Report of the Georgetown Symposium on Religion in American Public Life
March 1, 2011

Supported by the Henry R. Luce Initiative on Religion and International Affairs
About the Berkley Center for Religion, Peace & World Affairs

The Berkley Center for Religion, Peace, and World Affairs, created within the Office of the President in March 2006, is part of a university-wide effort to build knowledge about religion’s role in world affairs and promote interreligious understanding in the service of peace. The Center explores the intersection of religion with contemporary global challenges of war and peace, democracy and development, and economic and social development. Thomas Banchoff, Associate Professor in the Department of Government and the School of Foreign Service, is the Center’s founding director.

About the LUCE/SFS Program on Religion and International Affairs

The Luce/SFS Program on Religion and International Affairs has been exploring the intersection of faith, world politics, and diplomacy since September 2006. A collaboration between the Henry Luce Foundation, the Edmund A. Walsh School of Foreign Service (SFS) and the Berkley Center for Religion, Peace & World Affairs at Georgetown University, the Luce/SFS Program initially focused on two issue areas: Religion and Global Development and Religion and U.S. Foreign Policy. A follow-on award from the Luce Foundation in November 2008 has enabled the continued growth of both program areas and the addition of two more: Government Outreach and an online Religion and International Affairs Network.
Introduction

Is the dominant American approach to religion, society, and the state worthy of emulation in other countries? The question is not only academic, it has policy implications both for the American future and for U.S. efforts to promote religious freedom and democracy worldwide. It intersects with global controversies about international norms, national self-determination, proselytism, and the rights of religious communities.

To better understand these and related issues, on March 1, 2011 Georgetown University brought together leading scholars and practitioners to discuss these issues. Three panels examined a variety of critical questions from the perspective of Judaism, Islam, and Christianity, including: What is the proper role of religious ideas and actors in the political life of the nation? May religious individuals or religious communities make explicitly religious arguments, or religiously informed moral arguments, for laws and policies? Is the dominant American approach to religion, politics, and society worthy of emulation in other countries? What are the implications for U.S. foreign policy around issues of international religious freedom and proselytism?

The conference keynote speaker was Archbishop Charles Chaput of Denver, Colorado who discussed the promise of the American approach to religion’s place in the public sphere as well as challenges that the U.S. faces in its foreign policies, particularly with regard to international religious freedom. Other symposium speakers represented academia, the Council on Foreign Relations, and major faith groups.

The symposium was sponsored by the Georgetown University’s Berkley Center for Religion, Peace, and World Affairs and Edmund A. Walsh School of Foreign Service and made possible through the generous support of the Henry R. Luce Foundation’s Initiative on Religion and International Affairs. This event was the last in a three-year series of Luce-funded events on religion in contemporary world affairs; a listing of those events and sponsored publications can be found at the end of this report.
Program

9:00 am: Welcome
  Thomas F. Farr, Senior Fellow, The Berkley Center for Religion, Peace, & World Affairs

9:15-10:30 am: The Jewish Experience
  Panelists: Marshall J. Breger, Professor of Law at the Columbus School of Law, The Catholic University of America
  Randi L. Rashkover, Assistant Professor, Religious Studies Department, George Mason University
  Rabbi David Saperstein, Director and Counsel, Religious Action Center of Reform Judaism
  Moderator: Katherine Marshall, Senior Fellow, The Berkley Center for Religion, Peace, & World Affairs

10:45 am-noon: The Muslim Experience
  Panelists: Ed Husain, Senior Fellow, Council on Foreign Relations
  Imam Feisal Abdul Rauf, Founder and Chairman of the Cordoba Initiative
  Asma Uddin, International Legal Fellow, The Becket Fund for Religious Liberty
  Moderator: Thomas Banchoff, Director, The Berkley Center for Religion, Peace, & World Affairs

12:15-1:15 pm: Lunch and Keynote Address
  Archbishop Charles Chaput, Denver, Colorado

1:30-2:45 pm: The Christian Experience
  Panelists: Jerry Rankin, President Emeritus, International Mission Board of the Southern Baptist Convention
  Jim Wallis, President and Chief Executive Officer, Sojourners
  John Witte, Jr., Jonas Robitscher Professor of Law and Director of the Center for the Study of Law and Religion, Emory University
  Moderator: Eric Patterson, Associate Director, The Berkley Center for Religion, Peace, & World Affairs
What is the proper role of religious ideas and actors in the political life of the nation? May religious individuals or religious communities make explicitly religious arguments, or religiously informed moral arguments, for laws and policies? Is there a distinctly Jewish perspective on these issues?

David Saperstein
The role of religion in American public life is to allow for institutions that fulfill the spiritual lives of its citizens by acts of their personal choice and, in regards to the nation, to act as a source of moral inspiration to America. Religious organizations and individuals with religious beliefs have a constitutional right to raise religious arguments for public policy issues. When it is healthy for democracy or religion to do so, however depends on context. Two key issues limit the prospects of such exercises. First, no one has a right to impose their religious practices or beliefs on others using government power.

Randi Rashkover
A close look at this question reveals two significant and troubling assumptions namely: 1) religion’s role within the public square requires constraint or delimitation and 2) it is the state or the “public” that determines what constraints or role religion ought to have. Still, within these two assumptions are two additional and equally troubling assumptions: 1) religions are irrational or incapable of de-limiting themselves [the standards of rational debate must be externally derived] and 2) the state’s authority trumps that of religious institutions or beliefs. Regardless of whether or not there is a way to understand “religious freedom” within such a construct, what is clear is the extent to which such a position is problematic for religious believers in general and Jews in particular.

Of course, I am not the first to expose the negative assumptions.
about religion at work in the question regarding its role in the political or public sphere. I have argued frequently in favor of such a Jewish critique on the following grounds: 1) Judaism is an inherently self-delimiting tradition which does not require external determinants for rational participation in a pluralist setting and 2) Jews should not be asked to subordinate their acknowledgement of God’s authority to the authority and determination of the function of their tradition by the state. Jewish participation in the public square can and should emerge from the standards and self-regulating procedures of the Jewish tradition itself. Such an account mirrors a second interpretation of the Religion Clause whereby provision 2 (the free exercise of religion) determines provision 1 (the disestablishment of religion by Congress).

Marshall Breger

For the present, American Jews are comfortable with the separation of church and state although there is significant disagreement in the community as to how high the wall. Groups like the Anti-Defamation League and the American Jewish Committee believe that the higher the wall the better, such that any state support of religion is inappropriate. Others, often Orthodox, would accept government support for welfare goods that coincidentally promote religion. A small few are prepared to support government activity that endorses religion or religiousness as long as it is the generic kind.

The school voucher issue serves us good examples of this divide with Reform Jews opposing vouchers and Orthodox Jews generally supporting it. As the Supreme Court has stated, vouchers are acceptable when they are truly voluntary and when they are used for welfare goods that do not in themselves endorse religion. I would follow that view noting the Supreme Court’s concern that there be “true choice.”

…There is no reason why one should not make explicitly religious arguments (let alone religiously informed arguments). The problem is that in so doing you appeal only to your co-religionists. Religious language is, as Wittgenstein would point out, an incommensurate private language available only to initiates. That is why, like Rawls, I believe that arguments in the public sphere should rely on “public reason,” thus appealing to believers and nonbelievers alike. There is, of course, no reason, why religious based arguments cannot be articulated in terms of “public reason;” natural law arguments are an example.

The deeper problem relates to “religious communities” claiming religious authority to order their adherents to vote a certain way. You cannot prevent that in a democracy (or in a religious hierarchy), but a word of advice- prudentially it would be wise for the religious authorities to be certain that they command a majority of the polity before they rely on religious authority (and indeed even if they believe they command a majority they would be wise to consider the level of divisiveness in the polity they may create) to enforce their views on political actors.

The reason the majority of American opposed a Catholic president until the 1960’s was that they feared that such a president would take orders from Rome. They did not want to vote for a politician who would vote a certain way because he or she would be threatened with excommunication. The Bishops should be careful that what some consider their present approach toward denying communion to politicians who support choice does not reawaken those concerns.

There is an additional problem related to the definition of the scope of religious activities. Does the Catholic Church have anything to say religiously about the question of whether one or two hours in high school should be allocated to composition or to math? Are they concerned religiously with the broad outlines of a highway construction policy? … [Likewise] if Jewish law deals with every political (let alone personal) decision then the range of activities where one can be “instructed” as to proper conduct (and a proper vote) is significantly expanded…A similar set of issues can be seen in the understanding of the proper role of clerical leadership in Shia countries (e.g. Iran’s Ayatollah Ruhalla Khomeini). For many reasons I consider this kind of extension of religious rulings into every single sector of life’s vagaries to be problematic.

Does the American system encompass a right of faith-affiliated organizations to hire only their co-religionists?
The hardest public policy debates are those that put valid moral principles in tension with each other. On the one hand, religious institutions have a right to hire people who affirm and represent the religious identity of the organization and uphold its tenets. No one should have a right to discriminate using tax dollars. On the other, the notion that I might pay tax dollars to the government to hire someone for a secular program that do not require employees of specific faith, they can take government funding. Such “employee specific approach” or “program specific approach” strikes the right balance between these two valid principles.

Should conscientious religious objections to providing contraceptives or performing abortions be accommodated in law and policy, such as the health care law passed by Congress last year? If so, why? If not, why not?

Marshall Breger

The question of a “right of conscience” for health care professionals or public employees is somewhat more complex. I believe that the right of conscience should be accorded to the extent that it does not unduly interfere with a public employee’s professional or statutory duties. While I believe in “conscience” regulations I do not see how in a democracy they can be absolute. Thus, I would accommodate a pharmacist who thought that prescribing the “morning after” pill is immoral as long as a) other pharmacies are available to provide the pill and b) the “conscience” pharmacist provides real-time information as to where other pharmacies are available. If that kind of accommodation was considered complicity with evil, I believe the pharmacist should consider another profession. But otherwise, as long as the “morning after” pill is legal, conscientious objectors with a state license cannot prevent an individual from securing one. That is the nature of a democracy. To the extent possible, however, the objectors’ moral views should be accommodated.

One of my colleagues when I taught at the University of Texas law school was a civil rights lawyer who was a faithful Catholic. He did not want his county tax funds to pay for abortions in the county public hospital. His solution was exit; he moved to an adjoining county — a rural county that did not have a public hospital. Thus, he did not participate in supporting a practice he viewed as evil, but did not prevent other persons from engaging in otherwise legal activity. Albert Hirschman’s 1970 book Exit, Voice and Loyalty talks of such “exits,” as well as “voice.” Staying in an institution and trying to change it. That is certainly an acceptable approach as long as one remembers that until your voice becomes a majority voice, you cannot impede a sinner from engaging in otherwise legal (if sinful) activity.

There is, I think, a difference between the right not to be forced...
to violate your conscience and your right to practice a profession where you may have a legal duty to facilitate activity by others that you consider sinful. At a minimum one should not easily conflate those two situations.

We have seen a similar problem in Israel where some religious soldiers have religious objections to removing settlers from the occupied territories. While the IDF tries as a practical matter to accommodate the objectors, as a matter of principle it takes the problem that a soldier cannot refuse orders even for reasons of religious conscience (or at least selective objection, the IDF recognizes conscientious objection). The issue seems clear. If every soldier can choose what he will and will not do, one won’t have an army (or at least, would only have an army that could act when there is almost unanimous consensus). And if you have doctors who decide what legal treatments they will provide or not provide, the democratic process is undercut.

David Saperstein

As noted previously, the hardest public policy debates are those that pit valid moral principles against one other. Regarding conscientious objection, this pits the rights of employees and licensed professionals and entities such pharmacies and hospitals not to have to engage in activities that violate their religious conscience against the rights of patients and customers to obtain medical care for any and all conditions and to have access to all medicines needed to treat their conditions. If the entity provides the service but an employee objects, the right balance between these two principles is to allow a provider to find an alternative staff person to provide the service in a timely accessible manner. Where that is not possible, the services should be provided even over the objection of that staffer. However, if this involves an institution that objects to providing that service, greater leeway should be accorded the institution to not provide such services. This balancing act of interests allows the patient to know where they can count on having their needs provided.

On balance, is the dominant American approach to religion, society, and the state, freedom of belief and the freedom to engage society and politics on the basis of that belief? Worthy of emulation in other countries? What are the implications for U.S. foreign policy around issues of international religious freedom and proselytism?

Randi Rashkover

For centuries Jews either celebrated or sought what they took to be the marriage between Judaism and America. Undoubtedly, Jews have benefited from life in the United States. But Jewish success in America has come at a price and consequently the American model of freedom of religion offers a useful model for Jews under certain conditions. Too easily Jews have subordinated their traditional and theological commitment to either an unreflective support of American nationalism on the one hand or the pursuit of what Michael Walzer refers to as “meat and potato multiculturalism” — the drive to secure material interests on the other hand. A reversal of the analysis concerning religion’s proper place in the public square whereby religious traditions determine the extent and condition of their participation in the public square is important for a legitimate recognition of what it means to promote freedom of religion in general and to protect the integrity of Jewish American life in particular.

David Saperstein

The bedrock principles inherent in the American scheme of religious protections in our Constitution are three fold. First the right of people to worship and live their religious lives in accordance with their conscience. Second, that no one’s rights or opportunities as a citizen should depend on their religious, beliefs, religious identity, or religious practices. And third, ensuring that government will not be controlled by religion and religion will be autonomous from government control.

These goals are worthy of being emulated in every country, representing as they do core fundamental human rights as enshrined in international human rights accords. But the means to those ends can be achieved in ways other than ours. In the U.S., the constitutional ban on the religious test for office, the guarantee of free exercise and the ban on any law even respecting the establishment of
religion has served our purposes well. Formal separation of church and state works well here in part because of long tradition, in part because of the unique religious (and ethnic) diversity of population by minimizing religious competition over who will get government money and who won’t; whose prayer will be said by government officials and who won’t; whose religious symbols will be displayed by the government and whose won’t. But these goals can be fulfilled in other countries even where there are government funded, government preferred or established religion. But it is much harder and more vigorous government vigilance and monitoring is necessary to be sure the core goals are protected.

Pursuing religious freedom in our foreign policy is one of the highest moral and strategic interests for the U.S. It represents a fundamental human right that in American history we recognized as the first freedom, intrinsically connected with the freedom of conscience on which all other freedoms rest. In nations that cherish and protect religious freedom, democracy and other freedoms flourish. And democratic countries that protect freedom are more stable and more likely to support countries like ours that similarly cherish fundamental rights. America’s strategic interests and moral values are entwined in our efforts to enhance religious freedom internationally and we must raise this to a major priority in our foreign policy.

Marshall Breger

There is no doubt that the dominant American approach to church and state issues is worthy of emulation by other countries. Nonetheless, we must be realistic. For large portions of the globe the notion of separating church and state is something they cannot begin to understand. To insist on a social theory that is totally alien to a society is self-defeating in the extreme. Thus I believe Noah Feldman was correct in trying to create a Constitution for Iraq that encompassed Islamic elements. As we know, the Coalition Provisional Authority first demanded a secular Constitution (à la 1787 Philadelphia) (ignoring Feldman’s advice) but then had to allow the Iraqis to adopt many Islamic principles under the pressure of the “real world.”

While I believe it is a canard to assert that Islam is inimical to democracy, (indeed, one well known Grand Ayatollah told me in an audience in Qum — there is no Islam without democracy). I appreciate that accepting Islamic approaches to social order may raise issues in religious freedom. As the question correctly notes, both conversion and proselytism raise problems for Islamic (and Jewish) societies…

In my discussions with Iranians, I find that the principle of universal human rights raises problems but the notion of human dignity does not. This is particularly true when one speaks of women's dignity as a way of capturing what we in the Western world call women's rights. My point is that a religious based society need not necessarily be a society that completely ignores religious freedom. But you have to engage it on its own vocabulary and values.

Even conversion — the most difficult aspect of religious freedom — can often be accommodated in religions that do not easily accept the principle. The Malaysian High Court, for example, points out that some Muslims can be seekers — looking for a new way of expressing this faith and that they should not be forbidden from doing so. The proselytizer, however, is imposing his views on many persons other than the seeker and therefore is, so the Malaysian court argues, is disordering society. Israel allows proselytizing but makes it a crime to offer any inducement of value (eternal life?) to convert.

I am not suggesting that language is infinitely malleable or that one can always solve a problem in a religious tradition by linguistic manipulation. However, there are many ways to “skin a cat.” If one understands the roots of a religious tradition and its morphology it is often possible to identify approaches within that religious tradition that respond to the human or social “need” that one is concerned with…

All this suggests that U.S. international religious freedom policy should be nuanced. One should seek out authentic Muslim leaders who hold moderate views rather than, as we so often do, promoting Muslim “leaders” who have marginal constituencies, if any. And we should seek out examples of religious freedom in Muslim texts and historical experience rather than “preach” religious freedom to them. And we have to more accurately understand what is happening on the ground. In some countries the pressure on the government to “do something” about proselytization comes not from the mosques but from the “recognized” Christian churches who fear that evangelical Christians will poach their flock. Again we have to understand foreign societies before we provide them with American solutions to their problems.
What is the proper role of religious ideas and actors in the political life of the nation? May religious individuals or religious communities make explicitly religious arguments, or religiously informed moral arguments, for laws and policies? Is there a distinctly Muslim perspective on these issues?

Asma Uddin
As an initial matter, the question itself implies a false assumption — those who offer religious ideas do not need to justify their position; those who would exclude religious ideas and people from public discourse do need to justify theirs.

Regardless of the baseline assumptions, religious ideas and actors have always rightfully had a very prominent role within the political life of the nation — from the colonial settlement, the Revolution, the abolition movement, to the civil rights movement, religious people and ideas have played a fundamental and positive role within the American polity. Take for example Lincoln’s Second Inaugural Address; carved into the side of the Lincoln Memorial, it is both a deeply religiously-inflected speech and one of the greatest pieces of American oratory ever. There are thus no limits, nor should there be, to the arguments religious people offer in public discourse.

However, to say that there are no limits on such arguments is not to say that these are always the best arguments to use in public discourse. Like other ideas in the intellectual free marketplace, religious ideas must be persuasive in order to be effective. To that end, explicitly religious arguments, or religiously informed moral arguments, may be unpersuasive to many, especially in an increasingly religiously diverse society. In order to be truly persuasive, religious people need to engage those who do not share their beliefs.

Ed Husain
Muslims have been contesting the role of religious ideas and actors in political life for nearly a millennium. With the advent of secular democracy in the West, and its increasing impact on the Muslim East, the role of sharia-informed ideas in Muslim-majority states remains contentious. Fortunately, there is no one sharia or singular interpretation of Islam that can be considered “proper,” and therefore legitimate to uphold in legal and policy debates. Muslims, like others, can cite scriptural justifications for a host of specific scientific, economic and foreign policy positions.

Moving away from specifics, the Sunni Muslim ulama (traditional scholars) have bequeathed to us a credible, scripturally-rooted, and relevant approach to understanding the role of sharia in political life. The great Imam al-Juwayni (d.1085) wrote extensively about the maqasid, or the aims of the sharia. The specifics were left to each society, but the general principles of the aims of sharia were the five maqasid. Imam al-Shatibi (d.1388) categorized these five aims to be the preservation of religion, life, lineage, intellect and property.

Contemporary Muslim ulama such as Shaikh Abdullah bin...
Bayyah argue that any society that protects religion, life, lineage, intellect and property is, essentially, an Islamic society. The specifics of religious rulings on abortion or stem cell research can be understood from the maqasid, with a clear priority for preserving human life where there is scientific evidence that human life has begun. The Prophet Mohamed taught us that “you know best about the affairs of this world”—an indication to Muslims that on all matters worldly, we refer to the relevant experts, but within the framework of the broad maqasid.

Imam Feisal Rauf

Religious ideas were part of the American Declaration of Independence: the notion that “we hold certain truths to be self-evident, that all men are created equal, endowed by the Creator with certain unalienable rights,” and the reference to a “Providential God,” demonstrate that the founders believed in a God who established the “laws of nature and of Nature’s God.” In a democracy, people will vote their positions on issues like foreign policy, economic policy, gay marriage, embryonic stem cell research, on the basis of their beliefs. Our beliefs are based on any number of sources or reasons, and certainly religion and religious arguments constitute and contribute our positions.

Does the American system encompass a right of faith-affiliated organizations to hire only their co-religionists?

Asma Uddin

The American system encompasses a right of faith-affiliated organizations to hire only their own co-religionists. This protection is in fact central to the rights of expressive and religious association. As the U.S. Supreme Court stated in Roberts v. United States Jaycees, 468 U.S. 609, 623 (1984), government violates an organization’s right to expressive association if it tries “to interfere with the internal organization or affairs of the group,” and “[t]here can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members that it does not desire.”

The right of religious association is separate from that of expressive association; it may not offer greater protection than the right of expressive association, but it offers different protection. The right to religious association is based not on the right of free speech but on the free exercise of religion, which prevents government interference with religious questions. Religious organizations are afforded a great degree of autonomy in how they run their internal affairs, including the selection of individuals to perform religious functions. This right to religious association is especially important for religious minorities, such as Muslims, Sikhs, Hindus, etc., who may not have as much political clout or whose internal workings are less familiar to American judges.

Should conscientious religious objections to providing contraceptives or performing abortions be accommodated in law and policy, such as the health care law passed by Congress last year?

Ed Husain

Respect for conscientious religious objections is essential to any society based on human dignity, rights, freedom, and the rule of law. In principle, therefore, religious objections merit “opt out” situations in public life, but the seriousness of the objection should determine the validity of exercising this human right. This is a difficult area of law and policy to navigate, but in line with maqasid approaches to understanding sharia the preservation of life is the foundational principle on which religion, intellect, property and lineage are based.

A conservative Catholic medical practitioner, it seems to me, is fully within their human and religious rights to refuse work in, or support the work, of an abortion facility in a major public hospital. Similarly, a Jehovah’s Witness may refuse to serve in the armed forces, even during national conscription or war time. Indeed, many Witnesses were imprisoned in Nazi Germany for refusing to bear arms for principled, religious reasons.

But what then of the Muslim taxi driver in London who refuses a blind man’s guide dog to enter a cab and then claims conscientious religious objection (on the religious grounds that he considers dogs to be impure)? Or Mormons objecting to legal guidance on marriage, and practicing polygamy on the grounds of conscientious objections?

The widespread, and often farcical, use of conscientious
objections can undermine the rule of law. This is a delicate and sensitive area of law and public policy which can only be responded to based on the appropriate context. The guiding principle for many Muslims, at least, is the maqasid foundation of the seriousness of the claim to religious objections, and whether it saves lives, and prevents injustice occurring in society. Muslim ulama or jurists refer to the assessment process as maslaha, or public benefit.

Asma Uddin

As for conscientious religious objections to providing contraceptives or performing abortions — yes, they should be accommodated. In 1973 Congress enacted the first “Church Amendment,” providing significant protections for the right of conscience in the health care context. That amendment forbids the government from conditioning the receipt of federal funds on the requirement that health care professionals or institutions, “perform or assist in the performance of any sterilization procedure or abortion” if such actions “would be contrary to [their] religious beliefs or moral convictions.” Federal law also extends the right of conscience beyond the issues of sterilization and abortion; one statute prohibits the recipients of certain federal research funds from taking adverse employment action against any health care practitioner who conscientiously refuses to perform or assist in “any lawful health service or research activity.” 42 U.S.C. § 300a-7(c)(2). This protection for the right of conscience should be similarly extended to religious objections to providing contraceptives because the First Amendment demands such broad protection, and because it fits with the best traditions of American government.

Imam Feisal Rauf

For certain positions that require co-religionists, such as religious functions, then it is appropriate to hire only co-religionists; otherwise it should be open to all faiths. Laws on issues such as providing contraceptives and performing abortions should be a function of the beliefs of the people. Those who want it given to their faith community should have that freedom; those who do not may limit what is given to those who share their beliefs, but not to enforce their beliefs upon others who don’t share their values.

On balance, is the dominant American approach to religion, society, and the state, freedom of belief and the freedom to engage society and politics on the basis of that belief—worthy of emulation in other countries? What are the implications for U.S. foreign policy around issues of international religious freedom and proselytism?

Asma Uddin

The American model has many aspects worthy of emulation, such as its embrace of diversity and the strong constitutional tradition of protecting religious minorities. One example of this dual protection is the space it provides for private religious arbitration, as long as the religious law does not run contrary to American law. American jurisprudence also has broad free speech protections, including broad protections for religious speech, which is essential to the evolution of religious thought and the full and free practice of one’s faith.

On the flip side, there are parts of the American approach that are not worthy of emulation. Modern interpretations of the Establishment Clause have created a conflict between church and state that is for the most part unnecessary. Such interpretations have at times led to the removal of religious symbols from the public square and even compelled employers wary of litigation — albeit inaccurately — to forbid the use of religion-specific greetings, such as “Merry Christmas,” in the workplace. Also not worthy of emulation is the use of certain religious terms, such as “sharia,” as a bogeyman in American political discourse.

U.S. foreign policy should not appeal to the U.S. experience as in some way normative — especially since the varieties of religious experience in different nations span an incredibly broad spectrum — but should instead invoke agreed international human rights standards like those in the Universal Declaration of Human Rights that are not tied to any one
nation’s traditions. Of course, many of these standards are in line with the American approach, in that they protect broad religious freedom and free speech rights, including, among other things, the right to interpret one’s religion free from government coercion, the right to proselytize to others, and the right to convert to another religion.

Whether religious freedom is in the U.S. national interest is a separate question, but easily answered. It is, because religious freedom is essential to democratic and liberal values, and the more respect there is worldwide for human rights and democratic values, the better it is for the moral, political, and economic interests of the U.S.

Imam Feisal Rauf
In some instances the American approach to religion, society and the state is worthy of emulation; in some other instances other (Western) countries have developed better structures that the even the U.S. could well emulate. Religious freedom is indeed a universal right and as a Muslim I am convinced that the Quran, the teachings of our Prophet Muhammad and Islamic law all emphasize this right. U.S. foreign policy should advance international religious freedom and should prosecute this in Muslim world nations by utilizing this understanding from Islamic law.

Ed Husain
With revolutionary uprisings across the Arab world, the dominant American approach to religion, society and the state is a gift to future Muslim writers of state constitutions — provided we do not see an increase in continued hostility towards places of Muslim worship in America. Arab states such as Tunisia and Turkey emulated the extreme secularism of France, only to be frustrated by the mismatch of peoples, cultures, history and religion. Britain offered a compromise, with an established church within a less rigorously secular state. But the decline of religiosity in public discourse in Britain, and by extension Europe, makes European models unappealing for tomorrow’s Muslim state crafters.

Uniquely in the West, it is America that has a pluralist model in which religious freedom is cherished, and God remains, ostensibly at least, central to personal and public life. The establishment clause, in one stroke, undermines the raison d’être of … political Islamists of all hues. They are compelled to moderate, and move away from their grand project of “establishing Islam” to advancing arguments and engaging with the state on policy and law, not imposing an Islamist interpretation of sharia. While that is a welcome contribution to Muslim-majority societies, religious freedom and prosely-
A friend once said — I think shrewdly — that if people want to understand the United States, they need to read two documents. Neither one is the Declaration of Independence. Neither one is the Constitution. In fact, neither one has anything obviously to do with politics. The first document is John Bunyan’s *The Pilgrim’s Progress*. The second is Nathaniel Hawthorne’s *The Celestial Railroad*.

Bunyan’s book is one of history’s great religious allegories. It’s also deeply Christian. It embodies the Puritan, Protestant hunger for God that drove America’s first colonists and shaped the roots of our country.

Hawthorne’s short story, of course, is a very different piece. It’s one of the great satires of American literature. A descendant of Puritans himself, Hawthorne takes Bunyan’s allegory — man’s difficult journey toward heaven — and retells it through the lens of American hypocrisy: our appetite for comfort, easy answers, quick fixes, material success and phony religious piety.

Bunyan and Hawthorne lived on different continents 200 years apart. But the two men did share one thing. Both men — the believer and the skeptic — lived in a world profoundly shaped by Christian thought, faith and language; the same moral space that incubated the United States. And that has implications for our discussion today.

In his World Day of Peace message earlier this year, Pope Benedict XVI voiced his concern over the worldwide prevalence of “persecution, discrimination, terrible acts of violence and religious intolerance.” In reality, we now face a global crisis in religious liberty. As a Catholic bishop, I have a natural concern that Christian minorities in Africa and Asia bear the brunt of today’s religious discrimination and violence. Benedict noted this same fact in his own remarks.

But Christians are not the only victims. Data from the Pew Forum on Religion and Public Life are sobering. Nearly 70 percent of the world’s people now live in nations, regrettably many of them Muslim-majority countries, as well as China and North Korea — where religious freedom is gravely restricted.

Principles that Americans find self-evident — the dignity of the human person, the sanctity of conscience, the separation of political and sacred authority, the distinction between secular and religious law, the idea of a civil society pre-existing and distinct from the state — are not widely shared elsewhere. In fact, as Leszek Kolakowski once said, what seemed self-evident to the American Founders “would appear either patently false or meaningless and superstitious to most of the
great men that keep shaping our political imagination.” We need to ask ourselves why this is the case.

We also need to ask ourselves why we Americans seem to be so complacent about our own freedoms. In fact, nothing guarantees that America’s experiment in religious freedom, as we traditionally know it, will survive here in the United States, let alone serve as a model for other countries in the future. The Constitution is a great achievement in ordered liberty. But it’s just another elegant scrap of paper unless people keep it alive with their convictions and lived witness.

Yet in government, media, academia, in the business community and in the wider culture, many of our leaders no longer seem to regard religious faith as a healthy or a positive social factor. We can sense this in the current administration’s ambivalence toward the widespread violations of religious liberty across the globe. We can see it in the inadequacy or disinterest of many of our news media in reporting on religious freedom issues. And we can see it especially in the indifference of many ordinary American citizens.

In that light, I have four points that I’d like to share with you today. They’re more in the nature of personal thoughts than conclusive arguments. But they emerge from my years as a Commissioner with the U.S. Commission on International Religious Freedom (USCIRF), and I believe they’re true and need to be said. The first three deal with the American experience. The last one deals with whether and how the American experience can apply internationally.

Here’s my first point: The American model of religious liberty is rooted in the thought-world and idea-architecture of the Christian humanist tradition. We cannot understand the framework of American institutions — or the values that these institutions are meant to promote and defend — if we don’t acknowledge that they grow out of a predominantly Christian worldview.

Obviously our laws and public institutions also reflect Jewish scripture, Roman republican thought and practice, and the Enlightenment’s rationalist traditions. But as Crane Brinton once observed with some irony, even “the Enlightenment [itself] is a child of Christianity — which may explain for our Freudian times why the Enlightenment was so hostile to Christianity.”

Whatever it becomes in the future, America was born Protestant. And foreign observers often seem to understand that better than we do. As many of you know, Dietrich Bonhoeffer, the German Lutheran scholar and pastor murdered by the Third Reich, taught for a time in New York City in the 1930s. He came away struck by the differences between the American and French revolutionary traditions, and the Christian character of American ideals. “American democracy,” Bonhoeffer said, “is not founded upon the emancipated man but, quite on the contrary, upon the kingdom of God and the limitation of all earthly powers by the sovereignty of God.”

As Bonhoeffer saw it, the American system of checks and balances, which emphasizes personal responsibility and limited government, reflects fundamental biblical truths about original sin, the appetite for power and human weakness.

Jacques Maritain, the French Catholic scholar who helped draft the U.N.’s charter on human rights, said much the same. He called our Declaration of Independence “an outstanding lay Christian document tinged with the philosophy of the day.”

He also said: “The [American] Founding Fathers were neither metaphysicians nor theologians, but their philosophy of life, and their political philosophy, their notion of natural law and human rights, were permeated by concepts worked out by Christian reason and backed up by an unshakeable religious feeling.”

That’s my point. At the heart of the American model of public life is a Christian vision of man, government and God.

Now, I want to be clear about what I’m saying here — and also what I’m not saying.

I’m not saying that America is a Christian nation. Nearly 80 percent of our people self-describe as Christians. And many millions of them actively practice their faith. But we never have been and never will be a Christian confessional state.

I’m also not saying that our Protestant heritage is uniformly good. Some of the results clearly are good: America’s culture of personal opportunity; respect for the individual; a tradition of religious liberty and freedom of speech; and a reverence for the law. Other effects of Reformation theology have been less happy: radical individualism; revivalist politics; a Calvinist hunger for material success as proof of salvation; an ugly nativist and anti-Catholic streak; a tendency toward intellectual shallowness and disinterest in matters of creed; and a nearly religious, and sometimes dangerous, sense of national destiny and redemptive mission.

None of these sins however — and yes, some of our nation’s
sins have led to very bitter suffering both here and abroad — takes away from the genius of the American model. This model has given us a free, open and non-sectarian society marked by an astonishing variety of cultural and religious expressions. But our system’s success does not result from the procedural mechanisms our Founders put in place. Our system works precisely because of the moral assumptions that undergird it. And those moral assumptions have a religious grounding.

That brings me to my second point: At the heart of the American model of religious liberty is a Christian vision of the sanctity and destiny of the human person.

The great Jesuit scholar, Father John Courtney Murray, stressed that: “The American Bill of Rights is not a piece of 18th-century rationalist theory; it is far more the product of Christian history. Behind it one can see, not the philosophy of the Enlightenment, but the older philosophy that had been the matrix of the common law. The ‘man’ whose rights are guaranteed in the face of law and government is, whether he knows it or not, the Christian man, who had learned to know his own dignity in the school of Christian faith.”

I believe that’s true. It’s a crucial insight. And it’s confirmed by other scholarship, including Har- old Berman’s outstanding work in the history of Western law, and his study of religious liberty and America’s founding. My point here is that the institutions and laws in what we call the “Western world” presume a Christian anthropology; a Christian definition of the meaning of life. In the American model, the human person is not a product of nature or evolution. He is not a creature of the state or the economy. Nor, for that matter, is he the slave of an impersonal heaven. Man is first and fundamentally a religious being with intrinsic worth, a free will and inalienable rights. He is created in the image of God, by God and for God. Because we are born for God, we belong to God. And any claims that Caesar may make on us, while important, are secondary.

In the vision of America’s Founders, God endows each of us with spiritual freedom and inherent rights so that we can fulfill our duties toward him and each other. Our rights come from God, not from the state. Government is justified only insofar as it secures those natural rights, promotes them and defends them. And this is not just the curious view of some religious shaman. Nearly all the men who drew up our founding documents held this same belief. Note what James Madison said in his “Memorial and Remonstrance against Religious Assessments” in 1785:

“[Man’s duty of honoring God] is precedent both in order of time and degree of obligation to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the universe.”

That is why religious freedom is humanity’s first and most important freedom. Our first governor is God, our Creator, the Governor of the universe. We are created for a religious purpose. We have a religious destiny. Our right to pursue this destiny precedes the state. Any attempt to suppress our right to worship, preach, teach, practice, organize and peacefully engage society because of our belief in God is an attack not only on the cornerstone of human dignity, but also on the identity of the American experiment.

I want to add one more thing here: The men who bequeathed us the American system, including the many Christians among them, had a legion of blind spots. Some of those flaws were brutally ugly — slavery, exploitation of the Native peoples, greed, and ethnic and religious bigotry, including a crude anti-Catholicism that remains the most vivid religious prejudice this country has ever indulged.

But the American logic of a society based on God’s sovereignty and the sanctity of the human person has also proven itself remarkably capable of self-criticism, repentance, reform and renewal.

This brings me to my third point: In the American model,
Religion is more than a private affair between the individual believer and God. Religion is essential to the virtues needed for a free people. Religious groups are expected to make vital contributions to the nation’s social fabric.

For all their differences, America’s Founders agreed that a free people cannot remain free and self-governing without religious faith and the virtues that it fosters. John Adams’ famous words to the Massachusetts militia in 1789 were typical: “Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”

When the Founders talked about religion, they meant something much more demanding and vigorous than the vague “spirituality” in vogue today. Harold Berman showed that the Founders understood religion in a frankly Christian-informed sense. Religion meant “both belief in God and belief in an after-life of reward for virtue, and punishment for sin.”

Archbishop Charles J. Chaput

In other words, religion mattered — personally and socially. It was more than a private preference. It made people live differently. People’s faith was assumed to have broad implications, including the political kind.

From the beginning, believers — alone and in communities — have shaped American history simply by trying to live their faith in the world. As Nathaniel Hawthorne saw so well, too many of us do it badly, with ignorance and hypocrisy. But enough believers in every generation have done it well enough, long enough, to keep the animating spirit of our country’s experiment in ordered liberty alive.

Or to put it another way, the American experience of personal freedom and civil peace is inconceivable without a religious grounding, and a specifically Christian inspiration. What we believe about God shapes what we believe about man. And what we believe about man shapes what we believe about the purpose and proper structure of human society.

The differences among Christian, atheist, Hindu, Jewish and Muslim thought are not “insurmountable. But they are also not “incidental.” Faith, sincerely believed or sincerely refused, has consequences. As a result, theology and anthropology have serious, long term, social and political implications. And papering those differences over with a veneer of secular pieties does not ensure civil peace. It ensures conflict — because religious faith touches on the most fundamental elements of human identity and destiny, and its expression demands a public space.

This brings me to my fourth and final point: I believe that the American model does work and that its principles can and should be adapted by other countries. But with this caveat. The Christian roots of our ideals have implications. It’s impossible to talk honestly about the American model of religious freedom without acknowledging that it is, to a significant degree, the product of Christian-influenced thought. Dropping this model on non-Christian cultures — as our country learned from bitter experience in Iraq — becomes a very dangerous exercise. One of the gravest mistakes of American policy in Iraq was to overestimate the appeal of Washington-style secularity, and to underestimate the power of religious faith in shaping culture and politics.

Nonetheless, I do believe that the values enshrined in the American model touch the human heart universally. We see that in the democracy movements now sweeping the Middle East and North Africa. The desires for freedom and human dignity live in all human beings. These yearnings are not
culturally conditioned, or the result of imposed American or Western ideals. They’re inherent to all of us.

The modern world’s system of international law is founded on this assumption of universal values shared by people of all cultures, ethnicities and religions. The Spanish Dominican priest, Francisco de Vitoria, in the 16th century envisioned something like the United Nations. An international rule of law is possible, he said, because there is a “natural law” inscribed in the heart of every person, a set of values that are universal, objective, and do not change. John Courtney Murray argued in the same way. The natural law tradition presumes that men and women are religious by nature. It presumes that we are born with an innate desire for transcendence and truth.

These assumptions are at the core of the 1948 Universal Declaration of Human Rights. Many of the people who worked on that Declaration, like Jacques Maritain, believed that this charter of international liberty reflected the American experience. Article 18 of the Declaration famously says that “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.”

In a sense, then, the American model has already been applied. What we see today is a repudiation of that model by atheist regimes and secular ideologies, and also unfortunately by militant versions of some non-Christian religions. The global situation is made worse by the inaction of our own national leadership in promoting to the world one of America’s greatest qualities: religious freedom.

This is regrettable because we urgently need an honest discussion on the relationship between Islam and the assumptions of the modern democratic state. In diplomacy and in interreligious dialogue we need to encourage an Islamic public theology that is both faithful to Muslim traditions and also open to liberal norms. Shari’a law is not a solution. Christians living under shari’a uniformly experience it as offensive, discriminatory and a grave violation of their human dignity.

A healthy distinction between the sacred and the secular, between religious law and civil law, is foundational to free societies. Christians, and especially Catholics, have learned the hard way that the marriage of church and state rarely works. For one thing, religion usually ends up the loser, an ornament or house chaplain for Caesar. For another, all theocracies are utopian — and every utopia ends up persecuting or murdering the dissenters who can’t or won’t pay allegiance to its claims of universal bliss.

I began this talk with John Bunyan for a reason. To this day his major work — The Pilgrim’s Progress — is the second most widely read book in the Western world, next only to the Bible. But the same Puritan spirit that created such beauty and genius in Bunyan also led to Oliver Cromwell, the Salem witch trials and the theocratic repression of other Protestants and, of course, Catholics.

Americans have learned from their own past. The genius of the American founding documents is the balance they achieved in creating a civic life that is non-sectarian and open to all; but also dependent for its survival on the mutual respect of secular and sacred authority. The system works. We should take pride in it as one of the historic contributions this country has made to the moral development of people worldwide. We need to insist that religious freedom — a person’s right to freely worship, preach, teach and practice what he or she believes, including the right to freely change or end one’s religious beliefs under the protection of the law — is a foundation stone of human dignity. No one, whether acting in the name of God or in the name of some political agenda or ideology, has the authority to interfere with that basic human right.

This is the promise of the American model. The Founders of this country, most of them Christian, sought no privileges for their kind. They would not force others to believe what they believed. Heretics would not be punished. They knew that the freedom to believe must include the freedom to change one’s beliefs or to stop believing altogether. Our Founders did not lack conviction. Just the opposite. They had enormous confidence in the power of their own reason — but also in the sovereignty of God and God’s care for the destiny of every soul.

America was born, in James Madison’s words, to be “an asylum to the persecuted and oppressed of every nation and religion.” Right now in America, we’re not acting like we revere that legacy, or want to share it, or even really understand it.

And I think we may awake one day to see that as a tragedy for ourselves, and too many others to count.
What is the proper role of religious ideas and actors in the political life of the nation? May religious individuals or religious communities make explicitly religious arguments, or religiously informed moral arguments, for laws and policies? Is there a distinctly Christian perspective on these issues?

Jim Wallis
The purpose of faith communities is not simply to comfort the believers, but to offer a moral compass for society and to transform the world. However, that goal must always be accomplished in ways that respect both religious liberty and pluralistic democracy. It is possible to express moral convictions about public policy, even rooted in faith while still respecting the religious diversity of American society.

Religiously motivated citizens bring their faith into the public square when their moral convictions demand it. But to influence a democratic society, people of faith must win the public debate about why the policies they advocate are better for the common good, not just for religious people. That is the democratic discipline that religion has to adhere to when it brings its beliefs into the public square. Martin Luther King Jr. never said he and his movement got to “win” because they were Christian or Judeo-Christian. He knew they had to convince the American people that a civil rights law and a voting rights act were good for the country and for all Americans.

Religious people should be invited to participate as citizens who have the right and the obligation to bring their deepest moral convictions to the public square for the democratic discourse on the most important values and directions that will shape our society. In this regard, faith is also personal, but never private.

John Witte, Jr.
Many of us grew up with the school boy belief that strict separation of church and state was a mandate of the First Amendment establishment clause, and that religion was hermetically and hermeneutically sealed from political discourse and public life. This separationist teaching — while once a staple of some Supreme Court cases and still a mantra of some elite academic opinion — is no longer the law of the land. All religious voices, visions, and values are now welcome to be heard and deliberated in the public square and political process. All peaceable public religious services and activities must be given a chance to come forth and compete.

Unlike a generation ago, no one seated at this table of public deliberation today needs to hide their Bibles, Qurans, or prayer books. No one needs to remove their yarmulkes, headscarves, or crucifixes. No one needs to cover their deep convictions under a patina of purported neutrality. We’re slowly overcoming our allergy to public expression of religion. We’re slowly coming to realize that every serious position on the fundamentals of public and private life — U.S. warfare, marriage reform, bioethics, environmental causes, and more — rests on a set of founding metaphors and starting beliefs that have comparable faith-like qualities. Today, easy claims of neutrality and objectivity in public argument face very strong
But welcoming serious public deliberation by people of faith imposes its own strong demands. It demands that these faith communities develop a clear conceptual bilingualism: the development of a public language that casts deeply held convictions into terms that others, with different faith assumptions and experiences, can understand and accept, even for their own reasons. It demands deep and sincere empathy: learning to appreciate the deep convictions and cardinal practices of the other, even if only by distant analogy; that is the heart of the Golden Rule. It demands long and respectful patience: spending the time to listen and to deliberate to every serious position before rushing to cultural, constitutional, or political judgment. And it demands unswerving commitment of all parties to the first premises of American democracy: that there be religious freedom for all and religious establishment for none.

**Jerry Rankin**  
The United States has taken pride in being a model for democracy in which religious views and practices are respected and protected. This is a valued heritage in that early generations of immigrants and settlers came to the New World seeking religious freedom. Religion, free from government constraints and control, was a foundational principle of our country and society. Yet a strange and unfortunate evolution of tension has emerged between religion and public life in recent years. The appropriate separation of church and state, as guarded by our constitution, has created paranoia toward religious influence resulting in extreme secularization of government and public policy.

Informed opinions based on religious convictions do not violate the Establishment Clause of the First Amendment, but a prohibition on hearing religious views does begin to violate forbidden government interference in religious practice that includes believing and expressing matters of conscience. An attempt to totally remove religion from informing and influencing society and government policy results in an artificial paradigm of laws designed to govern an unrealistic concept of life and community … In denying religious influence in forming public policy we have embraced a humanistic course, removed our moral compass, denied our religious heritage.

John Witte, Jr.
and decimated public policy of the core values that ensure the well-being and prosperity of our society.

Not only does the Christian faith insist on free expression and influence of its values in society and government, it advocates such expression in the context of respecting and hearing relevant positions of any and all religions ... The unwillingness to hear and consider religious voices of conviction leaves us with anemic secular policies irrelevant to real life and society.

**Does the American system encompass a right of faith-affiliated organizations to hire only their co-religionists?**

**Jerry Rankin**

It is absolutely the right of faith-affiliated organizations to hire only their co-religionists. For the government to label as discrimination and demand open hiring in religious-oriented institutions is a blatant interference that violates the Establishment Clause of the First Amendment. To erode a religious organization’s unique distinctive by diluting staff with commonly-held convictions is not only to fail to provide protection of guaranteed freedoms, it makes the state an adversary of religion.

Once again, it is unfortunate that American government has interpreted “religious” as a corporate system of beliefs and practice held in common by a community of adherents, rather than individual convictions and lifestyles based on authoritative spiritual principles, whether based on the Bible, Quran or other religious teachings. Religion is not simply the diverse forms of worship practiced in churches and institutions, but it is centered in a relationship between an individual and one’s concept of the Divine. Whether motivated by efforts to live in accord with divine teachings or to obtain the favor and blessing of God, behavior and actions based on religious values should be respected and protected by government and public policy. Insisting individuals are obligated to violate personal religious convictions in the marketplace is a result of trying to create an unrealistic dichotomy between the sacred and secular...

Granted, an individual, compelled by conscience not to engage in certain practices, should seek employment where one's work is not in conflict with religious convictions; otherwise the individual’s rights may cause economic loss and inefficiency in the workplace. If one has convictions against alcoholic beverages, he should not seek employment as a bartender. But in broader fields such as healthcare, law and policy should not be universal and so pervasive to compel individuals to violate their conscience and religious convictions in order to retain a job in America.

**John Witte, Jr.**

I distinguish between “first order” conflicts that involve an individual’s core claims of conscience or a religious community’s central commandments of the faith and “second order” conflicts that involve more discretionary religious activities or more attenuated religious logic. “First order” conflicts require accommodation as a matter of religious freedom so much as possible; “second order” conflicts often times get resolved in favor of the competing right, especially if it’s a competing fundamental right...

“First order” conflicts of conscience for individuals include requiring a minister to marry a gay couple, a medical doctor to perform an elective abortion, or a pharmacist to deliver contraceptives against their sincere and central beliefs. So long as the couple, patient, or client can reasonably get that service from someone else, the minister, doctor, or pharmacist should have their conscientious objection respected. But a minister can’t refuse to marry a couple because they’re not of the same color, a doctor can’t refuse to attend to a patient because he’s of a different religion, or a pharmacist cannot refuse to fill an allergen because he does not think women should use drugs — U.S. and expect to have that justified on freedom of conscience grounds. That’s just bald racial, religious, and gender discrimination.

“First order” conflicts for religious employers include their right to set the religious qualities and qualifications of their core religious employees. No church needs to hire a rabbi to lead the Eucharist; no synagogue needs to hire an imam to read the Torah... Those “first order” conflicts are relatively easy to resolve. Congress said as much in its amendments to the Civil Rights Act and the Supreme Court said the same in *Amos v. Presiding Bishop* (1987). International human rights
It’s become harder to justify this right, however, when religious discrimination extends to the support staff of a religious organization (e.g. janitor, contracted lawn service). Insisting on a religious identity and practice for full-time members who are part of a regular part of the community of common faith is justifiable. Not so with occasional vendors and service providers. I view these as “second order conflicts.” It’s also not justifiable when religious discrimination becomes a pretext for other types of discrimination — U.S. based on gender, race, culture, or sexual preference.

A third “second order” conflict is when a religious organization is spending the taxpayers’ money, say, in a faith-based initiative program. There, the religious group can still insist on hiring its own co-religionists for core activities, but it must deliver its services to any and all who are entitled to the tax-supported service.

Balancing the protection of individual conscience and the greater common good and/or majority opinion is always a difficult question. Faith-based organizations have a legitimate interest in preserving their religious identity, which is central to both their faithfulness and effectiveness. But, if they receive any public funding, they must not be allowed to practice any kind of discrimination, for example, in their provision of services to any who have need for them.

Religious liberty is one of our most fundamental rights, and central to American democracy. Like most freedoms, however, this right is not absolute. Behavior that is based on religious beliefs that threatens or harms another person should not be protected under the law. For example, most states now have laws that prohibit parents from withholding medical treatment, based on their religious convictions, from a child with a life-threatening condition.

Nonetheless, conflicts involving deeply held matters of individual conscience should almost always be exempted, e.g. objections to participating in abortions, participating in war, etc. These matters of conscience, in many cases, go to the very heart of faith that will not allow a person to make compromises.

On balance, is the dominant American approach to religion, society, and the state, freedom of belief and the freedom to engage society and politics on the basis of that belief worthy of emulation in other countries? What are the implications for U.S. foreign policy around issues of international religious freedom and proselytism?

Jim Wallis
America is not the only nation that values freedom of belief and the freedom to engage society and politics on the basis of that belief. The Universal Declaration of Human Rights, adopted in 1948, proclaimed as a “common standard of achievement for all peoples and all nations:”

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.

While far too often it is not followed, that provision should still be our approach. U.S. foreign policy should vigorously promote religious freedom and freedom from religious persecution, but neither policy nor personnel should engage in religious proselytism.

In addition, our faith traditions should challenge foreign
policy decisions that violate human rights or religious liberty, by choosing narrow national or economic interests instead. In so doing, religion exercises its prophetic vocation.

On the surface, it would be well for other countries to emulate America in the freedom it allows for diverse religions to practice their faith individually and corporately without fear and under full protection of the law. A model of tolerance and respect for people of all faiths is one of the brighter expressions of our democratic society and inherent freedoms. However, the tendency of American government and policy to isolate religion and secularize the rest of society denies the basic nature of religion which brings matters of conscience into all areas of life.

In most nations around the world, religious traditions and belief are totally intertwined with culture. Religion determines values and behavior, social mores, relationships, authority structures, education, diet, and attitudes regarding all aspects of life and death. It appears that our foreign policy fails to take this reality into adequate consideration, filtering cross-culturally challenges and negotiations with other countries through our template of the sacred and secular.

Certainly, we should be proactive in keeping issues of religious freedom on the table of international relations and insisting on respect for this basic foundational right for all. But our own policies of protecting the freedom to worship according to one’s conscience while denying the right of religious expression in the marketplace and public policy is a contradiction of the place of religion in most societies.

Many countries have a huge discrepancy in policy and practice with regard to freedom of religion. While pressure in the global community can be brought to bear to formulate laws like ours that protect the freedom of religion, there is not a lot that can be done to correct practices and government actions contrary to those freedoms. We must understand that the power of long-ingrained tradition and culture is far greater than recently enacted legal systems. Having directed a global humanitarian and mission agency, I can affirm that the perceived threat of “proselytism” is a hollow pretext for restricting religious freedom. While there may be examples of shameful practices of a past colonial era, there is little interest in enticing one to change their adherence from one religion to another, something that is meaningless without a heart-felt conviction of truth.

John Witte, Jr.
While the American approach — U.S. of granting religious freedom to all and religious establishment to none — U.S. has problems at the edges, especially for religious minorities in every generation, it has proved to be a remarkably resilient and successful experiment. And this American experiment has provided one important example of how to implement and institutionalize the universal right to religious freedom and related freedoms.

It is very dangerous, however, to export constitutional norms of one country and expect them to work in another. Constitutions grow out of the soul and soil of a people, and are deeply shaped by each people’s distinct history, experience, and cultural values. American-style religious freedom is hard to apply in places that have not been shaped by the same tradition … Both the robust freedom of religion and religious expression, and the non-establishment of religion values of American constitutional law don’t sit easily in many parts of the world, even in Western Europe with its lingering Catholic, Protestant, Anglican establishments and its deep-seated concerns for hate speech as a step on the slope to xenophobia.

What is easier to export — U.S. and easier to use as a measure of diplomacy — U.S. are the basic religious freedom norms for individuals and groups that are captured in the international bill of rights: the Universal Declaration of Human Rights Article 18, the International Covenant on Civil and Political Rights, Articles 18 and 26, and the like.
Biographies

Marshall J. Breger

Marshall J. Breger is Professor of Law at the Columbus School of Law, The Catholic University of America, and was a senior fellow at the Heritage Foundation until 1995. He served as Solicitor of Labor and Acting Assistant Secretary for Labor Management Standards under President Bush. Breger has served as chairman of the Administrative Conference of the United States, alternate delegate of the U.S. to the U.N. Human Rights Commission in Geneva, and special assistant to President Reagan and his liaison to the Jewish Community. Breger is a contributing columnist to Moment magazine. He writes and speaks on legal issues and has published over 25 law review articles. He has written for Middle East Quarterly, the Washington Post, and the New York Times, and testified over 30 times before the United States Congress. Breger co-authored Jerusalem’s Holy Places and the Peace Process (Washington Institute of Near East Policy, 1998).

Ed Husain

Ed Husain is Senior Fellow at the Council on Foreign Relations. His work focuses on international threats from radicalization, extremism, and terrorism. Previously, Mr. Husain was cofounder and codirector of Quilliam Foundation, the world’s first counter-radicalization think tank. He also served as a language instructor at the British Council in Syria and Saudia Arabia. He has been a frequent commentator for the New York Times, Newsweek, Wall Street Journal, CNN, Fox, NPR, BBC, al-Jazeera, The Times, The Telegraph, The Guardian, The Observer, Prospect, New Statesman, The Independent, and The Jewish Chronicle, among others. He is also the author of The Islamist (Penguin, 2007), a finalist for the George Orwell prize for political writing. His next book will be The Sufis (Penguin, forthcoming in 2012). Mr. Husain has a B.A. in history from the University of North London and an M.A. in Middle East studies from SOAS, University of London.

Randi L. Rashkover

Randi L. Rashkover is an assistant professor in the religious studies department of George Mason University whose areas of interest include Jewish philosophy, Jewish-Christian theological relations, and Jewish feminist thought. She previously taught at the York College of Pennsylvania and holds degrees from Barnard College, Harvard University, and The University of Virginia. Her publications include Revelation and Theopolitics: Barth, Rosenzweig and the Politics of Praise London (2005), Liturgy Time and the Politics of Redemption Grand Rapids, co-edited with C.C. Pecknold (2006), and Tradition in the Public Square: A David Novak Reader (2008), co-edited with Martin Kavka. She has also published articles in the Journal of Jewish Thought and Philosophy, Journal of Religious Ethics, Modern Theology, and Philosophy Today, and is a contributing editor to the journal Cross Currents.
David Saperstein

A lawyer and prominent Reform Jewish community leader, Rabbi David Saperstein is the director of the Religious Action Center of Reform Judaism. He also co-chairs the Coalition to Preserve Religious Liberty and serves on the boards of the NAACP and the People for the American Way. In addition, Saperstein contributes to the Newsweek/Washington Post On Faith blog and teaches seminars on First Amendment church-state law and Jewish law at Georgetown University Law School. From 1999 to 2001, Saperstein served on the U.S. Commission on International Religious Freedom, where he served as the first chairman of the Commission. He was a crucial part of the faith-based movement that brought the International Religious Freedom Act of 1998 (IRFA) into being. In 2009, he was selected by the TED organization to be a member of the Council of Conscience, a group of spiritual leaders selected to draft the Charter for Compassion.

Jim Wallis

Reverend Jim Wallis is a bestselling author, public theologian, speaker, preacher, and international commentator on religion and public life, faith, and politics. Wallis is the President and Chief Executive Officer of Sojourners, a progressive Christian grassroots movement that advocates spirituality and social change in America, and he is the editor-in-chief of Sojourners magazine and a Berkeley Center Research Fellow during fall 2010. He convened Call to Renewal, an interfaith anti-poverty campaign, and has called on all Christians to read Pope Benedict XVI’s encyclical Caritas in Veritate. His latest book is Rediscovering Values: On Wall Street, Main Street, and Your Street — A Moral Compass for the New Economy (2010); His books The Great Awakening: Revisiting Faith & Politics in a Post-Religious Right America (2008) and God’s Politics: Why the Right Gets It Wrong and the Left Doesn’t Get It (2005) were both New York Times bestsellers.

John Witte, Jr.

John Witte, Jr. is the Jonas Robitscher Professor of Law and Director of the Center for the Study of Law and Religion at Emory University. His research focuses on religious liberty, marriage and family law, human rights, and legal history. Witte has directed a number of major projects at the Center related to democracy, human rights, and religious freedom; Christian Jurisprudence; and sex, marriage, family, and children. He is the author of many volumes, among them Religion and the American Constitutional Experiment (2d ed. Westview Press 2005), a two-volume set with F.S. Alexander titled The Teachings of Modern Christianity on Law, Politics and Human Nature (Columbia 2006), and The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism (Cambridge 2008). Witte earned his B.A. from Calvin College and J.D. from Harvard Law School. In March 2006, he addressed “The Rights and Wrongs of Proselytism in World Politics” at the Berkeley Center’s Conference on the New Religious Pluralism in World Politics.

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Feisal Abdul Rauf

Imam Feisal Abdul Rauf is Founder and Chairman of the Cordoba Initiative and Imam of Masjid Al-Farah, a mosque located in New York City. A leading public figure, he sits on the Board of Trustees of the Islamic Center of New York and serves as an advisor to the Interfaith Center of New York. His publications include Islam: A Search for Meaning, Islam: A Sacred Law (What Every Muslim Should Know about the Shariah), and What’s Right With Islam: Is What’s Right with America, which The Christian Science Monitor rated among its five best books of 2004. Imam Feisal has appeared regularly at the Council on Foreign Relations and the World Economic Forum (Davos). He has been quoted widely in leading media, including BBC, CNN,

Jerry Rankin
Jerry Rankin is President Emeritus of International Mission Board of the Southern Baptist Convention. He has spent the last 40 years serving as a missionary in Indonesia, Associate to the Area Director for South and Southeast Asia; Administrator for Southern Baptist work in India; Area Director for Southern Asia and Pacific; and President of the International Mission Board (1993-2010). He has authored several books including The Challenge to Great Commission Obedience, Spiritual Warfare: The Battle for God’s Glory, and Spiritual Warfare and Missions: The Battle for God’s Glory Among the Nations. He has a B.A. from Mississippi College, an M.Div. from Southwestern Baptist Theological Seminary, an Honorary Doctor of Divinity from Mississippi College, and an Honorary Doctor of Missions from California Baptist University.

The Most Reverend Charles J. Chaput
The Most Reverend Charles J. Chaput is the current archbishop of the Roman Catholic Archdiocese of Denver, Colorado. In 1968, he became a Brother in the Order of Friars Minor Capuchin, a branch of the Franciscans and was ordained a priest in 1970. In 1977, he became pastor of Holy Cross parish in Thornton, Colorado and appointed Bishop of Rapid City, South Dakota in 1988. The same year he was consecrated bishop of that diocese. He is a member of the Board of Trustees at The Catholic University of America and served on the U.S. Commission on International Religious Freedom from 2003 to 2006. Chaput is the author of Render Unto Caesar: Serving the Nation by Living Our Catholic Beliefs in Political Life (2008), in which he argues that Catholics should take a more active role in the political process and that private convictions cannot be separated from public actions without diminishing both. He believes that American democracy depends upon an engaged citizenry, including religious believers, to function properly.
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