

Religion, Rights, and Terrorism*

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I understand that I was invited to give this keynote address because of my State Department credentials. It is true that I recently worked at the Human Rights Bureau and the Secretary of State's Advisory Commission on Religious Freedom Abroad. But I've been a civilian again for more than a year, so I might disappoint you if you're looking for current inside information. On the other hand, I spent eight years in the human rights wars of the 1990s—in Washington and around the world—so I have some pretty strong views about what was going on then, in places like Bosnia, Rwanda, Kosovo, China, and other international human rights “hot spots,” and in the White House, the State Department, the Pentagon, and the Congress, which were Washington's local hot spots in the battle over human rights. I also have some strong views about what's going on now, but I'll get to that in a minute.

Let me start with a few of the bureaucratic lessons I learned while in the State Department, which I think are illustrative of the way business, even human rights business, gets done in Washington. Watch out for the guy who comes into your office and wants your signature on his paper—more than likely he's trying to get you to approve something you don't agree with. The only meetings that are important are likely to be the ones you weren't invited to—figure out how to get in or how to keep your bureaucratic opponents out. If you're having trouble getting your phone calls returned by people down the hall from you, travel to Sarajevo or Beijing and then make the call. You'll get right through. Those are just a few suggestions for anyone who aspires to a human rights position in the State Department.

I.

I want to go back to the three-part title of this conference, “Religion, Democracy, & Human Rights,” and tweak it a bit to make room for another theme, “Religion, Rights, and Terrorism.” It has become almost axiomatic that we must look at everything today through the lens of September 11, and that is certainly true for religion and human rights. Let me ask two pro-

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vocative questions: first, why do we recognize freedom of religion at all? And second, what is the relationship between religious freedom and terrorism?

“In the beginning,” as the Bible says, there was religion, but certainly not “freedom of religion” as we understand it today. The idea of “freedom of religion” is predicated upon the existence of more than one religion. But a multiplicity of religions has always meant conflict, and religious conflict often led to war and human devastation. This was the state of reality for centuries and millennia, and it is hardly a ringing endorsement of religious freedom. Then, in the mid-twentieth century, a new concept emerged in the Universal Declaration of Human Rights that was drafted after the second World War. This was the idea of *tolerance of religious difference*—an idea that was offered in response to the long and bloody history of religious conflict that had included, in Europe alone, the Crusades, the Islamic conquests, the Inquisition, the Thirty Years War, and most recently the Holocaust.

For the last half century, the Universal Declaration has set forth a formula aimed at averting religious conflict. Under Article Eighteen, everyone has the right to freedoms of thought, conscience and religion; this right includes freedom to change one’s religion or belief, and freedom, either alone or in the community, to manifest one’s religion or belief in teaching, practice, worship and observance. In parallel, Article 30 of the Universal Declaration reads: “Nothing in this Declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the *destruction* of the rights and freedoms set forth herein.”

There are three different, but equally strong, rationales for the concept of *tolerance* of religious difference. First, there’s the understanding that *belief* of any sort, including atheism, or what one might call the absence of belief, is at the root of all human existence, and belief cannot be suppressed without destroying the very essence of what it is to be human. Second is the view that tolerance of differing beliefs is a strategic necessity; without tolerance, conflict is almost certain to occur, and when the conflict turns violent, survival of the combatants is by no means assured. The long history of mutual revenge that has characterized relations between Islam and Christianity is evidence of this time-tested threat. Finally, there is the rationale that tolerance of religious difference is essential for the *internal* protection of religion itself, even a dominant, majority religion. Without the freedom of internal debate, religion is always in danger of being hijacked by fanatics like Osama bin Laden, who will use it to aggrandize their power. The strength of a religion is dependent upon its willingness to tolerate internal differences within that faith, which in turn necessitates tolerance of different religions.

One final, general point about freedom of religion bears mentioning. Freedom of religion is often attacked as a Western construct, and therefore a concept that lacks universal application. But the modern idea of religious tolerance grew not out of the West, but out of a universal revulsion after World War II towards genocide and crimes against humanity, which had been committed against, or in the name of, religion.

There are, of course, many contemporary threats to religious tolerance. Certainly fanaticism and terrorism are at the top of the list and are well represented by individuals like Osama bin Laden and cynical leaders like Slobodan Milošević, who rise to power by fomenting religious intolerance and conflict. Threats to religious tolerance also exist in democracies. For example, efforts have recently been made by the American Religious Right to advance a political agenda within the United States government that seeks to promote special religious interests overseas. Some aspects of the International Religious Freedom Act, passed by Congress in 1998, reflect pressures from this direction.

I have heard five criticisms of this new law, all of which can be answered, but the perception persists that the law is not sufficiently sensitive to religious traditions in other countries. Let me address these objections.

First, there is a perception that the new law promotes an American model of separation of Church and State. This is not strictly the case, but some lawmakers failed to acknowledge that in many countries the state has traditionally played a role in religion that would be unacceptable in the United States.

Second, there exists a perception that the law disproportionately represents the interests of so-called "missionary religions" that have evangelism, particularly international evangelism, as part of their founding mission. While this is not technically true, evangelist groups certainly lobbied heavily for the law's enactment.

Third, the law has been criticized for promoting a hierarchy of human rights in which religion is placed at the top, above secular concerns such as due process of law or freedom of speech. This is not an entirely invalid concern. While the law does not explicitly give religion a special status in human rights, it does provide the U.S. government with greater powers to deal with violations of religious freedom abroad than other human rights.

Fourth, the law has been called into question for creating a system of punitive sanctions to coerce foreign nations into altering their religious practices to meet American or "Western" standards. Again, this is partly, although not entirely, correct. The original version of the law imposed mandatory sanctions upon violating countries; in the final version, sanctions are discretionary.

Finally, there's the perception that the United States acts unilaterally and ignores international mechanisms for addressing human rights issues, and that the International Religious Freedom Act is just the latest example of American indifference to international institutions and norms. Since the United States has yet to ratify a number of international human rights treaties, this criticism tends to stick, and barring a major national policy shift, it is likely to endure.

In the end, the best answer to all these criticisms would be for the State Department to make clear that the United States does not seek to promote any one religion, but instead is committed to international standards of re-

ligious tolerance, nondiscrimination, and freedom of belief as part of a system of human rights that reaches across the spectrum of political, economic, social, and cultural rights and freedoms. That was certainly my view when I was at the State Department, and it is a view that needs to be expressed today more than ever.

II.

Let me now turn to the relationship between religious freedom and terrorism or, more broadly, *human rights* and terrorism. There are two aspects to this question. Are the causes of human rights abuse connected to the causes of terrorism? And does our attention to human rights get in the way of fighting terrorism?

The most effective way to examine these questions is to focus on the 1990s, when the roots of today's terrorism began to grow. After September 11, it is very easy to be nostalgic about the 1990s. In fact, the first post-Cold War decade was a very chaotic period. Americans were absorbed by domestic issues and lulled by the fact that the Cold War was over; we were relaxed and blind to much of what was going on in the rest of the world, and what was going on was very important.

There were two great forces at work through the 1990s. First, there were the forces of integration, including global economic growth, cross-border development, the communications revolution and the spreading of democracy. The power of these forces was captured in the popular phrase, "The End of History." That's what seemed to be happening after the fall of the Berlin Wall and all of the other great events that were affecting world history.

But there was also a second set of equally powerful forces—the forces of disintegration—including religious and ethnic conflict, an ever-widening North-South gap, religious fundamentalism (Islamic and otherwise) and terrorism. The power of these forces was captured in the phrase, the "Clash of Civilizations." While I disagree with the ultimate conclusion of Samuel Huntington, the author of that phrase, that the clash is inevitable, Huntington's words nonetheless capture the import of the forces that were producing post-Cold War conflicts.

Throughout the 1990s it was U.S. policy to promote global integration and to stop local disintegration. However, it was very hard to build support for stopping local conflicts because these crises in what we now call failed states seemed far away and appeared to lack significant domestic consequences for the United States. The crises in Somalia, Rwanda, Bosnia, and Afghanistan seemed very distant to most Americans, and there was no consensus that we had to act to avert them. Far greater attention was paid to integrating advances such as market expansion and economic globalization.

There were, however, warning signs of major disintegration emerging from these human rights crises. Regional instability in the Balkans, Central Asia, and Central Africa produced over twenty million refugees. These crises

were breeding grounds for terrorism in places like Bosnia and Afghanistan. In addition, the cost of humanitarian assistance was rising, in part because these crises were not being adequately addressed. For example, billions of dollars of humanitarian aid were spent on central Africa after the Rwanda crisis. Preventive action taken by the international community to end the genocide in Rwanda might have mitigated this high cost and, more importantly, might have saved hundreds of thousands of lives. What was becoming increasingly clear during the 1990s, therefore, was that international security was at risk from proliferating human rights crises. These were not just isolated local problems, but in fact, a global problem of disintegration and human rights war.

III.

Then came September 11 and its two enormous consequences. First, Americans and others around the world were awakened to the destructive power of these forces of disintegration. Second, the underlying conditions in which terrorism thrives were laid bare for all to see. Afghanistan, which had been ignored during much of the 1990s, was a human rights catastrophe marked by religious intolerance, the destruction of civil society, dead-end poverty, and vast refugee flows created by human rights abuses. Yet even with this violent awakening and clear demonstration of the conditions in which terrorism thrives, human rights concerns were largely shunted aside after September 11. One would have hoped the opposite would be true.

There are three reasons why human rights issues have been sidetracked by the war on terrorism.

First, there is a sense that the war on terrorism is a kind of zero sum game, in which the United States has an obligation to pursue victory by any means necessary. Recently I saw a political cartoon that depicts a U.S. warden in the new prison camp in Guantanamo, Cuba explaining to an al Qaeda prisoner why he doesn't deserve the protection of international law. The prisoner replies, "Don't worry, we understand. We would have done the same to you if we'd won!"

The second reason is that the post-September 11 diplomatic strategy of assembling an international coalition to address terrorism required the United States to pay a high price from a human rights standpoint. An examination of the key players in the coalition illustrates that cost. As a result of the effort to forge an anti-terrorism partnership with Russia, for example, the issue of human rights abuses in Chechnya has fallen off the international agenda. From Vladimir Putin's point of view, Chechnya is in the grip of terrorists. Similarly, a number of Central Asian Republics that are among the most repressive regimes in the world have also become critical actors in the war on terrorism. As a consequence, the United States and other democracies have reacted with a wink and a nod to the human rights conditions in these

countries, even though in many cases these are similar to the conditions that existed in Afghanistan before September 11.

The third reason why human rights concerns have faded is the broad definition of terrorism that has emerged from these kinds of coalitions. There exists new authority for internal crackdowns in many countries, and human rights have been pushed aside in the name of the war against terrorism by two very different kinds of leaders. The first are democratic leaders in the United States and Europe who are trying to take quick and dramatic steps to increase security in response to popular fears, and the second are authoritarian leaders who are interested in using the terrorism crisis to increase their own power. The State Department is in a difficult position now as it prepares to publish its annual human rights report. Traditionally the report has been critical of secret arrests, military tribunals and roundups in countries around the world. When the United States itself is now engaging in some of these practices, it will be difficult to maintain this criticism.

We need to apply a human rights analysis to what happened on September 11, and we need to consider a different response to the inevitable questions posed by those events. From a human rights perspective, the terrorism of September 11 was caused in large part by the hijacking of a religion and the suppression of human rights in the Islamic world. Islam was not a cause of the terrorism, it was a victim, and it is now in danger of becoming a scapegoat as well. In addition to the military campaign against terrorism, we need to do something much more difficult and long-term. We must systematically engage with moderate Islamic voices. Those moderate voices are in many places; they exist in Jordan, Tunisia, Morocco, Iran, and throughout the Islamic world.

We also need to build support for civil society in Islamic countries. The international community is beginning to do that in Afghanistan, and the United States can play a major role in supporting the core elements of civil society through both funding and diplomatic engagement. Here at home we need to protect the rights of Muslim Americans and show that we adhere to international law and our own Constitution in all of our anti-terrorist operations. We also need to support the UN as it moves to rebuild countries like Afghanistan that have been devastated by human rights abuses. This is the way to fight the forces of disintegration that we ignored in the 1990s but that now threaten to overwhelm us. This is the way to drain the swamp of terrorism and not simply fence it in by military operations.

President Kennedy, in his inaugural address forty years ago, talked about "a long twilight struggle against the common enemies of man: tyranny, poverty, disease, and war itself," to which I would add religious intolerance and the suppression of human rights. Without human rights and religious tolerance, international security is in constant jeopardy. It is for that reason above all that we need to devise new strategies and expend more resources to promote human rights, including religious freedom, both abroad and at home.