1. Building religious freedom

INTRODUCTION

After having an argument with Zainuddin, a caretaker of a shrine in Kabul, Farkhunda Malikzada, a teacher’s assistant, was accused of burning a Qur’an. Incensed by the (false) charge that she has desecrated the holy book, an angry mob set upon her: “She was beaten with sticks and boards, kicked, run over by a car and dragged, thrown into a dry riverbed, stoned, and finally set on fire as bystanders recorded the crime and police watched every act of barbarity.”

Unfortunately, this needless death is not a thing of the past or simply a moral lesson offered on how things are in a far-off land. The names and places may change, but the religious hostility that produces the denial of the fundamental right to freedom of religion or belief is widespread. We continuously see reports of religious intolerance, whether it be attacks on Christians in Sri Lanka or Indonesia, Jews in France, Muslim Uyghurs in China, or Yazidi in Iraq. Various politicians lament the fact that individuals around the world are not able to practice the tenets of their faith due to government persecution or hostility from non-state actors.

This chapter begins by documenting the extent of religious persecution throughout the world. Next, it offers a means to addressing religious intolerance and developing religious freedom. My approach explains what factors are needed to see progress on the protection of this fundamental human right. This chapter then distinguishes between religious tolerance and freedom of religion or belief. Understanding this distinction has important policy implications. Lastly, this chapter offers an overview of the chapters that follow.


2 The language used in international treaties, including the International Covenant on Civil and Political Rights (ICCPR), is freedom of religion or belief. I use religious freedom interchangeably with freedom of religion or belief, or FoRB.
PERSISTENT RELIGIOUS PERSECUTION

David Saperstein, the former American Ambassador at Large for International Religious Freedom, lamented the intolerance he witnessed around the world: “we are talking about people [in other parts of the world] being brutalized, we’re talking about people who are being imprisoned, we’re talking about people being tortured. We’re talking about people being ethnically cleansed and victims of genocide.”

COVID-19 added to these difficulties. The pandemic and the restrictions many governments enacted to control it disrupt normal religious activities. Limiting social gatherings, including religious services, is not by itself a denial of religious freedom if applied uniformly throughout society. If government policies focus on health priorities and are applied in a neutral and non-discriminatory manner, there is no violation of an individual’s rights. Unfortunately, many governments did not apply these policies in a neutral manner. Some countries denied religious minorities access to health care. Other states targeted, scapegoated, and blamed religious minorities for the spread of the virus.

Intolerance toward individuals and groups with different beliefs, practices, and identities is widespread. The Pew Research Center noted that over 80 percent of the world’s population lived in a country that substantially limited or prohibited religious activity. As the United States Commission on International Religious Freedom (USCIRF), an independent, federal commission noted,

The state of affairs for international religious freedom is worsening in both the depth and breadth of violations. The blatant assaults have become so frightening—attempted genocide, the slaughter of innocents, and the wholesale destruction of places of worship—that less egregious abuses go unnoticed or at least unappreciated. Many observers have become numb to violations of the right to freedom of thought, conscience, and religion.

---

5 “Since some of these countries are among the world’s most populous (such as China and India), this means that a large share of the world’s population in 2016—83 percent—lived in countries with high or very high religious restrictions.” Pew Research Center, “Global Uptick in Government Restrictions,” June 21, 2018, https://www.pewforum.org/2018/06/21/global-uptick-in-government-restrictions-on-religion-in-2016/.
Various states and non-state actors from China to Cuba to Saudi Arabia to the Islamic State to Boko Haram engage in activities that deny individuals and communities the ability to live and act in accordance with a set of freely chosen beliefs. Whether these ideas revolve around a deity or the absence of a supernatural power, the fundamental right to freedom of religion or belief was articulated in the Universal Declaration of Human Rights, and then instituted in international laws (specifically Article 18 of the ICCPR).

The articles in the Universal Declaration articulate how individuals’ dignity is established in a range of social, political, and economic activities and circumstances. The preamble of the Declaration begins: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Article 18 of the Universal Declaration specifies how individuals ought to be treated with respect to their beliefs: “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 normative aspirations of the Universal Declaration were codified in international law. Article 18 of the Covenant on Civil and Political Rights articulates freedom of religion or belief as follows:

1. 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, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. 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.
4. 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.

---

This fundamental human right is often violated. The disregard for religious freedom is true whether the Islamic State\(^{11}\) is enslaving Yazidis or killing Christians and Shiites and claiming they are heretics or infidels, or when China’s secular Communist Party prevents Christians from independent communal worship and destroys churches or places over a million Muslim Uyghurs in “reeducation camps.” The denial of freedom of religion or belief was also evident when French policies prevented Muslim women from wearing a burkini on a beach,\(^ {12}\) or when individuals from a religious minority endured physical violence or had their sacred sites desecrated. Physical attacks on Jewish individuals and on synagogues occurred in various states in Europe.\(^ {13}\) Many countries witnessed numerous anti-Semitic attacks, including the destruction of gravestones at a Jewish cemetery (Manchester) and vandalism at a Holocaust memorial in Budapest.\(^ {14}\) Anti-Semitism has risen to such levels that the German commissioner for anti-Semitism advised Jewish men against wearing the kippah in public.\(^ {15}\) Saudi Arabia limits the public expression of non-Wahhabi Islam, Christianity, and atheism.\(^ {16}\) Pakistan’s government is unable or unwilling to remedy violence against Shiites and Christians by non-state actors. While the Islamic State’s religiously motivated terrorism garnered much media attention due to its brutality, it is far from the only actor that prevented individuals from actively engaging with their deeply held religious beliefs.

---

\(^{11}\) One can argue that they distorted the tenets of the faith while acknowledging that their views are still inspired by religion.


\(^{13}\) For example, four Jews were shot at a Jewish day school in Toulouse in March 2012. Katrina Lantos Swett, Testimony Before the House Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, February 27, 2013, Washington, D.C.


\(^{16}\) Raif Badawi was charged with, among other things, “ridiculing religious figures” and has been imprisoned since 2012 for comments he posted to a blog. An appeals court sentenced him to ten years in prison and 1000 lashes. The state administered 50 lashes in 2015. For addition information, see USCIRF’s 2017 Annual Report. Flogging was banned in 2020 as part of Crown Prince Mohammed bin Salem’s reform project.
Many individuals, whether religious or secular, hide from government officials or non-state actors in the hope that their beliefs will not lead to discrimination, exile, imprisonment, or violence. Given the extensive numbers of people around the world who are denied the fundamental right of freedom of religion or belief codified in various state constitutions and the ICCPR, and the thousands who have been tortured or killed because of their beliefs, this problem warrants attention. How can an intolerant society become more tolerant and protect the basic right of religious freedom? Alternatively stated, how does a society move from religious intolerance to one where religious tolerance is guaranteed, and then ultimately where freedom of religion or belief is a basic right for all members of that society? The goal is religious freedom for all, even if religious tolerance may be a positive step in the short term.

What is the architecture or building blocks of a society that respects and protects this human right? If by architecture we think of the design and construction of a building, how can we build the infrastructure of freedom of religion or belief? This book articulates the necessary conditions by which the structure of freedom of religion or belief is designed to withstand pressure and endure. The materials or building blocks that are necessary for a stable and enduring religious freedom include political, legal, social, and normative aspects. The political system must not only create laws to establish freedom of religion or belief, but it must also develop institutions to protect this right without discrimination. The legal system, through the rule of law, must uphold legal protections for all aspects of freedom of religion or belief. This will also involve an effective education system. Citizens, including those in law enforcement, must internalize tolerant dispositions about others in society. Schools must teach these norms and ideas. In addition, national leaders and civil society organizations can contribute to the dissemination and acceptance of these ideas throughout the population. This study does not suggest that one specific blueprint will guarantee freedom of religion or belief. Just as different architectural designs depend on the cultural and environmental factors, different societies require specific policies depending on the history, culture, and political contexts. Some policies, as is the case with some building materials, are more helpful to create a lasting and sustainable environment.

To analyze the necessary components and building blocks, I explore how individual leaders, states (through domestic policies and foreign policy tools), and international actors contribute to this fundamental human right. At the international level, I survey elements of the international community’s approach to freedom of religion or belief, focusing on international cooperation in international organizations and the development of multilateral approaches to this issue.

At the national level, I analyze educational reform, individual national leaders, and foreign policies to understand policies that further freedom of reli-
Promoting religious freedom in an age of intolerance

gion or belief. Civil society’s role is also essential. When exploring domestic actors, such as religious organizations or national or international human rights organizations, we see how important non-state actors are to prod the development of the right to freedom of religion or belief. All these perspectives—international, domestic, individual—noted in Figure 1.1 are necessary to see Article 18 of the ICCPR fully implemented and protected.

Ultimately, studying these international, national, and individual factors results in a few important conclusions. There is not one simple path to achieve freedom of religion or belief. Instrumental arguments that revolve around the economic or security benefits of religious tolerance have not historically produced long-lasting religious freedom in a society. An enlightened leader who encourages a package of reforms can contribute to the successful development of religious freedom in a society. These reforms include strengthening the rule of law and limiting and confronting any negative depictions of the religious (or non-religious) Other in public discourse. Further reforms in the education curriculum and laws that enhance the ability of a wide range of civil society actors, including religious institutions and human rights organizations, to operate can contribute to a robust promotion of freedom of religion or belief. These reforms will not happen overnight. George Kennan suggested thinking about changes in global politics in terms of gardening. These reforms must be nurtured year after year.

Some argue that countries in the West, including the United States, should not attempt to promote freedom of religion around the world. Others have gone further and criticized efforts by Western actors as another example of Western imperialism.17 In addition, some scholars in this tradition challenge the “universal” nature of religious freedom.18 The argument and evidence presented in this book challenges this critical tradition. I argue throughout this book for the importance of and need for a coherent multilayered approach to the promotion of freedom of religion or belief around the world.19

---


18 Elizabeth Shakman Hurd, Testimony before the House Foreign Affairs Committee, Tom Lantos Human Rights Commission, July 13, 2021, Washington, D.C.

Figure 1.1  Essential components to promote religious freedom

UNDERSTANDING RELIGIOUS INTOLERANCE

As noted by various studies, religious intolerance and persecution of some

---

individuals because of religious identity, ideas, or practices is widespread. No region of the world is immune from religious repression. John Stuart Mill noted in the 19th century that while many will claim freedom of religion is a basic right of all, few societies have upheld this right:

The great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief. Yet so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale. In the minds of almost all religious persons, even in the most tolerant countries, the duty of toleration is admitted with tacit reserves.21

This continues to be true in the 21st century.

Understanding the diverse impulses that spur religious intolerance is the first step to encouraging religious tolerance. Theological disputes between key figures and different interpretations of sacred texts within one religious tradition resulted in numerous conflicts and intolerance dating back to ancient times. Doctrinal quarrels within Christianity in the 4th century over the nature of Jesus of Nazareth (divine, infinite, a finite being, etc.) and his relationship to God resulted in banishment and death for Arians. Some, such as Augustine, believed that religious intolerance was justified to save those in error. For Augustine, intolerance “is a righteous persecution, which the Church of Christ inflicts upon the impious” to save them from eternal damnation.22 He provided a theological justification for repression against a dissenting group. Disagreements between Sunnis and Shiites over the legitimate successor to the prophet Muhammad precipitated fighting and massacres, including the Battle of Karbala in 680. These doctrinal disputes continue to the present day.

Disputes between communities of different faiths also result in intolerant policies. The tendency to favor members of one’s own community—whether religious, ethnic, or tribal—can create tensions with the Other. Johnson and

Koyama describe the demonization of the Other in their work *Persecution and Toleration*:

with the rise of monotheism, outsiders who belonged to other religions came to be seen as cut off from the source of divine order and hence irredeemable. The ability to label outsiders as enemies is an effective strategy for building within-group trust and cooperation. But it comes at the cost of permanent conflict with those deemed outsiders.23

The religious Other may be viewed as dangerous, hostile, corrupt, or uncivilized. As such, the thoughts, practices, and in some cases individuals are a threat that cannot be allowed to contaminate one’s own religious community.24 For example, Huguenots in 16th-century France should not be tolerated according to some French Catholics because of their supposed erroneous beliefs, seditious acts, and rebellions.25 Mack Holt also noted the perceived threat in *The French Wars of Religion*: “Viewed by Catholics as threats to the social and political order, Huguenots not only had to be exterminated—that is, killed—they also had to be humiliated, dishonored, and shamed as the inhumane beasts they were perceived to be.”26 Thus, fear and anxiety of the religious Other can lead to intolerance and persecution.27

When members of the religious Other are also perceived to be enjoying greater economic prosperity or societal benefits—access to better land, government contracts, or honors—anger and bitterness can contribute to social hostility and intolerance. In the 13th century, some Christians in Western Europe resented Jewish individuals in their towns. Some of this resentment stemmed from the perception that the Jewish community enjoyed economic

---

24 Fukuyama has argued, “human beings, in other words, are social animals by nature,” and this universal aspect of human beings results in favoritism toward family and friends. “But their sociability takes the specific form of altruism towards family (genetic relatives) and friends (individuals with whom one has exchanged favors). This default form of sociability is universal to all cultural and historical periods.” Favoring members of one’s religious community can be seen as an extension of this practice of creating a religious Other. Francis Fukuyama, *Political Order and Political Decay* (New York: Farrar, Straus, and Giroux, 2014), p. 8.
opportunities and benefits that they did not deserve. This often resulted in pogroms, including in 1391 in Castile and Aragon. In contemporary times, Baha’is are one of the most persecuted religious groups in Iran due to the perception that they received favorable treatment from the Shah, as well as differences in theology with Shia Islam. Often insecurity—physical or economic—and political disruption results in less tolerance.

DIFFERENTIATING RELIGIOUS TOLERANCE FROM FREEDOM OF RELIGION OR BELIEF

Religious Tolerance

Ending religious persecution and encouraging religious toleration is an important and necessary step toward promoting freedom of religion or belief. However, religious tolerance is sometimes misunderstood and equated with religious freedom. It is important to distinguish and clearly define these concepts, not simply for intellectual clarity, but due to the real consequences that arise when these terms are mistakenly equated. Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief, argued for a better understanding of religious freedom. He stated, “an urgent need exists for more conceptual clarity concerning freedom of religion or belief, not only in order to defend this right against inimical attacks from the outside, but also to strengthen the consensus about the significance of freedom of religion or belief within the human rights community itself.”

Studies that explore the global protection of freedom of religion or belief have struggled to articulate what freedom of religion or belief entails and


30 “Throughout Ottoman history deportations and conversions took place during periods of political and economic insecurity, especially during and after war when the state elite felt more vulnerable”; Karen Barkey, Empire of Difference (Cambridge, UK: Cambridge University Press, 2008), p.113.

how it differs from religious tolerance. Michael Walzer explains that religious freedom in terms of separation. He notes that:

The Wall between church and state creates a sphere of religious activity of public and private worship, congregations and consciences, into which politicians and bureaucrats may not intrude… Believers are set free from every sort of official or legal coercion. They can find their own way to salvation, privately or collectively; or they can fail to find their way; or they can refuse to look for a way. The decision is entirely their own; this is what we call freedom of conscience or religious liberty.32

While separation may provide the institutional framework for freedom of religion or belief to take hold, separation alone will not establish this basic human right. Separation may be an aspect of religious tolerance as it allows for freedom of worship or the ability to pray in a private building. However, this is not religious freedom. Not all societies that separate religion from the government enjoy religious tolerance, let alone freedom of religion or belief. In Cuba, the separation of religion and state has resulted in persecution and various violations of human rights.33 Furthermore, maintaining a separation between politics and faith-based groups does not address the social hostilities that can arise between religious groups. Therefore, separation alone is inadequate as an understanding of religious tolerance or religious freedom.

Other studies have struggled to capture the essence of this concept.34 Some have simply used the legal language in international treaties.35 Some writers use the terms religious freedom and religious tolerance interchangeably.36 If one cannot clearly define what this essential right entails, it will be more difficult for policy makers and human rights activists to promote and protect it in society.

36 “As I have assumed and often pointed out in this book, the ideas of tolerance and religious freedom are not separable”; Perez Zagorin, How the Idea of Religious Toleration Came to the West (Princeton, NJ: Princeton University Press, 2003), p. 311.
Neuser and Chilton, in their research on religious tolerance, explain that religious tolerance is “more than the capacity to live alongside a different religious tradition from one’s own. It also refers to acceptance of attitudes and actions contrary to the morality to which one adheres.”\textsuperscript{37} This will involve the accommodation of a religious minority by the majority.\textsuperscript{38} Green elaborates further: “the enduring and important question of religious tolerance” revolves around “the capacity of a religion to forbear another religion with which it disagrees.”\textsuperscript{39} Thus, one essential aspect of religious tolerance is the right to exist without being forced to change one’s views.

Religious tolerance involves a willingness to endure and bear other individuals or groups with whom there is a significant difference in belief and practice. Religious tolerance encompasses living with others who hold dissimilar or objectionable beliefs and who engage in unfavorable practices without interference or persecution. The social aspect requires that citizens hold tolerant dispositions toward the religious (or non-religious) Other. This requires individuals to acknowledge and accept that while we may have different beliefs, practices, and worldviews, individuals in a different-faith community (or those who have no spiritual commitments) deserve respectful treatment with a recognition that we can coexist in society despite our differences.\textsuperscript{40}

**Arguments for Religious Tolerance**

Understanding the arguments offered to encourage or justify religious tolerance provides a tool for contemporary foreign policy makers as they attempt to limit discrimination and persecution and support the rights and freedoms that are necessary for human dignity. Historically, many of the arguments offered for religious tolerance stemmed from self-preservation. Members of a persecuted faith pleaded for religious tolerance to preserve their community and way of life. Anabaptists and Quakers were a few of the English religious

\begin{footnotesize}
\textsuperscript{37} Religious Tolerance in World Religions, edited by Jacob Neuser and Bruce Chilton (West Conshohocken, PA: Templeton Foundation Press, 2008), p. viii. While Neuser and Chilton’s work presents an important discussion of religious tolerance, it should be distinguished from the fundamental right found in international law in Article 18 of the ICCPR.

\textsuperscript{38} Neuser and Chilton, p. viii.


\textsuperscript{40} Anna Elisabetta Galeotti has emphasized toleration as recognition. The concerns she raises about the importance of toleration as recognition can be viewed through the lens of Pew’s work that incorporates state policies (Government Restrictions Index, GRI) and attitudes (Social Hostilities Index, SHI); Galeotti, Toleration as Recognition (Cambridge, UK: Cambridge University Press, 2002).
\end{footnotesize}
Building religious freedom

minorities who sought the tolerance of the magistrate to practice their faith. King Charles II persecuted and incarcerated dissenting Protestants, and numerous Quakers died in prison in the early 1680s.41

The Quaker, William Penn, offered numerous justifications for tolerating Protestant dissenters and Catholics.42 In Considerations Moving to a Toleration (1685), Penn noted the economic benefits of religious tolerance. In Great and Popular Objection (1687), he argued that providing liberty of conscience and religious tolerance to Catholics and dissenters would enhance the security of society.43 Other thinkers offered pragmatic arguments. In Leviathan, Thomas Hobbes suggested that toleration was valuable because it could contribute to civil peace.44 Religious tolerance was a means to secure peace between religious groups. These arguments placed limits on religious communities and the activities they could engage in. These interest-based arguments will resurface in contemporary times and in future chapters.

While tolerance was a means to avoid persecution, this did not stop some from rejecting tolerance when they moved from an embattled minority to the governing power. Calvin, once in power in Geneva, rejected tolerance and had Michael Servetus burned at the stake for his heretical views on the Trinity.45 Martin Luther had no interest in promoting religious tolerance or freedom of religion, especially for Catholics. For Luther, “Heretics are not to be disputed with, but condemned unheard, and whilst they perish by fire, the faithful ought to pursue the evil to its source, and bathe their hands in the blood of Catholic bishops, and of the Pope, who is the devil in disguise.”46 Both men believed that they had religious truth on their side, and there were few limitations on what they were willing to do in the name of that righteous truth.

---

41 Marshall (p. 112) notes that over 100 Protestant dissenters died in prison in 1683–4.
42 Marshall, p. 72. See also Andrew Murphy, Liberty, Conscious, and Toleration: The Political Thought of William Penn (New York: Oxford University Press, 2016). William Penn sought to develop and protect these notions in his colony, Pennsylvania.
43 William Penn’s essay can be found at: http://quod.lib.umich.edu/e/eebo/A70777.0001.001/1:2?rgn=div1;view=fulltext. See especially page 22.
44 Higgins notes, “it is important to realize that, for Hobbes, toleration is not an end of political life, rather it is a means to the broader goal of civil peace; and as such toleration is limited in application by its (perceived) ability to achieve peace”; see Leviathan XVIII, 9 on the sovereign’s power to tolerate doctrines. Nicholas Higgins, “Hobbes’s Paradoxical Toleration: Inter Regentes Tolerantia, Tolerans Intolerantia Inter Plebein,” Politics and Religion, Vol. 9 (2016), p. 140.
45 Coornhert condemned Calvin for his hypocrisy; he sought toleration until he gained the power to persecute others in About the Constraint Upon Conscience Practiced in Holland (1579). Marshall, p. 338.
46 Polishook, p. 3.
Some philosophers, such as John Locke, argued for religious tolerance due to an epistemological skepticism:

For every church is orthodox to itself; to others, erroneous or heretical. For whatsoever any church believes, it believes to be true and the contrary unto those things it pronounce to be error. So that the controversy between these churches about the truth of their doctrines and the purity of their worship is on both sides equal; nor is there any judge, either at Constantinople or elsewhere upon Earth, by whose sentence it can be determined. The decision of that question belongs only to the Supreme judge of all men, to whom also alone belongs the punishment of the erroneous.47

Since fallible humans lack epistemic certainty about the truth of various religious traditions, governments ought to treat diverse religious doctrines with equality and not persecution so long as they are not threatening the security of the state.48

Locke also noted in A Letter Concerning Toleration that the government cannot force beliefs on individuals:

The care of souls cannot belong to the civil magistrate, because his power consists only in outward force; but true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God. And such is the nature of the understanding that it cannot be compelled to the belief of anything by outward force. Confiscation of estate, imprisonment, torments, nothing of that nature can have any such efficacy as to make men change the inward judgement that they have framed of things.

A ruler can force an individual to attend a religious service or kneel during a prayer. However, no magistrate can force an individual to change the thoughts in their head or the loyalty in their heart. Further, Locke argued that people rebel and conspire against the government when oppressed:

For if men enter into seditious conspiracies, tis not religion that inspires them to it in their meetings; but their sufferings and oppression that make them willing to ease themselves. Just and moderate Governments are every where quiet, every where safe. But Oppression raises Ferments, and makes men struggle to cut off an uneasie and tyrannical Yoke.49

48 It is also worth noting that Locke’s friend, the Earl of Shaftesbury, was forced to seek exile in the Netherlands related to a religious dispute with the crown; Locke, p. 46; Higgins, p. 152.
49 Locke, p. 52. In their first chapter, Johnson and Koyama argue that arguments by philosophers such as Locke and Spinoza enjoyed a more hospitable environment due
Some grounded their arguments in a religion’s theology. Some leaders used the theological tenets of the religion to ground the tolerance shown to minority groups. When Muslim rulers in al Andalusia or in the Ottoman Empire offered Jews and Christians some measure of acceptance and coexistence in their lands, they based their policies on protections established in the Qur’an for the People of the Book.50

Normative arguments were also articulated. During the Enlightenment, some argued that freedom of belief was an essential right that the government should not violate. The French Revolutionaries promoted religious tolerance in Article 10 of the French Declaration of the Rights of Man and of the Citizens (1789). It held that “no one is to be disquieted because of his opinions, even religious, provided their manifestation does not disturb the public order established by law.” The revolutionary leaders also provided a more welcoming public space for France’s Jewish citizens through civil emancipation and the opportunity to hold public office.51 In contemporary times, human rights treaties codify normative arguments concerning the importance of a life with dignity.

These arguments contributed not only to theoretical justifications for religious tolerance, but more importantly to the empirical development of a space for individuals and groups to act in accordance with a commitment to their religious beliefs. Interest-based arguments influenced refugee policies in Malta in the 12th century and in the Dutch Republic in the 17th century.52 Theological arguments affected religious policies in Andalusia. Numerous constitutions across Europe and North and South America incorporate normative arguments for the inherent dignity of the person.

**Freedom of Religion or Belief**

Embryonic notions of religious liberty developed during the Roman Empire. One of the earliest thinkers to discuss religious freedom was Tertullian. In a letter to Scapula, the proconsul in Africa, Tertullian argued for religious freedom and an end of the persecution of Christians. He explained that indi-
Individuals should have freedom in religious affairs because “it is a fundamental human right, a privilege of human nature that every man should worship according to his own convictions.”\textsuperscript{53} For Tertullian to be a moral agent, an individual must have the freedom to develop and act on their deeply held beliefs.\textsuperscript{54} Tertullian influenced Lactantius, the Christian author and advisor to Constantine. Lactantius argued that religion cannot be coerced. The perception that beliefs and ideas cannot be forced is an essential and fundamental element of freedom of religion or belief. His influence was felt when Constantine issued the Edict of Milan in 313. This was a top-down effort by a leader to offer freedom of worship:

> We thought it fit to commend these things most fully to your care that you may know that we have given to those Christians free and unrestricted opportunity of worship. When you see that this has been granted to them by us, your worship will know that we have also conceded to other religions the right of open and free observance of their worship for the sake of the peace of our times, that each one may have the free opportunity to worship as he pleases; this regulation is made that we may not seem to detract from the dignity of any religion.\textsuperscript{55}

Arguments by Tertullian and the Edict of Milan do not lay out a contemporary conception of freedom of religion or belief found in international law. They do include essential elements such as freedom of conscience and the freedom to practice and worship according to an individual’s choice. While these early positive developments saw setbacks, these ideas would reemerge in later generations as a foundation for justifications for freedom of religion or belief.\textsuperscript{56}

While religious tolerance is an initial step on the path to freedom of religion or belief, its minimal attributes are not the right articulated in Article 18 of the ICCPR. The essential elements of freedom of religion or belief go beyond the absence of persecution and require an active and comprehensive government policy to ensure respect for this fundamental right. This freedom requires the government to protect individuals and groups with divergent beliefs, practices, and activities (discussions, prayers, meditation, etc.). The individual aspects protect the internal aspects necessary for a life with dignity, including the ability to think, believe, and reject ideas according to one’s conscience. This

\textsuperscript{54} Wilken, p. 11.
\textsuperscript{55} By 324, Constantine had issued another edit which offered religious tolerance as opposed to religious liberty for all. It is worth noting that the “Edict of Milan” was a letter that was limited in scope. The important aspect was that it reversed the anti-Christian legislation of previous emperors and Christianity was made legal.
right, like other rights articulated in treaties and covenants, is grounded in human dignity. The collective aspects of freedom of religion or belief require a safe and public space for a community of like-minded individuals to meet, discuss ideas, celebrate rituals, and engage in other communal activities. People, individually and collectively, must be able to engage in these activities without discrimination under the law. Thus, the legal system, as well as government policies, cannot adopt rules that produce inequalities or disabilities between individuals due to a divergent or disfavored set of beliefs. An atheist, Hindu, Christian, or any other believer should suffer no legal burdens or bureaucratic harassment because they do not share the hegemonic religious community’s views. Hence, this right goes further than merely reading a text in the privacy of one’s home.

Citizens require government activities in several areas to safeguard their ability to engage with a belief system. For example, governments must guarantee the right to peaceful assembly. The government must not only allow individuals to assemble, but also protect them from hostility or violence from social actors. For example, the Swedish government has assisted its Jewish community to combat anti-Semitic attacks. The Egyptian government under President el-Sisi provided more security to Coptic Churches in response to a bombing at a Coptic Cathedral in Cairo in December 2016 and a church in Alexandria in 2017.

The fundamental right of religious freedom also entails the right to change one’s beliefs and to enter or leave a religious faith, as well as to discuss one’s beliefs in public. To uphold this basic right, a state needs to ensure that laws protect an individual’s right to association and speech. The state must also ensure that individuals and communities have a place to worship and are free from harassment—either from other religious groups or from sub-state actors.

Cultivating norms of respect and tolerance in education and the social environment (media, civil society, etc.) can address social hostility. When citizens hold tolerant dispositions, and social norms are embedded in society

---

59 Ruffini, pp.11-12.
which respect the religious Other or non-religious Other, social hostility will decrease. When citizens believe that others deserve a place in the public square, social hostility, which can lead to religious persecution, will be less prevalent in society. When citizens internalize the notion that the Other, regardless of their beliefs, is worthy of being treated with dignity and habitually act in ways that respect the Other, there will be less need for government action to protect minorities because it will be ingrained in the citizens.

Individuals and groups must also have the freedom to produce and distribute materials related to their deeply held beliefs. These materials include printed literature, newsletters, webpages, blogs, social media accounts, and artwork. Furthermore, groups of individuals must be allowed to establish coursework, textbooks, and classes in the context of a freely chosen educational system. The ability to create and develop the infrastructure necessary to uphold individual beliefs, including charitable organizations, is also a basic aspect of freedom of religion or belief. The government must also accommodate activities that individuals deem essential to their belief system, whether that involves specific attire (veil, kippah) or symbols (crosses, small dagger) or allowing some time for prayer or meditation. Thus, freedom of religion or belief is a positive right that goes beyond mere coexistence.

While religious tolerance is a necessary component of religious freedom, order and a capacity to govern are also important, albeit unacknowledged necessary conditions for freedom of religion or belief. While some states may deny religious freedom to some individuals because of theological disputes or perceived threats (e.g., Iran’s treatment of the Baha’is and China’s policies toward Tibetan Buddhists or Muslim Uyghurs), not all denials of religious freedom are the result of intentional state policies. A weak state or a failed state that does not have adequate control over all its territory may lack the capacity to provide a minimal level of religious tolerance or protect religious freedom. One scholar noted that a weak state that lacks bureaucratic efficacy might be unable to implement some basic human rights, including civil liberties. In Weapons of Peace, Saiya also explained the connection to weak or failed states: “religious repression is especially dangerous in contexts where states that restrict religion are simultaneously too weak to provide security and basic services for all people living under their jurisdiction. In fragile and failing states, national and local authorities lack the capacity to prevent violence.”

Building religious freedom

Understanding this is important in constructing effective policies to first promote religious tolerance and then encourage the development of religious freedom. Punishment in the form of economic sanctions is unlikely to remedy the situation. Providing assistance to improve state capacity may produce better results. Thus, states such as Afghanistan under Presidents Karzai and Ghani had trouble governing their territory and the lack of governing capabilities contributed to the denial of religious freedom.

While an essential right to human flourishing, this right is not without its limits. An individual’s or group’s freedom to believe does not extend to actions that violate the fundamental rights of others. The international community cannot tolerate groups who kill, torture, maim, and discriminate against or degrade others based on their beliefs. While non-state actors, such as al Qaeda, Boko Haram, and the Islamic State, may have deeply held beliefs, this does not entitle them to pursue their religious beliefs or practices when these violate the basic rights of others.

Furthermore, the fundamental right to religious freedom does not allow some members of a religious community to discriminate against or limit the freedoms of other members of that community in the name of religion. Unfortunately, this has occurred in numerous environments. The Special Rapporteur on freedom of religion or belief explained in a report how, throughout the world, he:

identified laws enacted with the aim of mandating standards of conduct purportedly demanded by a particular religion that effectively deny women and other individuals the right to equality and non-discrimination on the basis of their sex, sexual orientation or gender identity… Governments in all regions of the world have also failed to uphold their obligation to protect people from gender-based violence and discrimination perpetrated against them by private individuals or entities claiming a religious justification for their actions and to sanction the perpetrators of such acts.

He noted various examples of this discrimination, including Saudi Arabia’s laws that enshrine gender discrimination and fail to address gender-based violence. He also referenced how laws in numerous countries in Asia, the Middle East, and Africa prohibit homosexuality and are justified by tenets of Christianity or Islam. Although some have claimed that their interpretation of

---

64 “This is partly because of the widely shared assumption that religious freedom constitutes an inherent good that its realization is a key to individual emancipation and peaceful coexistence among different communities”, Lindkvist, p.ix.

65 Ahmed Shaheed, “Gender-Based Violence and Discrimination in the Name of Religion or Belief,” August 24, 2020, A/HRC/43/48, https://undocs.org/A/HRC/43/48. The UN Special Rapporteur in the field of cultural rights has also documented the misuse of “religious freedom” to deny some individuals their rights. See Karima
religion allows them to define the rights and opportunities of others based on religious tenets, this misuse of religious freedom should not be tolerated and is antithetical to the fundamental right articulated in Article 18 of the ICCPR.

Understanding the difference between religious tolerance and freedom of religion or belief is important, not simply for conceptual clarity but due to the policy implications that occur when tolerance—or mere coexistence—is confused with the fundamental human right. When a government allows a private prayer service or ignores an individual reading a text that is contrary to the hegemonic belief system in society, this amounts to religious tolerance. This does not allow for the full development of the individual and it does not uphold the individual’s fundamental dignity. Therefore, policies that encourage a government, such as Saudi Arabia, to allow Christians to read a Bible at home does not fulfill the criteria of religious freedom. These policies may be the best that can be achieved at the current time, but they should not be confused with a fundamental right. Policies that encourage religious tolerance should be pursued in the short term to establish the foundation for religious freedom to develop over time.

OVERVIEW

This book is focused on the fundamental right of freedom of religion or belief. In the chapters that follow, I explore efforts to develop a religiously tolerant society and then ultimately one where the right to freedom of religion or belief is institutionalized in norms, dispositions, laws, and policies. The goal is to understand the various policies and institutions a society needs as it evolves from an intolerant society where persecution exists to one where individuals are recognized, respected, and protected. What are the best ways to promote freedom of religion or belief around the world? What are the social, legal, and educational policies developed in various countries to promote this right? Understanding the process and policies that move a society to freedom of religion or belief is key to improving domestic and foreign policy. To answer these questions, this work employs a multidimensional approach that explores how civil society, educational policies, domestic political leadership, international organizations, and foreign policy can make progress on this issue.

The Pew Research Center’s analysis and empirical measures are employed throughout the chapters in this book. Specifically, I refer to Pew’s Government Restrictions Index (GRI) and Social Hostilities Index (SHI) due to the reliability of Pew’s research. Pew’s indexes of every state in the world allow

us to compare each state over time. Their indexes provide an objective and empirical measure of progress or setbacks in each state. Although no approach is perfect in its results, Pew provides consistent and quality research. The GRI and SHI are developed using double-blind coding and sound procedures for the evaluation of their data. These empirical results offer evidence of violations of religious freedom or alternatively a religiously free environment.

Freedom of religion or belief does not have an eternal meaning. While some versions of it may be sought after in various centuries and across societies (most people do not want to be oppressed, tortured, or killed because of their beliefs), what freedom of religion or belief means has evolved over time. Article 18 of the UN Declaration of Human Rights (or in the ICCPR) articulates a universal goal or norm pronounced at a specific moment (mid-20th century). However, the instantiation (or actualization) of that right will depend on specific historical, social, and economic contexts. The context will be determined by the religious diversity in the society, how different religious groups interact at that moment, and how they have interacted over time. Understanding this reality means that policy proposals, as well as civil society initiatives, cannot be developed without a contextual understanding of the society if they are to succeed. Thus, there is no simple one-size-fits-all approach to this issue. What I do in various chapters is to explore what policies, approaches, and activities (education, civil society, etc.) helped allow individuals the political and social space to hold a set of beliefs freely and engage in activities related to those beliefs in a variety of countries and across religious (and non-religious) traditions.

The historical examples explored in the second chapter demonstrate that religious tolerance is possible in different social and cultural environments. For those who are willing to explore the details, history offers numerous societies that moved beyond religious persecution to religious tolerance and, in some cases, freedom of religion or belief. These cases indicate effective policies and actions that saw backsliding and reversals of religious tolerance. Promoting religious tolerance was often motivated by the perceived benefits that a religious minority could bring to society. These instrumental arguments, either for economic or security reasons, have echoes in contemporary times. One lesson of history is that instrumental arguments for religious tolerance can limit persecution and therefore should be pursued. However, we need to recognize the limitations of instrumental motivations for religious tolerance. Instrumental arguments for religious tolerance did not always result in freedom of religion.

---

Promoting religious freedom in an age of intolerance. While history does not provide easy solutions, comprehending these different approaches would help Washington and human rights activists, civil society organizations, and international organizations, such as the United Nations (UN), to develop meaningful strategies in the future. The point of discussing these historical cases is to demonstrate a universal and timeless desire for, at a minimum, religious tolerance. This desire is not a creation of the West in the 20th century, Western realpolitik, or a form of Western imperialism.67

Chapter 3 explores how states working in multilateral forums and intergovernmental organizations, including the UN, developed norms, legal standards, and policies to further freedom of religion or belief. States codified this human right in Article 18 of the ICCPR (1976). In Europe, the Charter of Fundamental Rights of the European Union (2009) establishes this right in Article 10. Within the UN, the General Assembly 1981 Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion and Belief and Resolution 16/18: Combatting Religious Intolerance (2011) further strengthen the norms concerning religious freedom.

Beyond these norms, international organizations monitor the violation of this right and develop policies to combat religious intolerance. Specific positions created to protect this right include the UN Special Rapporteur on freedom of religion or belief and Special Envoy for the Promotion of Freedom of Religion and Belief outside the EU. This chapter traces the development of these initiatives and analyzes the efficacy of these efforts. It uses Myanmar as a case study. The UN and other international actors used various initiatives to address the plight of Rohingya Muslims. In 2017, Rohingya Muslims fled their homes due to attacks by Buddhist groups with military assistance. Over 700,000 refugees now live in Bangladesh. Thousands died at the hands of the military and Buddhists. While the UN distributed extensive humanitarian assistance to the Rohingya, the perpetrators of these crimes against humanity remain unpunished.

Religious freedom has foreign policy implications. Can a state, through its foreign policy, help a society evolve from religious intolerance to religious tolerance and then to freedom of religion or belief? The next chapter uses the United States to explore the role and impact of foreign policy on the promotion of religious tolerance and freedom of religion or belief. As one of the most powerful states on the world stage (i.e., economic and military power) and with its self-proclaimed belief in human rights, the United States has been an important actor on this issue. While Washington’s rhetoric on human rights, including religious freedom, never matched the reality of its actions, this

67 One aspect of the critical literature on religious freedom argues that promoting religious freedom is a form of Western imperialism. See Mahmood, pp.142–8.
Building religious freedom

should not preclude an evaluation of American foreign policy as it pertains to freedom of religion or belief.

The United States was one of the first states to emphasize this right in its foreign policy and to encourage other states to join in these global efforts. Washington was motivated in the 1990s, and thereafter, by domestic factors, and those factors pushed this religious freedom agenda into the international realm. Washington used its diplomatic tool kit (military, quiet diplomacy, bilateral aid, and economic assistance) to promote this right and to encourage other international actors to do so as well. Washington’s leadership contributed to the development of the Marrakesh Declaration, International Religious Freedom Alliance with 26 states, as well as the Parliamentarians for FoRB. This chapter examines some of the literature on efforts to promote religious freedom. After explaining why scholars such as Hurd and Mahmood are critical of these efforts, I offer a defense of diplomatic efforts to promote this right.

The fifth chapter explores the role that education plays in developing tolerant citizens. This chapter argues that more efforts are needed in education. It analyzes the domestic reforms that contribute to the dissemination of tolerant dispositions throughout a society. When schools teach children to hate and demonize those who are different, what are the consequences? Do societies that teach religious tolerance and respect for religious pluralism experience less social hostility, discrimination, and violence? Can educators help students to develop the skills that are needed to understand and respect different religious and non-religious values and perspectives? This chapter begins by exploring a country with decades of violent extremism and social hostility toward religious minorities. Saudi Arabia failed to develop a religiously tolerant society where all individuals are free to live according to their beliefs. While there are numerous factors that explain the religious persecution in this country, the education system in Saudi Arabia contributes to these problems. I discuss the classroom environment and educational materials used in Saudi classrooms. Given the intolerant lessons taught, educational reform could help to address some of the discrimination that individuals face in Saudi Arabia. Next, this chapter looks at two religiously tolerant societies—Oman and Sweden—to understand how the educational system aids in the development of tolerant citizens. While the educational systems in these countries are not the sole explanation for why there is less religious discrimination and hostility in these societies, neither promotes an intolerant environment.

Chapter 6 discusses the importance of individuals, specifically political leaders, to establish religious tolerance and the development of policies that would enhance freedom of religion or belief. While many democratic political systems established laws and policies to protect the beliefs and practices of religious (and non-religious) individuals and groups, religious tolerance can develop in a society without a democratically elected leader. Some author-
itarian rulers ordered policies to promote religious tolerance because it was deemed essential to enhancing the empire’s security or society’s economic well-being. Regardless of motivation (whether social stability, economic prosperity, improved diplomatic ties, etc.), the perceived social benefits drove the policy, as opposed to a commitment to ethical principles or the fundamental rights and dignity of individuals in society. Can these instrumentally conceived policies for religious tolerance from above by an authoritarian leader last? What happens when an authoritarian or unelected leader decides to embrace religious tolerance? Can these policies evolve into a substantive protection of the right to freedom of religion or belief? The current political reforms in Uzbekistan offer a contemporary case study to explore these questions. This chapter charts the policies undertaken by President Mirziyoyev, as well as the additional changes that need to occur before the fundamental human right of freedom of religion or belief is instantiated in Uzbekistan.

While states are some of the most powerful actors in global affairs, non-state actors also engage in activities that further or limit freedom of religion or belief. Chapter 7 focuses on non-state actors in civil society working to promote religious tolerance and further the right of freedom of religion or belief. Civil society refers to private non-profit organizations, including non-governmental organizations (NGOs), human rights activists, and religious associations, to name a few, that peacefully seek policy changes at the local, national, or international level. Voluntary campaigners who advocate for a cause or attempt to advance specific values constitute civil society. These voluntary associations are motivated by principled ideas, morals, and values. They seek to improve society. These private actors engage in grassroots activities, such as lobbying public officials for political change, educating communities about a social concern, and providing services to a population in need. My approach in this chapter is actor centered. I seek to explain how one NGO, the Institute for Global Engagement (IGE), acts to influence the Vietnamese government and how the Vietnamese government has acted toward religious groups in its territory, as well as how it has responded to IGE’s initiatives. IGE has worked to promote religious freedom for decades and demonstrates why a long-term, sustained commitment is needed to see progress on this human right.

In many countries around the world, the situation of citizens who seek to follow a specific set of beliefs is deplorable. Chapter 8 explores the difficult case of Egypt. In Egypt, Coptic Christians are treated as second-class citizens, while Shiites and other non-Sunni Muslims face legal discrimination from the government and social hostility from other Egyptians. What can be done in these societies where individuals have been killed for who they are and what they believe? This chapter applies the architecture and building blocks developed in previous chapters concerning educational reform, political leadership initiatives, and civil society organizations to this context to address what is
necessary for Egypt to make progress on this fundamental right. It uses the
diplomatic efforts and political reforms previously discussed to analyze how
a comprehensive and multilayered approach could lead to improvements for
Egyptians.

The conclusion emphasizes the following points. First, there is no one,
simple guaranteed path to the development of freedom of religion or belief.
The evolution from an intolerant society to a tolerant one that eventually
protects the fundamental right of freedom of religion or belief will be based
on environmental factors in the host society (demographic, cultural, and his-
torical) and policy choices by political leaders. The diversity and dispositions
of the population and the decisions made by political leaders will create the
conditions for an oppressive society that lacks freedom or a rights-based one
where religious freedom is guaranteed. Second, understanding the diverse
paths that various societies took to achieve religious tolerance or religious
freedom can guide policy choices in the future. The past does not offer a teleo-
logical approach to policy, but it can indicate some warning signs and policies
that are worth pursuing. Third, instrumental arguments for religious tolerance
and the policies based on them have limitations. They often do not lead to
a long-lasting religious tolerance or freedom of religion or belief. A long-term
strategy that combines international efforts, national reforms, and civil society
has the greatest chance of success. Through improvements in the educational
system focusing on teaching tolerant dispositions and respect for equality for
others, and through civil discourse and the promotion of norms that respect
rights via civil society, people can learn that religious freedom is a basic right
of all members of society. Patient policies developed by national leaders and
encouraged by international actors are needed, because many societies will
take decades to move from religious intolerance to religious tolerance and
ultimately to freedom of religion or belief.