the very origin and existence of the United States. Many of our nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

International Religious Freedom Act of 1998

IN HIS FAREWELL ADDRESS to the nation in 1789, George Washington reminded his fellow citizens that religion as well as government is a part of the fabric of life. "Religion and Morality are indispensable supports," he said. "In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens."

Washington saw that as well as good governance, there must also be the right of the people to practice the faith that they deemed necessary for the "great pillars of human happiness."

This electronic journal takes Washington's premise one step further and looks at religious freedom as a universal human right. To begin, Tom Farr, the director of the Office of Religious Freedom at the Department of State explains how the international religious freedom report,

which his office releases each year, came about and why it is so important in a world where many countries continue to violate the religious freedom of their people.

The United States has a longstanding commitment to religious liberty. America's founders made religious freedom the first freedom of the U.S. Constitution. Following in that vein, the International Religious Freedom Act of 1998 mandated that the United States publish an annual report each year to draw attention to those countries that prevent their citizens from enjoying religious freedom. We have provided the preface and introduction to the 2001 Annual International Religious Freedom Report, with a link to the Department of State's web site, which holds the report.

Many people around the world, including Americans, are unaware of the richness of religions in the United States today. But Dr. Diana L. Eck, a professor of comparative religion and Indian studies at Harvard University, has studied this diversity and shows how the United States has become the world's most religiously diverse society. In an excerpt from her recent book, *A New Religious America*, Dr. Eck explores the various religious cultures in the U.S. and talks about how Christianity, Islam, Judaism and a variety of other faiths co-exist.

Finally, Derek H. Davis, the director of church-state studies at Baylor University examines the four pillars of international religious freedom: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the U.N Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief;

and the Vienna Concluding Document. He also looks at how we must continue to use international treaties to further religious freedom through legislation, education, and a separation of church and state.

The journal concludes with a variety of reference resources—books, articles and Internet sites—affording additional insights on religious freedom themes.

Issues of Democracy, IIP Electronic Journals, Vol. 6, No. 2, November 2001

C o n t e n t s

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AN ELECTRONIC JOURNAL OF THE U.S. DEPARTMENT OF STATE
ISSUES OF DEMOCRACY
RELIGIOUS FREEDOM AS A HUMAN RIGHT
NOVEMBER 2001

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Roots of the International Religious Freedom Report

by Tom Farr

The International Religious Freedom Report was released on October 26, 2001. Below, Tom Farr, the director of the Office of International Religious Freedom at the Department of State, which releases the report, explains its roots and what defines its mission and purpose. Moreover, Farr says, the report characterizes “religious freedom as one of the foundational human rights. To protect this freedom means protecting something common to every human being.”

QUESTION: *What is the International Religious Freedom Act of 1998?*

FARR: Congress passed this law to promote religious freedom as a U.S. foreign policy goal and to combat religious persecution around the world. The law identifies a wide range of diplomatic and economic tools that might be utilized to encourage freedom of religion and conscience throughout the world as a fundamental human right. The most important of these tools are the Annual Report on International Religious Freedom, and direct U.S. advocacy—by the Office of International Religious Freedom—with foreign governments. It also seeks to promote U.S. assistance to newly formed democracies in implementing freedom of religion and conscience.

Q: *What is the Office of International Religious Freedom and what is its mission?*

FARR: The Office of International Religious Freedom in the U.S. State Department was cre-

ated by the secretary of state in the summer of 1998, implementing a recommendation by the secretary's Advisory Committee on Religious Freedom. The Office was subsequently mandated by the International Religious Freedom Act, and it is headed by an ambassador-at-large. The office is responsible for issuing an Annual Report on the status of religious freedom and persecution in all foreign countries by September of each year. On the basis of the report, the State Department designates "countries of particular concern" for their "systematic, ongoing and egregious" violations of religious liberty. The report has become the standard compendium on the status of religious freedom worldwide.

Q: *How does the Office of International Religious Freedom carry out its mission?*

FARR: The office carries out its mission by monitoring, on a daily basis, religious persecution and discrimination worldwide. The ambassador and the office's staff travel directly to countries where problems exist and advocate with host governments on behalf of those who are victims of persecution and discrimination. In doing so, the office draws on international standards of religious freedom.

The office also shines a spotlight on the status of religious freedom worldwide through the Annual Report on International Religious Freedom. Nations designated by the secretary of state (under authority delegated by the president) as "countries of particular concern" are subject to action, including economic sanctions, by the United States. The mission is also carried out through testimony to the U.S. Congress, and sponsorship of reconciliation programs in disputes, which divide groups along

lines of religious identity. The key objective is not to punish particular countries, but to promote religious liberty.

Q: *How does the Office of International Religious Freedom differ from the U.S. Commission on International Religious Freedom?*

FARR: The Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 as a separate and independent source of policy recommendations on religious freedom for the president, secretary of state and the Congress. The Commission issues its own report, which focuses on a few countries and—unlike the Department of State's Annual Report—makes recommendations for U.S. action. The Commission is an entirely separate body from the Office of International Religious Freedom and the State Department. The commission has advisory and monitoring authority only, including the authority to hold hearings, unlike the executive office in the State Department that has the authority to act. The Commission is composed of three commissioners selected by the president, four by the leaders of the party in Congress not in the White House, and two by the leaders of the president's party in Congress.

Q: *What is the root of U.S. concern with religious freedom?*

FARR: Religious freedom always has been at the core of American life and public policy. It is the first of the freedoms enumerated in the Bill of Rights, the first 10 Amendments to the U.S. Constitution. The law was enacted in 1998 after a period in which the perception of religious freedom as a universal human right had grown enormously. Religious freedom was

incorporated (Article 18) into the U.N. Universal Declaration of Human Rights, adopted in 1948, and in a number of other postwar international covenants. In addition, during the 1980s and 1990s particularly, individuals and religious organizations lobbied to focus U.S. foreign policy on religious persecution abroad to a greater extent than heretofore. But the root cause is the American passion for religious liberty—not the promotion of a particular religion—but the conviction that every human being has, by virtue of his or her existence, the inviolable right to seek religious truth and to practice his or her religion. This right is not granted by the state, but existed prior to governments and society.

Q: *The Annual Report on International Religious Freedom was first issued by the State Department in September 1999. What has been the general reaction to the report?*

FARR: Governments that are criticized in the reports have, not surprisingly, reacted negatively. Some of them charge that the reports represent a form of “cultural imperialism” by the United States, which has no right to impose its moral norms on others. Our answer is that we are measuring behavior on the basis of internationally accepted norms, such as Article 18 of the International Covenant on Civil and Political Rights, which guarantees religious freedom, and to which most nations of the world have committed themselves.

Other governments have privately praised the reports, and use them. Most NGOs, human rights groups and faith-based organizations have praised the reports as the standard reference on the status of religious freedom worldwide.

Q: *What does the U.S. hope to accomplish with the Annual Report?*

FARR: Our goal is to tell the truth about the status of religious freedom around the world, with objectivity and integrity. The report does not make policy recommendations; rather, it serves as a factual basis for policy makers. As such, it is widely recognized as an effective report.

Q: *How are the reports prepared and how have they evolved? Specifically, what changes are reflected in this year’s report?*

FARR: The first drafts of country chapters are done by U.S. embassies abroad. The drafts are then refined among the various State Department bureaus concerned. The most significant changes in the report came last year when country chapters were reorganized to make them more “user-friendly.”

Q: *What in your view is the relationship between religious freedom and human rights in general, and between religious freedom and democracy?*

FARR: Religious freedom is one of the foundational human rights. To protect this freedom means protecting something common to every human being—the sanctity of the conscience in matters of ultimate truth, worship, ritual and codes of behavior. This right was not created by governments, but exists prior to governments and societies. As the UDHR puts it, “All men are endowed with dignity and conscience.”

No government which fails to protect freedom of religion and conscience is likely to value the other fundamental rights, such as freedom from arbitrary arrest or torture. By the

same token, the elevation of religious liberty is a sign of a healthy democracy—one which values not only freedom of conscience, but the other rights necessary to religious freedom, such as free speech and assembly.

It is also true, as the president’s Faith-Based Initiative emphasizes, that religious freedom facilitates the good works of religious people—works which contribute to civil society—such as care for the aged, the running of hospitals and schools, and the building of strong families.

Q: *The U.S. issues an annual report on human rights. Why have a separate report on one particular human right, namely religious freedom? Does the U.S. view this human right as more important than any other?*

FARR: No. Religious freedom is foundational because it supports the other fundamental rights. For example, it is intrinsically connected to freedom of speech and assembly.

Q: *How do you answer the charge that the Annual Report is interference in the internal affairs of other countries?*

FARR: The standard we apply in our policy of promoting religious freedom—including the issuance of the Annual Report—is an international standard, accepted by virtually every nation of the world. The idea that religious freedom is inviolable and inalienable is not an American invention—it is reflected in international instruments such as the Universal Declaration and in the International Covenant on Civil and Political Rights.

Q: *The U.S. seems to have a very broad view of religious freedom compared with many other countries. How would you define religious freedom?*

FARR: Religious freedom is the right of every human being, of every region or culture, to follow the dictates of his or her conscience in matters of fundamental truth, worship and morality, within the due limits noted by international norms (such as lawful limits to protect public safety or public health). This includes the right, either individually or in community with others, and in public or private, to manifest a religion or belief in worship, observance, practice and teaching.

This is not an American definition. It comes from Article 18 of the International Covenant on Civil and Political Rights.

In advocating this policy, we are not imposing the “American way” on other cultures. We are fulfilling our responsibilities to the international community of which we are a part.

The International Religious Freedom Report

The U.S. State Department recently released the 2001 International Religious Freedom Report, which is a vital part of U.S. human rights policy. It describes the status of religious freedom in each foreign country, including any violations and any trends toward improvement. The purpose of the report is to advance the U.S. policy of promoting religious freedom internationally by drawing on two traditions: the history and commitment of the American people and the standards established by the international community. Below are the preface and introduction to the report. To see the entire report, please go to: <http://www.state.gov/g/drl/rls/irf/2001/>

PREFACE

In August 1993, the Secretary of State moved to further strengthen the human rights efforts of our embassies. All sections in each embassy were asked to contribute information and to corroborate reports of human rights violations, and new efforts were made to link mission programming to the advancement of human rights and democracy. In 1994 the Bureau of Human Rights and Humanitarian Affairs was reorganized and renamed as the Bureau of Democracy, Human Rights, and Labor, reflecting both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights, and democracy. In 1998 the Secretary of State established the Office of International Religious Freedom; in May 1999, Robert A. Seiple was sworn in as the first Ambassador at Large for International Religious Freedom. The position has been vacant since Ambassador Seiple left in September 2000.

The 2001 report covers the period from July 1, 2000 to June 30, 2001, and reflects a year of dedicated effort by hundreds of State Department, Foreign Service, and other U.S. government employees. Our embassies, which prepared the initial drafts of the reports, gathered information throughout this period from a variety of sources, including government and religious officials, nongovernmental organizations, journalists, human rights monitors, religious groups, and academics. This information-gathering can be hazardous, and U.S. Foreign Service Officers regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuses, monitor elections, and come to the aid of individuals at risk because of their religious beliefs.

After the embassies completed their drafts, the texts were sent to Washington for careful review by the Bureau of Democracy, Human Rights, and Labor and its Offices of International Religious Freedom, Country Reports and Asylum Affairs, and Bilateral Affairs, in cooperation with other State Department offices. As they worked to corroborate, analyze, and edit the reports, the Department officers drew on their own sources of information. These included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, and experts from academia and the media. Officers also consulted with experts on issues of religious discrimination and persecution, religious leaders from all faiths, and experts on legal matters. The guiding principle was to ensure that all relevant information was assessed as objectively, thoroughly, and fairly as possible.

The report will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. As mandated by IRFA, it also will be used as a basis for decisions on determining countries that have engaged in or tolerated “particularly severe violations” of religious freedom. Countries involved in these and other violations according to IRFA are not identified as such in this report, but have been and will be engaged independently by the U.S. government. The report also will serve as a basis for the U.S. government’s cooperation with private groups to promote the observance of the internationally recognized right to religious freedom.

INTRODUCTION

“It is not an accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul—the right to speak the words that God places in our mouths. We must stand for that freedom in our country. We must speak for that freedom in the world.”

President George W. Bush

The 1998 International Religious Freedom Act requires that the Secretary of State, assisted by the Ambassador at Large for International Religious Freedom, publish an Annual Report on International Religious Freedom each September. The Annual Reports must include a description of the status of religious freedom in each foreign country, including any violations of religious freedom and any trends toward improvement, as well as an Executive Summary.

The purpose of these reports is to advance the U.S. policy of promoting religious freedom internationally—to speak for that freedom in the world. U.S. policy draws deeply on two traditions: the history and commitment of the American people, and the standards established by the international community. These two traditions not only are consistent but are mutually supportive.

The U.S. Commitment to Religious Liberty

The United States has a longstanding commitment to religious liberty. America’s founders made religious freedom the first freedom of the Constitution—giving it pride of place among those liberties enumerated in the Bill of Rights—because they believed that guaranteeing the right to search for transcendent truths and ultimate human purpose was a critical component of a durable democracy.

The Founders believed in the universality of human dignity—that all human beings are endowed by the Creator with certain rights that are theirs by virtue of their existence. These rights were inalienable because they were understood to exist prior to societies and governments, and were granted by neither.

A commitment to the inviolable and universal dignity of the human person is at the core of U.S. human rights policy abroad, including the policy of advocating religious freedom. Governments that protect religious freedom for all their citizens are more likely to protect the other fundamental human rights. Encouraging stable, healthy democracies is a vital national

interest of the United States. The spread of democracy makes for good neighbors, economic prosperity, increased trade, and a decrease in conflict.

The International Norm of Religious Freedom

Freedom of religion and conscience is one of the foundational rights in the post-war system of international human rights instruments. Beginning with Article 18 of the 1948 Universal Declaration of Human Rights, religious freedom also is provided for in the International Covenant on Civil and Political Rights, the Helsinki Accords, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The belief that fundamental human rights are not created by, but exist prior to, governments is reflected in international instruments as well. According to the 1948 Universal Declaration of Human Rights—the foundational text for international human rights advocacy—“all human beings are born free and equal in dignity and rights,” and are “endowed with reason and conscience.”

In recent years, the international commitment to religious freedom has increased. For example, in 1986 the U.N. Commission on Human Rights established the office of the Special Rapporteur on Religious Intolerance, now the Special Rapporteur on Freedom of Religion or Belief. Since his appointment in 1993, Special Rapporteur Abdelfattah Amor has issued reports on a variety of countries, including Sudan, the Federal Republic of Yugoslavia,

Pakistan, Iran, Vietnam, India, Australia, Greece, Germany, and the United States. His work provides substantial and continuing evidence of the commitment of the international community to promoting religious freedom.

The Department of State presents this third Annual Report on International Religious Freedom (2001) both because it is a vital part of U.S. human rights policy and furthers the interests of the United States, and because of our abiding commitment to the international standard of religious freedom.

The report can be founded at:
<http://www.state.gov/g/drl/rls/irf/2001/>

A New Religious America

By Dr. Diana L. Eck

One of the bedrock principles of the United States is religious liberty and the separation of church and state. The Founding Fathers regarded the ideal as so important that it was incorporated into the Bill of Rights as the First Amendment to the U.S. Constitution. At the time the Republic was founded more than two centuries ago, the overwhelming majority of Americans were Christians. Since that time, however, as Dr. Diana L. Eck documents in her recent book, A New Religious America, the United States has become the world's most religiously diverse society, especially during the last three decades.

(Dr. Eck is professor of comparative religion and Indian studies in the faculty of arts and sciences, and member of the faculty of divinity at Harvard University. Following are excerpts from the introduction to her book.)

THE HUGE WHITE DOME of a mosque with its minarets rises from the cornfields just outside Toledo, Ohio. You can see it as you drive by on the interstate highway. A great Hindu temple with elephants carved in relief at the doorway stands on a hillside in the western suburbs of Nashville, Tennessee. A Cambodian Buddhist temple and monastery with a hint of a Southeast Asian roofline is set in the farmlands south of Minneapolis, Minnesota. In suburban Fremont, California, flags fly from the golden domes of a new Sikh gurdwara on Hillside Terrace, now renamed Gurdwara Road. The religious landscape of America has changed radically in the past thirty years, but most of us have not yet begun to see the dimensions and scope of that change, so gradual has it been and yet so colossal. It began with the “new immigration,” spurred by

From the book A NEW RELIGIOUS AMERICA by Diana L. Eck, which is published by HarperSanFrancisco, a division of HarperCollinsPublishers, Inc. Copyright © 2001 by Diana L. Eck. All Rights Reserved.



Diana L. Eck

the 1965 Immigration and Naturalization Act, as people from all over the world came to America and have become citizens. With them have come the religious traditions of the world—Islamic, Hindu, Buddhist, Jain, Sikh, Zoroastrian, African, and Afro-Caribbean. The people of these living traditions of faith have moved into American neighborhoods, tentatively at first, their altars and prayer rooms in storefronts and office buildings, basements and garages, recreation rooms and coat closets, nearly invisible to the rest of us. But in the past decade, we have begun to see their visible presence. Not all of us have seen the Toledo mosque or the Nashville temple, but we will see places like them, if we keep our eyes open, even in our own communities. They are the architectural signs of a new religious America.

We are surprised to find there are more Muslim Americans than Episcopalians, more Muslims than members of the Presbyterian Church USA, and as many Muslims as there are Jews—that is, about 6 million. We are astonished to learn that Los Angeles is the most complex Buddhist city in the world, with a Buddhist

population spanning the whole range of the Asian Buddhist world from Sri Lanka to Korea, along with a multitude of native-born American Buddhists. Nationwide, this whole spectrum of Buddhists may number about 4 million. We know that many of our internists, surgeons, and nurses are of Indian origin, but we have not stopped to consider that they too have a religious life, that they might pause in the morning for few minutes' prayer at an altar in the family room of their home, that they might bring fruits and flowers to the local Shiva-Vishnu temple on the weekend and be part of a diverse Hindu population of more than a million. We are well aware of Latino immigration from Mexico and Central America and of the large Spanish-speaking population of our cities, and yet we may not recognize what a profound impact this is having on American Christianity, both Catholic and Protestant, from hymnody to festivals.

Historians tell us that America has always been a land of many religions, and this is true. A vast, textured pluralism was already present in the lifeways of the Native peoples—even before the European settlers came to these shores. The wide diversity of Native religious practices continues today, from the Piscataway of Maryland to the Blackfeet of Montana. The people who came across the Atlantic from Europe also had diverse religious traditions—Spanish and French Catholics, British Anglicans and Quakers, Jews and Dutch Reform Christians. As we shall see, this diversity broadened over the course of 300 years of settlement. Many of the Africans brought to these shores with the slave trade were Muslims. The Chinese and Japanese who came to seek their fortune in the mines and fields of the West brought with them a mixture of Buddhist, Taoist, and Confucian traditions. Eastern Euro-

pean Jews and Irish and Italian Catholics also arrived in force in the 19th century. Both Christian and Muslim immigrants came from the Middle East. Punjabis from northwest India came in the first decade of the 20th century. Most of them were Sikhs who settled in the Central and Imperial Valleys of California, built America's first gurdwaras, and intermarried with Mexican women, creating a rich Sikh-Spanish subculture. The stories of all these peoples are an important part of America's immigration history.

The immigrants of the last three decades, however, have expanded the diversity of our religious life dramatically, exponentially. Buddhists have come from Thailand, Vietnam, Cambodia, China, and Korea; Hindus from India, East Africa, and Trinidad; Muslims from Indonesia, Bangladesh, Pakistan, the Middle East, and Nigeria; Sikhs and Jains from India; and Zoroastrians from both India and Iran. Immigrants from Haiti and Cuba have brought Afro-Caribbean traditions, blending both African and Catholic symbols and images. New Jewish immigrants have come from Russia and the Ukraine, and the internal diversity of American Judaism is greater than ever before. The face of American Christianity has also changed with large Latino, Filipino, and Vietnamese Catholic communities; Chinese, Haitian, and Brazilian Pentecostal communities; Korean Presbyterians, Indian Mar Thomas, and Egyptian Copts. In every city in the land church signboards display the meeting times of Korean or Latino congregations that nest within the walls of old urban Protestant and Catholic churches.

In the past 30 years massive movements of people both as migrants and refugees have reshaped the demography of our world. Immi-

grants around the world number over 130 million, with about 30 million in the United States, a million arriving each year. The dynamic global image of our times is not the so-called clash of civilizations but the marbling of civilizations and peoples. Just as the end of the Cold War brought about a new geopolitical situation, the global movements of people have brought about a new georeligious reality. Hindus, Sikhs, and Muslims are now part of the religious landscape of Britain; mosques appear in Paris and Lyons, Buddhist temples in Toronto, and Sikh gurdwaras in Vancouver. But nowhere, even in today's world of mass migrations, is the sheer range of religious faith as wide as it is today in the United States. Add to India's wide range of religions those of China, Latin America and Africa. Take the diversity of Britain or Canada, and add to it the crescendo of Latino immigration along with the Vietnamese, Cambodians and Filipinos. This is an astonishing new reality. We have never been here before.

The new era of immigration is different from previous eras not only in magnitude and complexity but also in its very dynamics. Many of the migrants who come to the United States today maintain strong ties with their homelands, linked by travel and transnational communications networks, e-mails and faxes, satellite phone lines and cable television news. They manage to live both here and there in all the ways that modern communications and telecommunications have made possible. What will the idea and vision of America become as citizens, new and old, embrace all this diversity? The questions that emerge today from the encounter of people of so many religious and cultural traditions go to the very heart of who we see ourselves to be as a people. They are not trivial questions, for they force us to ask in one

way or another: Who do we mean when we invoke the first words of our Constitution, “We the people of the United States of America”? Who do we mean when we say “we”? This is a challenge of citizenship, to be sure, for it has to do with the imagined community of which we consider ourselves a part. It is also a challenge of faith, for people of every religious tradition live today with communities of faith other than their own, not only around the world but also across the street.

“We the people of the United States” now form the most profusely religious nation on earth. So where do we go from here? It’s one thing to be unconcerned about or ignorant of Muslim or Buddhist neighbors on the other side of the world, but when Buddhists are our next-door neighbors, when our children are best friends with Muslim classmates, when a Hindu is running for a seat on the school committee, all of us have a new vested interest in our neighbors, both as citizens and as people of faith.

As the new century dawns, we Americans are challenged to make good on the promise of religious freedom so basic to the very idea and image of America. Religious freedom has always given rise to religious diversity, and never has our diversity been more dramatic than it is today. This will require us to reclaim the deepest meaning of the very principles we cherish and to create a truly pluralist American society in which this great diversity is not simply tolerated but becomes the very source of our strength. But to do this, we will all need to know more than we do about one another and to listen for the new ways in which new Americans articulate the “we” and contribute to the sound and spirit of America.

The framers of the Constitution and the Bill of Rights could not possibly have envisioned the scope of religious diversity in America at the beginning of the 21st century. When they wrote the sixteen words of the First Amendment, “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,” they unquestionably did not have Buddhism or the Santeria tradition in mind. But the principles they articulated—the “nonestablishment” of religion and the “free exercise” of religion—have provided a sturdy rudder through the past two centuries as our religious diversity has expanded. After all, religious freedom is the fountainhead of religious diversity. The two go inextricably together. Step by step, we are beginning to claim and affirm what the framers of the Constitution did not imagine but equipped us to embrace.

Religion is never a finished product, packaged, delivered, and passed intact from generation to generation. There are some in every religious tradition who think of their religion that way, insisting it is all contained in the sacred texts, doctrines, and rituals they themselves know and cherish. But even the most modest journey through history proves them wrong. Our religious traditions are dynamic not static, changing not fixed, more like rivers than monuments. The history of religion is an ongoing process. America today is an exciting place to study the dynamic history of living faiths, as Buddhism becomes a distinctively American religion and as Christians and Jews encounter Buddhists and articulate their faith anew in the light of that encounter or perhaps come to understand themselves part of both traditions. Even humanists, even secularists, even atheists have to rethink their worldviews in the context

of a more complex religious reality. With multi-theistic Hindus and nontheistic Buddhists in the picture, atheists may have to be more specific about what kind of “god” they do not believe in.

Just as our religious traditions are dynamic, so is the very idea of America. The motto of the Republic, *E Pluribus Unum*, “From Many, One,” is not an accomplished fact but an ideal that Americans must continue to claim. The story of America’s many peoples and the creation of one nation is an unfinished story in which the ideals articulated in the Declaration of Independence and the Constitution are continually brought into being. Our *pluribus* is more striking than ever—our races and faces, our jazz and qawwali music, our Haitian drums and Bengali tablas, our hip-hop and bhangra dances, our mariachis and gamelans, our Islamic minarets and Hindu temple towers, our Mormon temple spires and golden gurdwara domes. Amid this plurality, the expression of our *unum*, our oneness, will require many new voices, each contributing in its own way—like the voices of Sikhs who will stand up for the “self-evident truth” of human equality not only because it is written in the Declaration of Independence but also because it is part of the teachings of Guru Nanak and a principle of their faith as Sikhs. Hearing new ways of giving expression to the idea of America is the challenge we face today.

As we enter a new millennium, Americans are in the process of discovering who “we” are anew. Each part of the composite picture of a new religious America may seem small, but each contributes to a new self-portrait of America. One word may signal a shift in consciousness. For example, as Muslims become more numerous and visible in American society, pub-

lic officials have begun to shift from speaking of “churches and synagogues” to “churches, synagogues, and mosques.” The annual observance of the Ramadan month of Muslim fasting now receives public notice and becomes the occasion for portraits of the Muslims next door in the *Dallas Morning News* or the *Minneapolis Star Tribune*. The fast-breaking meals called “iftar” at the close of each day have become moments of recognition. In the late 1990s there were iftar observances by Muslim staffers on Capitol Hill, in the Pentagon, and in the State Department. In 1996 the White House hosted the first observance of the celebration of Eid al-Fitr at the end of the month of Ramadan, a practice that has continued. The same year also saw the U.S. Navy commission its first Muslim chaplain, Lieutenant M. Malak Abd al-Muta’ Ali Noel, and in 1998 the U.S. Navy’s first mosque was opened on the Norfolk Naval Base in Virginia, where Lieutenant Noel was stationed. When 50 sailors attend Friday prayers at this facility, they signal to all of us a new era of American religious life.

Hindus have begun to signal their American presence as well. For instance, on September 14, 2000, Shri Venkatachalapathi Samudrala, a priest of the Shiva Vishnu Temple of Greater Cleveland in Parma, Ohio, opened a session of the U.S. House of Representatives with the chaplain’s prayer of the day. He prayed in Hindi and English and closed with a Sanskrit hymn, all recorded on the temple’s web site. The occasion was the visit of the prime minister of India to the United States, but the wider message was clearly that Ohio too has its Hindus, as does every state in the union. As Americans, we need to see these signs of a new religious America and begin to think about ourselves anew in terms of them.

America's burgeoning interfaith movement gives us another set of signals about what is happening in America today as people of different faith traditions begin to cooperate in concrete ways. One example is of interest because it was led by Buddhists. In the spring of 1998, from the dazzling white Peace Pagoda, which sits on a hilltop of maples in the rural countryside of Leverett, Massachusetts, a community of Buddhist pilgrims launched the Interfaith Pilgrimage of the Middle Passage. Bringing together American "pilgrims" of all races and religions, they walked 15 to 20 miles a day for seven months, visiting sites associated with slavery all along the coast from Boston to New Orleans. From there, some of them continued the journey by sea to the west coast of Africa. The Buddhist community sponsoring the walk, a group called the Nipponzan Myohoji, was small in size, but, like the Quakers, this group extends leadership far beyond its numbers. It was not the first time this group had walked for racial and religious harmony. It had also journeyed from Auschwitz to Hiroshima to remind the world of the atrocities of the concentration camps and the atomic bomb. On a local level, every year this group walks for three days from its hilltop pagoda to downtown Springfield, Massachusetts, to observe "Juneteenth," the annual celebration of black liberation from slavery. In each case, members walk to remind the rest of us of our deepest commitments.

Envisioning the new America in the 21st century requires an imaginative leap. It means seeing the religious landscape of America, from sea to shining sea, in all its beautiful complexity.

The Evolution of Religious Freedom as a Universal Human Right

by Derek H. Davis

In the years after World War II in particular, the idea of religious liberty evolved into an international human right that all nations of the world are obliged to protect. In the following article, Derek Davis, the director of church-state studies at Baylor University in Texas and an expert on religion as a fundamental liberty, discusses the four pillars of international religious freedom and how international treaty obligations might be more fully implemented.

THE 20TH CENTURY witnessed unprecedented progress toward the internationalization of religious human rights. The World's Parliament of Religions was held in Chicago in 1893 as part of the Columbian Exposition—a long forgotten but important event in world religious history. A founding principle of the meeting was that no religious group should be pressured into sacrificing its truth claims. In 1944, the U.S. Federal Council of Churches created the Commission to Study the Bases of a Just and Durable Peace. The Commission developed the “Six Pillars of Peace” that mixed tactical measures such as the “reformation of global treaties” and “control of military establishments” with principles such as “autonomy for subject peoples” and the “right of individuals everywhere to religious and intellectual liberty.” Another group, the U.S. Commission of the Churches on International Affairs (CCIA), helped promote the inclusion of religious freedom in the Universal Declaration of Human Rights, adopted by the United Nations in 1948.



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In addition to the Universal Declaration, three other significant international documents were developed in the 20th century with the aim of promoting principles of religious liberty: the International Covenant on Civil and Political Rights (1966); the U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981); and the Vienna Concluding Document (1989). Each of these documents promotes religious freedom by expounding rights of such significance that they should be universal. Each of these documents is described below.

The Four Pillars of International Religious Freedom

Of the four major international documents that universalized the principle of religious liberty in the 20th century, by far the most central is the Universal Declaration of Human Rights, adopted by the United Nations in 1948. This landmark document recognizes several impor-

tant religious rights. Article 18 is the key text:

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.

The Declaration vigorously asserts that individual religious differences must be respected. It embraces the political principle that a key role of government is to protect religious choice, not to mandate religious conformity. It took centuries, even millennia, of religious wars and religious persecution for the majority of modern nation-states to come to this position, but the principle is now widely accepted, especially in the West. The modern principle of religious liberty, by which governments declare their neutrality on religious questions, leaving each individual citizen, on the basis of his/her own human dignity, to adopt his/her own religious beliefs without fear of reprisal, is an outgrowth of the Enlightenment. It received universal recognition in the 1948 Declaration, undoubtedly the major milestone in the evolution of international religious freedom.

The Declaration refers to “a common standard of achievement for all peoples and nations.” Written in the aftermath of the unspeakable horrors of World War II, it provides a standard by which the peoples of the world may learn to live in peace and cooperation. If the world enjoys a greater measure of peace in the present millennium than in previous ones, it is possible that future historians

will look to 1948 as the beginning of the new era of peace, much as we now look, for instance, to 313 C.E. (Edict of Milan) as the beginning of the Constantinian union of church and state, or 1517 (Martin Luther's posting of the 95 Theses) as the beginning of the Protestant Reformation. There is simply no way to overstate the significance of the Universal Declaration of Human Rights.

Whereas the Declaration imposed a moral obligation upon all signatory nations, later documents went further in creating a legal obligation to comply with its broad principles. The International Covenant on Civil and Political Rights (1966), ratified to date by 144 nations, prohibits religious discrimination, as stated in Article 2 (1), "without distinction of any kind, such as race, color, sex, language, political or other opinion, national or social origin, property, birth or other status." Article 18 guarantees the same rights listed in Article 18 of the Universal Declaration, then adds more, including the right of parents to direct the religious education of their children. Article 20 prohibits incitement of hatred against others because of their religion, and Article 27 protects members of ethnic, religious or linguistic minorities from being denied the enjoyment of their own culture. Moreover, the 1966 Covenant provides a broad definition of religion that encompasses both theistic and nontheistic religions as well as "rare and virtually unknown faiths."

The United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted in 1981, is another key document protecting religious rights. Articles 1 and 6 provide a comprehensive list of rights regarding freedom of thought, conscience and religion.

These include the right (1) to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes; (2) to establish and maintain appropriate charitable or humanitarian institutions; (3) to make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief; (4) to write, to publish and to disseminate relevant publications in these areas; (5) to teach a religion or belief in places suitable for these purposes; (6) to solicit and receive voluntary financial and other contributions from individuals and institutions; (7) to observe days of rest and to celebrate holy days and ceremonies in accordance with the precepts of one's religion or belief; and (8) to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Finally, the 1989 Vienna Concluding Document contains provisions similar to the 1948, 1966 and 1981 documents, urging respect for religious differences, especially among various faith communities. The participating nations specifically agree to ensure "the full and effective implementation of thought, conscience, religion or belief."

These international documents are, in reality, binding only on those nations that take steps to give them legal status. In other words, they are not self-executing. While the religious liberty protections contained in the international documents do not carry the effect of law, however, they are already shaping human rights law in participating nations, and they are a key feature of a developing and, hopefully, more peaceful world order. Nevertheless, today's world is one in which religion still is a source of

great conflict, and fundamental principles of religious liberty are often more abused than respected. Can more be done to further religious liberty?

Transforming International Obligations into Reality

Religious persecution continues to be a serious problem worldwide despite the significant steps taken by the world community, particularly since World War II, to combat it, a sobering reminder that declarations, conventions and other documents do not easily translate into reality. Scholars have stressed at least four areas where broad institutional approaches may be effective in helping to make religious freedom not only a worldwide ideal, but also a worldwide reality.

Treaty Implementation. Nations must take seriously the provisions of international human rights treaties by integrating them into their own legal systems. It is perhaps tautologous to say that religious freedom in the world would be a given if all the countries of the world complied with the various Conventions and other documents that have been adopted since World War II. That it is not is reflective of the fact that too many governments afford themselves the luxury of basking in the glow of the ideals they signed on to while failing to take the necessary legal and other actions to make them a reality.

Legislation. Governments around the world should enact meaningful legislation designed to curb religious persecution. In 1998 the U.S. Congress passed the International Religious Freedom Act. This Act mandates an annual report prepared by the State Department

that assesses and describes violations of religious freedom in each country. The Department also considers the suggestions of a nine-member U.S. Commission on International Religious Freedom. Based on the annual report, the U.S. president may impose a range of penalties and sanctions on countries found to be violators. The legislation is controversial internationally, but the measure has thus far helped the cause of international religious freedom. The law does not attempt to impose “the American way” on other nations. Rather, it draws on the universally accepted belief in the inviolable dignity of all human beings and of the universal rights that flow from that belief.

Education. More needs to be done to make the people of the world aware of the staggering level of religious persecution still prevalent in too many parts of the world. More conferences and symposia could highlight this theme, and more support (verbal and monetary) could be provided to human rights nongovernmental organizations such as Human Rights Watch and the International Religious Liberty Association that monitor human rights abuses around the world and report them to governments and other concerned groups.

Separation of Church and State. There must be renewed efforts to increase respect by all political, religious and social institutions for the modern view that political society’s primary interests are in fostering peace, justice, freedom and equality, not in advancing religion. This is the basic meaning of the separation of church and state. The obvious tension here, of course, is that historically, religion has been the basis for every dimension of life, including the political. As the eminent Quaker William Penn noted in 1692, “government seems to be a part

of religion itself, a thing sacred in its institution and end.” But of course Penn was a budding church-state separationist, and he increasingly moved to the view that religion is fundamentally a personal, individual concern, and government’s role should be the protection of all religious outlooks rather than the advocacy of one. Since Penn’s day, nation-states have increasingly adopted this perspective, and the 20th century’s human rights documents have done the same. As already suggested, this perspective needs to be taught by educational institutions through a range of curricula that confront the interaction of religion and government in the modern world.

In the final analysis, we, as members of the world community, owe it to ourselves and to our progeny to make religious liberty a reality for everyone. There is no more important task as we begin the 21st century.

B i b l i o g r a p h y

Further Information on Religious Freedom Themes

**Bloom, Irene, J. Paul Martin and
Wayne L. Proudfoot, eds.**

Religious Diversity and Human Rights. New York:
Columbia University Press, 1996.

Casanova, Jose

Public Religions in the Modern World. Chicago
University Press, 1994.

Eck, Diana L.

"Muslim in America," *The Christian Century*, June 6,
2001, vol. 118, no. 18, p.20

Epps, Garrett

To An Unknown God: Religious Freedom on Trial.
New York: St. Martin's Press, 2001.

Esposito, John. L.

"Religion and Global Affairs: Political Challenges," in
"Symposium: The Impact of Religion on Global
Affairs," *SAIS Review*, vol. 18, no. 2, Summer-Fall,
1998, p.19.

Evans, Bette Novit

*Interpreting the Free Exercise of Religion: The
Constitution and American Pluralism.* Chapel Hill,
NC: The University of North Carolina Press, 1997.

Henkin, Louis

The Age of Rights. New York: Columbia University
Press, 1990.

Hutson, James H., ed.

*Religion and the New Republic: Faith in the Founding
of America.* Lanham and Oxford: Rowman and
Littlefield Publishers, 2000.

Johnston, Douglas M., Jr.

Religion, The Missing Dimension of Statecraft.
Oxford University Press, 1994.

Little, David

"Religion and Global Affairs: Religion and Foreign
Policy," in "Symposium: The Impact of Religion on
Global Affairs," *SAIS Review*, vol. 18, no. 2, Summer-
Fall, 1998, p.25.

Marshall, Paul

"Religion and Global Affairs: Disregarding Religion,"
in "Symposium: The Impact of Religion on Global
Affairs," *SAIS Review*, vol. 18, no. 2, Summer-Fall,
1998, p.13.

**Noonan, John Thomas and
Edward McGlynn Gaffney**

*Religious Freedom: History, Cases, and Other
Materials on the Interaction of Religion and
Government.* New York: Foundation Press, 2001.

Orsi, Robert A., ed.

Gods of the City: Religion and the American Urban Landscape. Religion and North America series. Bloomington: Indiana University Press, 1999.

Rickard, Stephen

"Religion and Global Affairs: Repression and Response," in "Symposium: The Impact of Religion on Global Affairs," *SAIS Review*, vol. 18, no. 2, Summer-Fall, 1998, p.52.

Sullivan, Donna J.

"Gender Equality and Religious Freedom: Toward a Framework for Conflict Resolution," *New York University Journal of International Law and Politics*, vol. 24, 1992, p.795.

Thiemann, Ronald F.

Religion in Public Life: A Dilemma for Democracy. Washington, D.C.: Georgetown University Press, 1996.

Thierstein, Joel and Yahya R. Kamalipour, eds.

Religion, Law and Freedom: a Global Perspective. Westport, CT: Praeger, 2000.

Wald, Kenneth D.

Religion and Politics in the United States. 3d ed. Washington, D.C.: CQ Press, 1997.

Warner, R. Stephen and Judith G. Wittner, eds.

Gatherings in Diaspora: Religious Communities and the New Immigration. Philadelphia: Temple University Press, 1998.

Witte, John Jr.

"Law, Religion, and Human Rights," *Columbia Human Rights Law Review*, vol. 28, 1996, pp.1-31.

Witte, John, Jr. and Johan D. van der Vyver, eds.

Religious Human Rights in Global Perspective: Legal Perspectives. Boston: Martinus Nijhoff Publishers, 1995.

Young, Michael.

"Religious Liberties and Religious Tolerance: An Agenda for the Future," *Brigham Young University Law Review*, vol. 4, 1996, pp. 973-87.

Issues of Democracy, IIP Electronic Journals, Vol. 6, No. 2, November 2001

Internet Sites on Religious Freedom

Academic Info: Religion Gateway

<http://www.academicinfo.net/religindex.html>

Independent directory of links to a universe of sites associated with the study and practice of religions.

An American History of Religious Freedom

http://www.freethought-web.org/ctrl/quotes_liberty.html

Quotations that support the U.S. history of religious liberty.

The Establishment Clause and Public Schools

<http://www.aclu.org/issues/religion/pr3.html>

Legal Bulletin from the American Civil Liberties Union (ACLU) on the U.S. Constitution's First Amendment.

Exploring Constitutional Conflicts: Free Exercise of Religion

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/freeexercise.htm>

Exploring Constitutional Conflicts: Introduction to the Establishment Clause

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/estabinto.htm>

Maintained by the University of Missouri, Kansas City School of Law, these sites were created for use by law students and others interested in understanding the U.S. Constitution.

FindLaw: U.S. Constitution: First Amendment

<http://caselaw.lp.findlaw.com/data/constitution/amendment01/>

A compilation of resources on the First Amendment includes an overview, case histories, articles, analyses and interpretations of the U.S. Constitution's guarantee of religious freedom.

Introduction to the Theory of Religious Freedom (ACLU)

http://www.aclu.org/aclu-e/course2_carroll1.html

American Civil Liberties Union lecture on the major controversies about interpretation of the free exercise clause of the U.S. Constitution.

The Pluralism Project

<http://www.pluralism.org/>

<http://www.pluralism.org/resources/links/index.php>

Developed by Dr. Diana L. Eck at Harvard University to study and document the growing religious diversity of the United States, with a special view to its new immigrant religious communities.

The Religious Freedom Page

<http://religiousfreedom.lib.virginia.edu/>

A collection of historical documents, constitutions, laws, court decisions, information about religious freedom organizations and a broad array of information pertinent to exploring religious freedom in every nation, from faculty at the University of Virginia.

Religion in Politics: A Complicated Landscape

<http://pewforum.org/issues/religionpolitics.php3>

Links to speeches and interviews by politicians on the topic of religious faith, from the Pew Forum on Religion and Public Life.

Religious Freedom Restoration Act of 1993

<http://www.commonlink.com/~olsen/RELIGION/rfra.html>

U.S. House of Representatives resolution "to protect the free exercise of religion."

UNESCO MOST Clearinghouse on Religious Diversity

<http://www.unesco.org/most/rrl.htm>

Links to conventions and declarations on religious rights, national constitutions, journal articles and bibliographic resources.

U.S. Department of State Bureau of Democracy, Human Rights and Labor:**Office of International Religious Freedom**

<http://www.state.gov/g/drl/irf/>

Links to fact sheets, legislation, and present and archived issues of the State Department's Annual Report on International Religious Freedom.

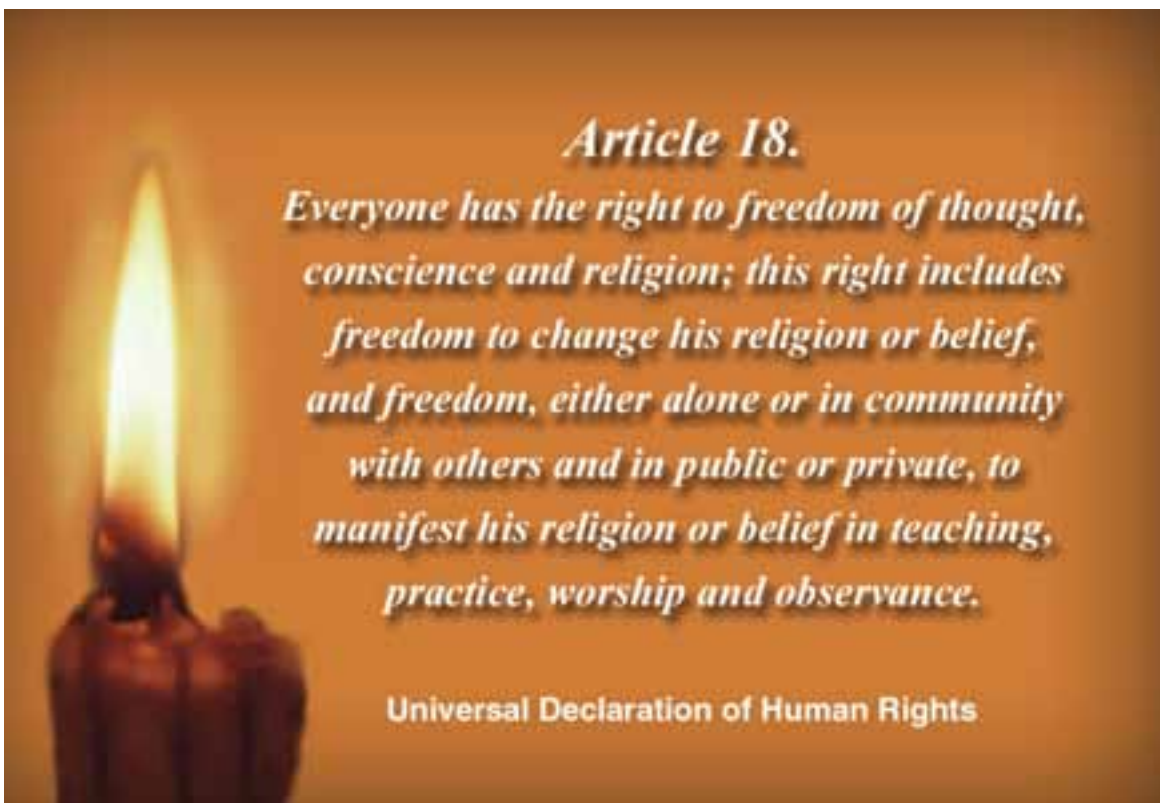
United States Commission on International Religious Freedom (USCIRF)

<http://www.uscirf.gov/>

Access to reports, congressional hearings and testimony, press releases and country information.

Issues of Democracy, IIP Electronic Journals, Vol. 6, No. 2, November 2001

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