

The Future of U.S. International Religious Freedom Policy

Recommendations for the Obama Administration

BERKLEY CENTER FOR RELIGION, PEACE, AND WORLD AFFAIRS AT GEORGETOWN UNIVERSITY

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THE FUTURE OF U.S. INTERNATIONAL RELIGIOUS FREEDOM POLICY

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Contents

Executive Summary	1
Introduction	7
On the Meaning of Religious Freedom	15
IRFA at Ten: Time to Mainstream IRF Policy.....	17
Democracy and Civil Society Promotion.....	23
Public Diplomacy	31
Counterterrorism Policy.....	37
Multilateral Engagement and International Law	43
Conclusion	49
Sources	51
About the Authors	57

Executive Summary

THE ISSUE

- The International Religious Freedom Act (IRFA), signed into law by President Clinton, established a mandate to advance religious freedom using the tools of U.S. foreign policy.
- Religious freedom is valued highly by Americans and most foreign publics (if not their governments or religious leaders) and is affirmed in international law. Advancing this fundamental human right is a matter of justice.
- International religious freedom (IRF) is also an international security issue. Its absence is associated with religious terrorism and instability. Its presence is necessary for stable democracy, including civil society, economic growth, and social harmony.

THE PROBLEM

- U.S. IRF policy to date has focused more on rhetorical denunciations of persecutors and releasing religious prisoners than on facilitating the political and cultural institutions necessary to religious freedom. Accordingly, U.S. policy has had minimal effect on global levels of persecution and even less on the institutions of religious freedom.
- U.S. IRF policy is often viewed abroad as an attack on majority religious communities, as cultural imperialism, and as a front for American missionaries. However inaccurate, these perceptions have dramatically curtailed the policy's impact.
- U.S. IRF policy has not been integrated into U.S. democracy programs, public diplomacy, counterterrorism, or multilateral diplomacy and international law.

RECOMMENDATIONS FOR THE OBAMA ADMINISTRATION

Set a Clear Policy Course

- The President and Secretary of State should publicly proclaim that U.S. IRF policy:
 - » is vital to U.S. interests in the world, including our quest for justice and our defense of American security.
 - » will be expanded under the Obama administration to address sympathetically the religion-state problems faced by societies transitioning to democracy, and to address the needs of majority, as well as minority, religious communities.
 - » will be integrated into democracy promotion, public diplomacy, counter-terrorism, and multilateral strategies.

Retool American Diplomacy

- Appoint an IRF Ambassador-at-Large with experience in foreign policy *and* religious freedom, one capable of integrating IRF into other policy areas.
- Place the IRF Ambassador under the Secretary of State, as IRFA intended.
- Institute a religion/religious freedom subspecialty under the political, economic, and public diplomacy career tracks for Foreign Service Officers.
- Mandate, in the President's letter of instruction to U.S. ambassadors, the allocation of embassy resources to engage religious actors, ideas, and communities, and to advance religious freedom broadly understood.
- Require every U.S. mission abroad, and every regional bureau at the Department of State, to develop a religious freedom strategy as part of its annual program planning.
- Encourage the U.S. Commission on International Religious Freedom to monitor the administration's progress toward integrating IRF policy into the mainstream of foreign policy.
- Encourage the Senate Foreign Relations Committee and the House Committee on Foreign Affairs to establish sub-committees on IRF.

Reenergize Democracy Promotion

- Integrate religious freedom into all U.S. democracy planning and programs, such as those at the U.S. Agency for International Development and the National Endowment for Democracy.
- Integrate the office of the IRF Ambassador-at-Large into all strategic and operational decisions regarding democracy promotion and programming.
- Support, via foreign aid and democracy funding, religious and secular non-governmental organizations (NGOs) around the world who seek to advance religious freedom as part of democratic development.
- Encourage nations and multilateral institutions that have been supportive of IRF to integrate IRF strategies into democracy and civil society programs.

Make Public Diplomacy More Effective

- Encourage institutions such as the U.S. Commission on IRF to provide resources on IRF to public diplomacy officials. Likewise, President Obama's new Advisory Council for Faith-Based and Neighborhood Partnerships should address these issues as it works with the National Security Council to foster interfaith dialogue with leaders and scholars around the world.
- Appoint public diplomacy leaders who understand the significance of religious liberty in America and abroad. Public diplomacy leadership calls for more than communications and marketing credentials.
- Ensure that expertise on the relevance of religious freedom to public diplomacy is present in the State Department's regional bureaus.
- Ensure U.S. public diplomacy officials are familiar with theological principles within various religious traditions that support civil society and constitutional government.
- Seek the counsel of religious individuals and NGOs with experience in target cultures. Establish within the Department of State a formal outreach program to key American religious minority communities.
- Encourage existing public and private diplomatic institutions to increase

interfaith dialogues and exchanges. In addition, encourage the establishment of privately funded Islamic and Hindu Institutes of American Studies.

Employ Religious Freedom as an Element of Counterterrorism Strategy

- Establish under the aegis of the National Security Adviser an interagency task force to examine how IRF policy can contribute to diplomatic counterterrorism strategies. Issue a national security directive integrating IRF policy into counterterrorism policy.
- Provide a representative from the State Department IRF office to all counterterrorism agencies. The IRF Ambassador-at-Large should serve as a Special Assistant to the President on religion and national security issues. Assign a senior advisor on counterterrorism to the IRF Ambassador-at-Large.
- Seek the counsel of religious actors and groups who have deep experience in target cultures, as well as American-based clerics and scholars, in order to increase American understanding of extremist and terrorist groups and how to defeat them.
- Encourage the U.S. Commission on International Religious Freedom to continue and expand its efforts to study the effects of religious freedom on religious extremism.

Engage Multilateral Institutions and International Law

- Reinvigorate U.S. leadership on religious freedom in multilateral institutions. Strengthen existing UN institutions that have specialized expertise on religious freedom. Place a senior IRF official in the U.S. mission to the UN.
- Form coalitions of like-minded countries and other international actors who have a shared interest in promoting religious freedom in a particular country or region.
- Increase the administration's commitment to international human rights monitoring institutions, including those that monitor and report on human rights and religious freedom in the United States.
- Internationalize the President's "bully pulpit" with respect to religious freedom promotion. President Obama should seek opportunities to speak jointly with other world leaders about religious freedom as a universal human right.

- Develop programs in key countries to educate religious groups and lawyers about victim's rights under international law and about complaint and reporting mechanisms available to them within international institutions.

Introduction

Two anniversaries in 2008 marked turning points in the history of the international religious freedom movement. One was the sixtieth anniversary of the UN Universal Declaration of Human Rights, a seminal document in international human rights law. Article 18 of the 1948 Universal Declaration reads:

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.

Similar religious freedom language was used in the 1966 International Covenant on Civil and Political Rights (ICCPR), which has been ratified by 156 countries including the United States—and which, unlike the Universal Declaration, is a treaty and thus formally binding on signatories.

The second anniversary of note is that of the International Religious Freedom Act (IRFA), signed into law by President Clinton in 1998. A multifaceted piece of legislative machinery, IRFA was an effort to ensure that religious liberty,¹ which had been a relatively neglected item on the human rights agenda, would be elevated and given an institutionalized priority in American foreign policy. In explaining its rationale, the introductory “Findings” section of the Act quotes in full

1 Herein we use “religious freedom,” “religious liberty,” and “freedom of religion or belief” synonymously.

the sections of the Universal Declaration and the ICCPR addressing freedom of thought, conscience, and religion, and notes that similar norms are affirmed in other international instruments as well, including the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

To commemorate these anniversaries and, more specifically, assess U.S. efforts to promote international religious freedom during IRFA's first decade, the Berkley Center for Religion, Peace, and World Affairs at Georgetown University and the Center on Faith & International Affairs (CFIA) at the Institute for Global Engagement conducted during 2008 a three-conference series titled "Religious Freedom and U.S. Foreign Policy: Taking Stock, Looking Forward." The first event (held in February) examined the origins and promise of U.S. international religious freedom policy; the second (April) surveyed the implementation and effects of the policy to date; and the third (October) debated practical recommendations for the next administration. The series produced a rich, bipartisan array of analyses and commentaries.²

This Policy Report draws on the conference presentations, as well as from prior publications by conference speakers and other leaders in the field; a bibliography of sources is provided at the end of this Report. However, responsibility for the analysis and recommendations herein, as well as for any errors in fact or interpretation, is ours alone. Our thesis is that the Obama administration should not only maintain international religious freedom (IRF) as an item on the U.S. agenda, but should, as a strategic goal of U.S. foreign policy, encourage the political and cultural institutions that sustain religious freedom. There are many varied global challenges facing the new administration, and it would serve no purpose to "over-interpret" the relevance of IRF to all these issues. But current

²These conferences and publications would not have been possible without the support of series co-sponsors. We gratefully acknowledge the Henry Luce Foundation; the Templeton Foundation; the Edmund A. Walsh School of Foreign Service at Georgetown University; the International Center for Law and Religion Studies at Brigham Young University; the Council for America's First Freedom; the Ethics and Public Policy Center; The Federalist Society; the Leonard Greenberg Center for the Study of Religion in Public Life; the Council on Foreign Relations; and Human Rights Watch.

circumstances and the lessons of recent history all suggest that the risk is precisely the opposite—that religious freedom policy may (1) be underestimated and overshadowed by a welter of other concerns, and (2) become even more of an isolated “special interest” issue in U.S. diplomacy than it already is.

Our reasons for arguing that IRF policy should be broadened and deepened, not sidelined, are several. First, the scale of religious persecution and discrimination worldwide continues to be vast, resulting in a level of suffering that simply demands a response from any nation committed to human rights and social justice. Sadly, despite incremental improvements in some countries, the aggregate picture of religious freedom today is much the same as it was described in IRFA ten years ago:

More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of “religious police,” severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials. ... Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of, or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

Year after year the U.S. State Department, the U.S. Commission on International Religious Freedom, multilateral human rights bodies, and respected human rights NGOs have copiously documented these kinds of problems. Indeed, these reports indicate that in some countries the religious freedom situation has gotten even worse in recent years due to

factors such as the rise of radical Islamist movements, religious nationalist movements, and authoritarian crackdowns.

Second, notwithstanding the views of government and religious elites in repressive states, global public opinion is supportive of religious freedom. The 2007 Pew Global Attitudes Survey asked respondents in 34 countries covering five different regions if “living in a country where I can freely practice my religion” is important. The positive response was overwhelming: 93 percent in Latin America, 84 percent in Eastern Europe, 92 percent in the Middle East, 93 percent in Asia, and 98 percent in Africa. Of course, seeking freedom to practice one’s own religion does not necessarily mean support for the freedom of others. However, practical policy arguments that appeal to self-interest can increase that support. For example, stable democracy cannot survive without equality under the law, including equality among religious communities and between religious and non-religious communities. Reciprocity is a fundamental element of fairness and justice, a principle recognized as morally axiomatic by most religious traditions.

Unfortunately, current U.S. efforts to promote freedom of religion rarely focus on the interests of interlocutors, except their interest in avoiding stigmatization or economic sanctions. U.S. policy is often perceived as American cultural imperialism or disingenuous meddling in the internal affairs of other countries. But the need for adopting religious freedom as a stabilizing element of democracy enjoys an enormous amount of latent popularity worldwide, in the form of democratic legitimacy at the popular level, and as a means of convincing religious and political elites. It is thus of potential political benefit to the U.S. in terms of public diplomacy and, more broadly, the “smart power” approach advocated by Secretary of State Hillary Clinton.

Third, the American public is strongly supportive of universal religious freedom and of U.S. promotion of it internationally. In part because the U.S. was the first nation constitutionally to ban the establishment of religion at the national level, as well to provide constitutional protection for the free exercise of religion, American public opinion, rhetorical traditions, and national identity have long celebrated religious freedom. To be sure, the actual history of religious liberty in American culture and law is far from perfect; for instance, Protestant Christianity retained

certain aspects of a religious “establishment” well into the mid-twentieth century. Still, through a combination of its founding principles and the trials and errors of its history, the robust religious pluralism that has come to characterize the American experience is generally regarded as healthy for religion, state, and society as a whole. Most Americans do not see the promotion of religious freedom internationally as an attempt to impose a peculiarly American idea but rather as leadership on an issue that is already part of international law and has already proven to be beneficial for society and politics.

IRFA is itself a testament to the priority that the American public places on religious freedom. It was not a piece of legislation initiated by the foreign policy establishment but rather by a grassroots social movement—one that was remarkably diverse. This last point has often been lost or underappreciated in the public discussion of U.S. IRF policy. Too often there has been an assumption that IRFA was the product only of the religious right. While conservative evangelicals were indeed critical in the early stages, raising awareness of international religious persecution and starting a legislative campaign, the cause quickly attracted a broad coalition of supporters including moderate and liberal evangelicals, Jewish organizations, the Conference of Catholic Bishops, the Episcopal Church, Tibetan Buddhists, Bahai’s, and more. The “culture wars” were particularly intense at that time (e.g., proceedings were under way to impeach President Clinton), yet this unlikely alliance formed and worked through complicated negotiations toward a bill that would eventually pass Congress unanimously.

In this connection it is particularly important to understand the significance of the IRF movement in the evolution towards greater international involvement among evangelicals—a religious community that the Obama presidential campaign courted more respectfully in 2008 than had most previous Democratic campaigns. With good reason, the media have been keenly interested in covering new-generation evangelical leaders (like mega-church pastor Rick Warren) who have pushed evangelicals to broaden their social and political engagement beyond domestic culture-war matters to include issues like global human rights and public health. Recent years have seen a growing number of evangelicals giving energetic support to efforts to combat human trafficking, to support human rights in Darfur, to fight AIDS in Africa, and to respond re-

sponsibility to global warming. But the issue that initiated this turn toward international engagement was religious freedom. Much in the same way that abolitionism led nineteenth century evangelicals to embrace other progressive social causes, IRF has been a catalyst in the contemporary wave of evangelical global engagement. It is an issue that frequently defies culture-war stereotypes and can attract big-tent coalitions.

Finally, we argue that the Obama administration should attend carefully to this policy arena because religious freedom is a critical component of political/social stability and security worldwide, which in turn makes it critically important to American national security. There is widespread agreement across the ideological spectrum that the global expansion and consolidation of liberal democracy is in the American national interest and the interest of other nations because liberal democracies make possible the flourishing of their citizens. Such democracies also tend to be stable, to participate constructively in the global economy and multilateral institutions, and to avoid military conflict with other liberal democracies.

Although they may be more vulnerable to religiously-inspired terrorist acts, liberal democracies do not typically support the ideas and organizations that sustain such acts. Indeed, religious extremism is usually born and nurtured in, and exported from, authoritarian regimes. Stable, liberal democracies provide the religious and political context in which extremist ideas can be rebutted and discredited. And democracies of this kind can only be advanced in tandem with fundamental human rights including religious freedom. Put simply, in a highly religious world, religious freedom is among the most important factors contributing to democratic stability.

As recent studies have demonstrated empirically using multinational data, religious freedom is a necessary component of an interdependent set of fundamental human freedoms. Religious freedom is strongly associated with, and makes an independent contribution to, numerous desirable social outcomes, including lower levels of violence, better health, more economic growth, higher scores on the human development index, and better educational opportunities for women. Perhaps most saliently for American national security is the reality that without religious freedom, societies are highly vulnerable to democracy-killing religious conflict, persecution, and extremism.

For these reasons, then, we respectfully submit this Policy Report for the Obama administration's consideration. In what follows, we first offer a brief discussion of what "freedom of religion" actually means, or ought to mean, in the context of international relations and U.S. foreign policy. We then proceed to offer detailed analysis and recommendations for U.S. policy on IRF. Our starting point is IRFA itself; we begin by reviewing its principal provisions for IRF-specific institutions and make recommendations for their strengthening and expansion.

We then turn from institutions to policies. Because IRF intersects in complex and vital ways with many areas of U.S. foreign policy, an exclusive focus on IRF institutions will not bear fruit, and could even be counterproductive. Specifically, we contend that past administrations have failed to integrate IRF into at least four major areas of U.S. foreign policy activity:

- Democracy and Civil Society Promotion
- Public Diplomacy
- Counterterrorism and Counterinsurgency Strategies
- International Organizations, Laws, and Norms

For each of these four broader policy domains, we discuss why religious freedom is important to it, the obstacles to success, and practical steps that the Obama administration should take for both the near- and long-term.

On The Meaning of Religious Freedom

In order to be just and (over the long term) stable, states must protect religious liberty for both individuals and religious communities. The following is not an exhaustive list of the constituent elements of religious freedom, but rather an indication of those that are critical to the stability and longevity of democracy; to reducing religious conflict, persecution, and extremism; and to countering perceptions of U.S. cultural imperialism.

For *individuals*, this freedom includes at a minimum the right to believe or not, to enter or exit religious communities, to raise one's children in one's religious tradition, to persuade others that one's religious claims are true and that others should join one's religious community, and to engage in public policy debates on the basis of one's religious beliefs and practices.

Religious *communities* are among the core elements of civil society in a functioning, stable democracy. As such, they are a key factor in the success or failure of democracy. This is especially true of powerful majority communities. For all religious groups, religious freedom includes *inter alia* the right to build houses of worship, to train clergy, to establish and run religious schools, and to persuade others that the community's religious claims are true and that others should accept those claims and join the community. All religious groups have the right to equality under the law, and the right to be protected by the law against violent or otherwise coercive methods of proselytism. Finally, like other institutions of civil society, religious communities have the right to engage in public policy debates. This includes the right to enter public debates with religion-

based moral arguments about the public good on a basis of equality with non-religious moral arguments about the public good.

In a highly religious society, few aspects of the right of religious liberty are more important than this last one. It is on this ground that a majority religious community otherwise disposed to illiberal and anti-democratic practices may be enticed to the bargain of liberal democracy, ceding its privileged access to civil authority in return for the right to attempt to shape—within due limits, and on the basis of equality with other religious and non-religious arguers—the policies of the democratic state, and to enjoy its benefits. A key limitation on the rights of majorities is the principle of equality under the law of all religious communities.

Few rights in a democracy are absolute. The threshold elements of religious freedom—the individual's right to believe or not, and to enter or exit religious communities—are virtually absolute. It is difficult to imagine state-imposed restrictions on those aspects of religious freedom in a stable, liberal democracy. However, each of the other elements (both individual and community) are subject to legal limitation, but only such limitations necessary to protect public order, public morality, and the fundamental rights of others. Public order and public morality must not be used as excuses to limit or abrogate fundamental rights; nor can religious or non-religious minorities exercise their rights in ways which unduly limit or abrogate the rights of majorities.

IRFA at Ten: Time to Mainstream IRF Policy

Has IRFA advanced religious freedom as defined above? With a decade's worth of hindsight, it is fair to say that the record is mixed. IRF diplomacy has achieved some modest but important victories—freeing prisoners from jail and securing some legal changes. Yet systemic progress has been spotty at best.

IRFA is a multifaceted piece of legislation that came about through a compromise between those who thought religious freedom would best be advanced through *punitive* measures (or the threat thereof) and those who favored using a multiplicity of tools to *promote* religious freedom. The former emphasized publicly shaming and imposing automatic sanctions against the worst violators, while the latter emphasized broader promotion of religious freedom through quiet diplomacy and negotiation. In the end, IRFA's central policy tools were public designation and the threat of economic sanctions. It also created the possibility of (but did not always require) other, more positive, measures. Among its key provisions, IRFA:

- Created the position of Ambassador-at-Large for International Religious Freedom within the State Department. The Ambassador was named “principal adviser to the President and Secretary of State.”
- Created an Office of International Religious Freedom within the State Department, headed by the Ambassador-at-Large.
- Required the State Department to issue an annual report on international religious freedom.

- Created an independent, bi-partisan Commission on International Religious Freedom to submit its own annual reports, make policy recommendations, and evaluate the actions of the State Department.
- Created an independent, bi-partisan Commission on International Religious Freedom to submit its own annual reports, make policy recommendations, and critique the actions of the State Department.
- Urged, but did not require, the creation of the position of Special Adviser on International Religious Freedom within the National Security Council.
- Required the President to choose at least one action from a menu of 15 “presidential actions” to take against each country that is found to have violated religious freedom; actions range on a continuum from mild (e.g. a private demarche) to serious (e.g. economic sanctions).
- Required the President annually to designate “Countries of Particular Concern” (CPCs), defined as countries whose governments have committed, or acquiesced in, “particularly severe violations of religious freedom.” In these cases the President is required to choose one of the more serious sanctions as a response, although this action can be waived when the purposes of the act would be furthered or when important national interests are invoked. In cases where multiple, broad-based human rights sanctions are already in place, these can be credited as satisfying the IRFA requirement for action (this provision has been applied to most CPC designees). A country may be removed from the CPC list by, *inter alia*, accepting a binding agreement that alters persecutory behavior.
- Required the establishment of a religious freedom website; instruction for diplomats on religious freedom, various religious traditions, and violations of religious freedom; and training in religious freedom for refugee and asylum officers.
- Urged, but did not require, U.S. missions in CPC countries to develop a religious freedom strategy as part of annual program planning and to allocate funding for religious freedom programs.

- Urged, but did not require, U.S. diplomacy to develop legal protections and cultural respect for religious freedom, to employ foreign aid in promoting religious freedom, and to use foreign broadcasting in promoting religious freedom.

IRFA has certainly raised the profile of international religious freedom. It has provided the opportunity for a strategic mix of carrots and sticks that was not readily available before. The requirement of annual reporting has bolstered awareness in the Foreign Service, and the Reports themselves have become valuable benchmarks and data sources.

Still, in its actual implementation IRF policy has fallen short. This is due in part to a persistent secularist mindset across the foreign affairs establishment, which leads to discomfort with religion-related topics. In addition, and more specifically, the effort has not fulfilled its potential because of institutional and policy deficiencies.

First, IRFA did not go far enough in injecting IRF-specific expertise broadly into the foreign affairs establishment—including the State Department, foreign aid institutions, national security agencies, and the intelligence community. To a large extent, IRF policy is functionally and bureaucratically isolated within the State Department’s Bureau of Democracy, Human Rights, and Labor (DRL), itself considered by diplomats largely outside the mainstream of foreign policy. Within DRL, the IRF Ambassador-at-Large is subordinate to a lower-ranking official and, unlike other ambassadors-at-large, does not attend senior staff meetings or senior policy meetings. The bureaucratic and functional isolation of this official and his office communicates—to American diplomats, foreign governments, and religious communities alike—that advancing IRF is not a key element of U.S. foreign policy.

As early as 2003, the State Department’s Inspector General (IG) concluded that America’s IRF policy was not working: “The current structure that places the congressionally mandated office of the Ambassador-at-Large for International Religious Freedom within DRL is at odds with the Department’s organizational guidelines and has proved to be unworkable.” This was a reference to the fact that ambassadors-at-large are senior to assistant secretaries, and that the IRF Ambassador had,

since the inception of the position, been subordinate to an assistant secretary. “As a consequence, *the purposes for which the religious freedom function was created are not being adequately served*” [emphasis added]. Unfortunately, the IG report was ignored by the Congress, the White House, and the State Department.

Second, despite the fact that there is now an international religious freedom *act*, the United States still does not have a truly comprehensive and strategic international religious freedom *policy*. The core of the problem is this: the content of U.S. IRF policy has (with few exceptions) consisted of an essentially negative attempt to reduce persecution, rather than a positive strategy to advance religious freedom. The method has been to identify problems, name the worst violators, and threaten (but rarely take) economic action against them. It has also consisted of the laudable but minimally effective effort to gain release for small numbers of religious prisoners. The IRF Annual Report identifies problems quite well, but it is rarely employed as a policy tool. Although required to describe U.S. actions and policies in each country, the Report usually gives descriptions that are short and policy irrelevant. The CPC designations serve the function of stigmatizing violating countries, but they have proven largely ineffective in altering persecutory behaviors. Finally, with a few promising but as yet insignificant exceptions, the positive actions urged by IRFA—although too often not *required* by IRFA—have been ignored.

An exception that proves the rule is the recent history of Vietnam. In 2004 the U.S. State Department designated Vietnam a CPC. However, through a judicious combination of official and Track II diplomacy, a process of reform was negotiated, resulting in improvements. Two years later, the CPC designation was lifted—the first time ever that a country was removed from the list because of its own efforts. In this case the U.S. did not limit its effort to punitive (and largely symbolic) tactics, but rather was able to craft a “win-win” scenario that harnessed the enlightened self-interest of the Vietnamese government.

Regrettably, IRFA’s first decade has seen too few stories like this. In order to increase the number of cases in which U.S. efforts lead to measurable progress toward religious freedom, both institutional and stra-

tegic policy change is necessary. We begin with our recommendations for general institutional enhancements, followed by our detailed policy analyses and recommendations.

RECOMMENDATIONS:

1. Appoint an Ambassador-at-Large for International Religious Freedom with deep experience in foreign policy as well as religious freedom. The Ambassador should be capable of succeeding in the State Department's bureaucracy.
2. Place the Ambassador-at-Large for International Religious Freedom and the Office of International Religious Freedom directly under the Secretary of State, as IRFA intended.
3. Mandate, in President Obama's letter of instruction to U.S. ambassadors, that the ambassador and the U.S. mission allocate sufficient resources to understand and engage religious actors, ideas, communities, and movements in the pursuit of religious freedom.
4. Require all U.S. ambassadors and State Department bureaus to develop a religious freedom strategy as part of annual program planning and to allocate funding for religious freedom programs.
5. Institute a comprehensive education program across the various institutions of the foreign affairs establishment, military as well as diplomatic, that includes education about religious issues in general, and about religious freedom in particular. For example, the Foreign Service Institute should be encouraged to increase its educational and training capacity on these matters, and to integrate relevant content into its courses, including the entering officers' A-100 course, all mid-level training courses, area studies courses, and courses for all incoming ambassadors and deputy chiefs of mission.
6. Ensure that all the institutions of the foreign affairs establishment have a sufficient number of personnel with advanced expertise and experience on issues of religious freedom vis-à-vis their institution's goals and activities. For example, the State Department should ensure that, for each country desk where the client country contains significant religious actors, there is on the desk an officer with expertise on the relevant religious factors and religious freedom. Initially most of these experts will necessarily be drawn from the civil service or from outside

government. In due course, most should be drawn from the ranks of the Foreign Service. Adequate funding should be allocated specifically for this purpose.

7. Create within the Foreign Service a religion/religious freedom subspecialty within the political, economic, and public diplomacy career tracks. Create incentives and opportunities for Foreign Service Officers to develop this subspecialty, including in assignments, promotions, and awards. The goal should be to move these officers as expeditiously as possible into the regional bureaus and country desks, and into the Office of International Religious Freedom (where most Foreign Service Officers currently hesitate to serve because the issue is seen as out of the mainstream of American diplomacy and harmful to diplomatic careers).
8. Encourage the U.S. Commission on International Religious Freedom to allocate a significant portion of its personnel and resources to monitoring the administration's progress toward integrating IRF policy into the mainstream of foreign policy. In the past Commission recommendations have focused on policy changes. Many of these recommendations have had merit; many have been ignored precisely because IRF is not integrated into U.S. foreign policy.
9. Encourage the Senate Foreign Relations Committee and the House Committee on Foreign Affairs to establish sub-committees on international religious freedom. Each should strive to ensure that at least one Pearson fellow (Foreign Service Officers assigned to Congress) is attached to the respective sub-committee.
10. Work with Congress to ensure that all Congressional delegations traveling abroad receive briefings on human rights issues, including religious freedom issues, that are relevant in the places they will be visiting. The components of these briefings dealing with IRF should be sure to emphasize examples of how religious liberty can enhance security, stability, and social wellbeing.

The above recommendations will provide a needed diffusion of institutional expertise and capacities on religious freedom concerns. On their own, however, they will not suffice. The Obama administration should also pursue broad-based integration of IRF strategy into the main currents of foreign policy activity. Four policy domains in particular—democracy and civil society promotion, public diplomacy, counterterrorism, and international law—will benefit greatly from this integration.

Democracy and Civil Society Promotion

A core weakness of past U.S. strategies to promote liberal democracy and civil society, especially in highly religious societies, has been a failure to understand religious freedom as necessary to democratic stability and longevity. American diplomacy, foreign aid, and democracy funding have been largely indifferent to historical and contemporary evidence that democracy cannot endure without religious freedom, protected in both law and culture. As a result, U.S. democracy strategies have not systematically encouraged the development of legal, political, social, and religious institutions and habits supportive of religious freedom. Nor have they sought to counter the widespread perception that U.S. democracy and religious freedom policies are designed to undermine non-Western majority religious communities, and to empower American missionaries. These problems have handicapped U.S. democracy programs in Iraq, Afghanistan, Pakistan, Egypt, Iran, India, Russia, China, and elsewhere.

WHY IS RELIGIOUS FREEDOM NECESSARY TO STABLE DEMOCRACY AND CIVIL SOCIETY?

Both history and contemporary social science suggest that democracy will not root in societies with powerful religious communities unless it is grounded on religious freedom. Nor, ironically, do established religions do well in settings where they are given favored treatment.

It is vitally important that religious communities accommodate themselves to the idea that they are constituent elements of civil society. This accommodation has historically been difficult for some religious traditions because they do not consider themselves purely “voluntary” asso-

ciations. Their adherents do not understand themselves simply as self-constituting human agents who are defined by their ability to choose. Religion, in other words, is not seen as simply an individual choice among several equally valid options. Rather, for such traditions, religion is an affirmative response to a single transcendent Truth.

And yet, it is entirely possible for such a religious community to retain its teachings about transcendent Truth and still accept its role as an element of civil society. The history of the Roman Catholic Church is instructive. For much of the nineteenth century it resisted both democracy and public manifestations of religion by non-Catholics. While it insisted that the interior right of religious freedom had to be protected for all persons, it also demanded that the state limit public expressions of religion by non-Catholics in order to protect the common good, and acknowledge that Roman Catholicism was the one true religion. In Catholic states, other traditions, Christian and non-Christian, were to be protected but privatized.

In the mid-twentieth century, however, the Second Vatican Council acknowledged the Church's responsibility to pursue its truth claims without state support and without legal disadvantages for non-Catholic individuals and communities. It formally declared the right of every person, and of every religious community, to immunity from coercion in civil society on matters of religion. However, it did not abandon its claim to be the "one true religion." It merely demanded state support for its freedom to present that claim, as well as its other moral and spiritual truth claims, as a member of civil society. Consistent with the principle of equality under the law, it also demanded this right for all other religious communities. This development of Catholic doctrine energized the third wave of democratization in the 1970s and 1980s, three-quarters of which took place in Catholic-majority countries.

In practice this Catholic development has contributed both to religious freedom and to the expansion and consolidation of democracy. In Latin America, for example, the Church has for years faced the loss of converts to Pentecostal communities. The temptation has been to seek laws that benefited Catholics and disadvantaged non-Catholics. Gradually, however, this temptation has decreased. In several countries the Church

has begun to engage in genuine religious competition, peacefully and without recourse to the state for special protection or privileges. This is helping democracy to root in Latin America. It is good for those countries, for the region, and for the United States.

A contrary example shows how the absence of religious freedom has harmed democracy. After the fall of the Soviet Union the Russian Orthodox Church, in part because of aggressive proselytizing by Western missionaries, decided to cast its lot with political authoritarianism in order to maintain its religious monopoly. It has sought and obtained laws that disadvantage other religious groups. While this has brought short-term gains, over the long term Russian Orthodoxy damages its credibility as a vital religious community and its capacity to compete for souls. And by aiding anti-democratic forces it is, at a minimum, retarding the consolidation of democracy; at worst, it is accelerating Russia's regression to authoritarianism and aggressive foreign policies.

It is useful to consider what might have happened had the United States spent the last two decades attempting to persuade the leadership of Russian Orthodoxy that it was to its advantage to support full religious freedom and democracy—that the Russian Orthodox Church and its adherents can flourish best in an atmosphere of robust religious pluralism. The Russian Orthodox Church has tremendous cultural and historical advantages that can best be accessed by being true to its own faith and respectful of others'. U.S. foreign policy might have influenced the Russian Church, directly and indirectly, by means of private and public diplomacy, foreign aid, democracy funding, and Track II diplomatic efforts. It is, of course, impossible to know whether we would have succeeded, but it remains a project worth pursuing in Russia and elsewhere.

Contemporary social science research also indicates that religious freedom is vital to stable democracy. Pioneering work by sociologists such as Brian Grim at the Pew Forum on Religion and Public Life and Roger Finke at Penn State strongly suggests that democracy cannot root without religious freedom, especially in highly religious societies, which is to say most societies in the world today. Their data show that stable democracy requires a “bundled commodity” of fundamental freedoms that cannot function properly without religious liberty. Absent that

right, societies are highly vulnerable to democracy-killing religious conflict, persecution, and extremism.

All of this suggests that if the United States wants religious societies to embrace democracy—the kind of democracy that will endure and yield benefits to its citizens and the United States, including the elimination or containment of Islamist extremism—it must put international religious freedom at the center of democracy promotion strategies.

OBSTACLES TO SUCCESS

Successfully integrating religious freedom promotion into U.S. policy on democratization and civil society will require understanding the significant obstacles that exist, both abroad and at home, to doing so. Of all the tasks of democratic consolidation, embracing religious liberty is, for many cultures, the most difficult. Many majority religious communities (e.g., Russian Orthodox, Afghan Sunnis, Indian Hindu nationalists) see religious freedom in general, and U.S. religious freedom policy in particular, as a threat to communal identity or an attack on religious tradition. These communities often seek to maintain a national monopoly over belief and practice by reliance on civil law and policy as a means of keeping competing religious groups at a disadvantage and retaining their own adherents. The result is public policies that are incompatible with and destructive of stable democracy, such as anti-apostasy, blasphemy, conversion, and defamation laws.

Moreover, there is a widespread perception in Muslim-majority societies and elsewhere that America's democracy promotion policy is fundamentally anti-religious because it seeks a strict separation of religion from public life and the marginalization of religious ideas and actors in matters of public policy. That perception extends to U.S. IRF policy, which is often seen as designed to pave the way for American missionary efforts.

When it comes to encouraging religious communities to consider themselves as elements of a broader civil society, U.S. democracy programs are key. It will be important for those programs not only to target religious communities but also to fund civil society institutions, religious and secular, that advance religious freedom. Unfortunately, the United States does not now do this in any systematic way. None of its direct or indirect

grant making—e.g., the U.S. Agency for International Development (USAID), the State Department, the National Endowment for Democracy, the National Democratic Institute, the International Republican Institute—see religious freedom as critical to the rooting of democracy. While each pays rhetorical tribute to religious freedom, and each has important individual programs that engage religious actors or communities, none has a comprehensive strategy that integrates religious freedom into its operational planning or programs.

Moreover, the strategic and program management skills that are necessary for succeeding in democracy programming are concentrated at USAID and not at the State Department. Part of the problem is that the business model and culture at State discourage the development of operational strategies, program management, and grant-making systems. Department officials typically tend to take a short-term view of civil society assistance, are reactive rather than proactive in trying to use aid funds, and are not organized to measure the outcomes of aid funding. Any program of grant making should be geared to achieving three objectives essential to the process of building institutions—sustainability, ownership, and capacity building. U.S. grant-making is not organized to achieve these objectives vis-à-vis the private institutions of civil society which would nurture and protect religious freedom.

All these problems have reinforced the habit among American policy makers and diplomats of resisting the integration of religious freedom into democracy promotion. To be sure, there is no shortage of rhetorical commitments to religious freedom in official U.S. documents (for example, there are 19 mentions of religion or religious freedom in the 2006 U.S. *National Security Strategy*). But there has been little serious policy commitment to integrating the issue into American private and public diplomacy, and to placing religious freedom at the center of foreign aid and democracy program expenditures, such as those of the National Endowment for Democracy, USAID, or the State Department's Human Rights and Democracy Fund (HRDF).

Fortunately, this situation has just recently begun to show signs of change. As of early 2009, the HRDF is beginning to issue grants using funds earmarked specifically for IRF promotion (though solely because

of pressure from Congress). Moreover, as noted, there are small but increasing numbers of programs among other agencies that do attempt to address religious freedom. But they are the exceptions that prove the rule. The foreign policy establishment as a whole remains skeptical of such initiatives for a variety of reasons, including a belief that they are unnecessary and the fear of some officials that they may be unconstitutional. This fear is unwarranted because promoting religious liberty is integral to democracy and in no way a violation of church/state separation.

A further obstacle lies in the isolation of the State Department's IRF Ambassador and his office, which are largely detached from U.S. democracy promotion efforts. Ideally the office should serve as a resource and offer strategic input in the essential task of promoting freedom of religion as a critical component of stable liberal democracy. Instead, religious persecution is treated primarily as a sequestered, humanitarian problem; there is little effort actually to promote religious freedom in a political-cultural sense as an indispensable part of U.S. support for democracy globally.

RECOMMENDATIONS:

1. Issue, early in the administration, public statements from President Obama and Secretary Clinton emphasizing that advancing religious freedom will be elevated in all aspects of U.S. foreign policy. They should note that this elevation will go beyond the previous focus on religious persecution, but will actually prove more effective over the long run in reducing persecution by advancing political and civil institutions supportive of religious freedom and stable democracy.
2. Stipulate that administration policy is to integrate the advancement of religious freedom into all U.S. foreign aid and U.S. democracy strategies and programs. The administration should issue a directive to the U.S. foreign policy bureaucracy and national defense institutions specifying how this will be done. The central theme should be that religious freedom is integral to supporting the peaceful spread of stable democracy, which is essential for American national security.
3. Integrate the office of the Ambassador-at-Large for International Religious Freedom into all strategic and operational decisions involving democracy promotion strategies and program funding.

4. Acquire, improve, and integrate the skills necessary to plan and administer democracy programs within the Department of State.
5. Support, via foreign aid and democracy funding, faith-based and secular NGOs around the world whose purpose is to advance religious freedom as part of democratic development. In situations where such NGOs do not now exist, U.S. funding should be designed to trigger their growth, just as funding from the National Endowment for Democracy triggered the growth of secular democracy promotion institutions during the 1980s and 1990s.
6. Develop programs to engage and educate U.S. and foreign legal advocacy groups, associations of lawyers, law schools, or other players in the legal sector regarding domestic and international legal aspects of religious freedom.
7. Encourage more active engagement by countries (e.g., Norway, Netherlands) and multilateral institutions (e.g., the Organization for Security and Cooperation in Europe) that have been supportive of IRF promotion and that may be open to integrating IRF into democracy and civil society strategies and programs. In situations where countries or multilateral institutions are not yet open to such ideas, the U.S. should develop strategies to convince them of the benefits of religious freedom to democracy promotion.

Public Diplomacy

In many ways the shortcomings in U.S. public diplomacy with respect to religious freedom are the same as those in U.S. democracy and civil society programs. To the extent that U.S. public diplomacy in the past has taken religion seriously as a driver of culture and politics in Muslim and other highly religious societies, it has at times appeared more intent on diluting religion's effect than encouraging a political culture grounded in religious freedom.

Some public diplomacy efforts have reflected the United States' own moral confusion and poll-driven culture. For example, attempts to "reach out" to Muslims have often centered on American pop music; a chair of the U.S. Broadcasting Board of Governors once suggested that the pop star Britney Spears "represents the sounds of freedom." Such an impoverished notion of freedom is counterproductive if the United States is to engage effectively in the war of ideas within Muslim-majority societies, or influence other majority religious communities such as Russian Orthodoxy or Indian Hinduism.

Lasting solutions to the problems faced by American foreign policy will increasingly require the involvement of religious actors abroad who can speak from the heart of their respective communities, especially about how religion and ordered liberty can be mutually reinforcing. In order to engage and influence such actors, U.S. public diplomacy must develop the capacity to convey accurately the importance of religion in American history and in contemporary American society, our own struggles with religious freedom, the role of religion in other societies that have become (or are in

the process of becoming) liberal democracies, and our intent to assist other countries working to secure stable, healthy religion-state relations.

WHY IS RELIGIOUS FREEDOM NECESSARY TO EFFECTIVE PUBLIC DIPLOMACY?

The mission of public diplomacy is to communicate effectively America's purposes in the world, i.e., who we are and what we seek to do. Part of that mission entails listening to foreign voices and understanding foreign perceptions of the United States, including the reasons for those perceptions. Public diplomacy is a central means by which the United States competes in the war of ideas taking place in many cultures. Often this mission is best served by stressing common interests, values, and threats rather than American exceptionalism. For example, our vigorous and continuing debate over religion-state issues can be presented as a commonality with nations that are struggling with similar issues. Here the American experience can be offered as an example that has proven successful in the U.S. context, rather than as a superior blueprint. American struggles can be presented and perceived as a rationale for sympathetic understanding and partnership in problem solving.

Communicating this experience successfully requires particular talents that go beyond marketing credentials. The message itself is even more critical than the modes and techniques for projecting it to the world. Public diplomacy demands a strong grounding in American history and constitutional thought, as well as comparative religion and politics. Pop culture and commercialism do not do justice to enduring American principles, especially those that have led the U.S. toward greater religious freedom. Such principles are important in the fight against potent ideologies that legitimize repression of religion.

It is also critical that public diplomacy officials be capable of explaining what the "separation of church and state" has actually meant in the American context. The American constitutional order produced a constructive tension between church and state—*not* a separation between religion and the act of governing. One of the major reasons for the success of the American experiment is that it balanced citizens' dual allegiances to God and to earthly authorities without forcing believers to abandon or compromise their primary loyalty to God. Indeed, in its

fundamental principles of limited government and popular sovereignty, the American system encourages its citizens to have loyalties beyond the state and to draw on those transcendent loyalties in making moral arguments about the common good. Such arguments serve society and the state as a whole.

This stands in marked contrast to the French Revolution, which sought to detach public morality from religion and led to an understanding of “religious freedom” as the state-enforced privatization of religion. Radically secularist models of “religious freedom” have been pursued by several countries, with uniformly problematic results for both state and society. Thankfully, many other countries have embraced more robustly pluralistic approaches to the role of religion in public life.

OBSTACLES TO SUCCESS

U.S. public diplomacy strategies have in the past failed to communicate those elements of the religious experience in America and elsewhere that might resonate with foreign audiences and provide the means to engage in the war of ideas. A lack of appreciation for how religious freedom can buttress and expand security and social wellbeing leads to a dearth of vocabulary, imagination, and practical remedies that draw on religious ideas, individuals, and institutions. When U.S. policy communicates an official position of awkwardness and reticence on these matters and ambivalence about the significance of religion in people’s lives, it hinders U.S. policymakers from reaching and winning hearts and minds abroad.

It is both ironic and revealing that many Muslims tend to view the United States through their millennium-long encounter with Europe. This has bred two opposing misunderstandings: first, that the United States is the latest of the Christian crusader nations entering their region to crush Islam; and, second, that the United States is a godless, militantly secularist regime like revolutionary France and the Muslim nations that the French example inspired. When Muslims hear a description of the United States as religiously vibrant as well as diverse, it genuinely surprises them, even those who are well-informed in most other respects. American public diplomacy must develop the capacity to explain our distinctive approach to the world, not necessarily as an example for other nations to emulate, but as a description of how a large nation has been able to embrace religious

freedom and religious pluralism, and how both have strengthened constitutional government as well as national security.

Public diplomacy thus has a critical role to play in overcoming the widespread assumption that American democracy and religious freedom policies are, in effect, cultural imperialism, designed to undermine majority religious communities, pave the way for American missionaries, and move religion to the margins of political life in democratic societies. More broadly, effective public diplomacy must recognize religion as a powerful driver of culture, including political culture. Religion is one of the strongest determinants in both the life of an individual and the life of the community; it defines the worldview of many whom U.S. policy seeks to influence. Public diplomacy must therefore include strategies for communicating with deeply religious audiences.

RECOMMENDATIONS:

1. Appoint public diplomacy leaders who have a strong understanding of the significance of religious liberty and religious culture, both in America and abroad. Prerequisites for senior and mid-level positions in the field of public diplomacy should include demonstrated ability in articulating the enduring significance of the principles that have supported human rights—including a robust understanding of religious liberty—in the American experience and elsewhere. They should demonstrate an understanding of the vigorous role of religion in American society today (particularly the successful experiences of contemporary religious minorities, and the ways that pluralistic and participatory religion has strengthened democracy); how this role has evolved over time; and how it compares/contrasts with the role of religion abroad. Relevant institutions such as the U.S. Commission on IRF should provide resources on these issues to public diplomacy officials. Likewise, President Obama's new Advisory Council for Faith-Based and Neighborhood Partnerships should address these issues as it works with the National Security Council to foster interfaith dialogue with leaders and scholars around the world.
2. Ensure that expertise on the relevance of religious freedom to public diplomacy is present in the State Department's regional bureaus. Assigning public diplomacy personnel in regional bureaus at the State Department has helped integrate public diplomacy with mainstream diplomatic concerns. The same must be achieved for religion and public diplomacy so that

evaluating religious dynamics of target cultures becomes a regular function of analysis, and articulating the positive role that religion can play in public life under a regime of religious freedom becomes a consistent feature of communications strategy.

3. Communicate the benefits of religious liberty for both religion and state. U.S. public diplomacy should develop strategies to assist other vehicles of U.S. policy (e.g., private diplomacy, foreign aid, democracy programs) in convincing majority religious communities (e.g., Russian Orthodox, Iraqi Shiite, Afghan Sunni) that religious freedom will benefit them. The prospect of religious liberty is often perceived as a threat to majority religious communities that have enjoyed cultural and political dominance. It can, however, offer substantial benefits for those communities, while benefiting individuals, minority groups, and society as a whole.
4. Create a religion/religious freedom subspecialty in the public diplomacy career track for Foreign Service Officers.
5. Ensure that public diplomacy officials are familiar with theological principles within various religious traditions that support civil society and limited, constitutional government. Examples would include the Protestant work ethic, the Kuyperian concept of sphere sovereignty, the Roman Catholic commitment to religious liberty in *Dignitatis Humanae*, general Christian principles of “just war,” Muslim principles of justice and charity, and a great many more. Being conversant with religious contributions to liberal democracy and civil society is highly advantageous to America’s engagement with a world of public religion.
6. Seek the counsel of religious individuals and NGOs with experience in target cultures. Individuals with experience serving foreign communities through religious schools, hospitals, and other mercy ministries are one example of largely harmonious interaction between the United States and non-Western cultures. Those who have participated in such outreach efforts glean valuable insights into the culture and religious beliefs that continue to confound many U.S. officials. For example, Western religious believers can understand and appreciate Muslims’ belief in a supernatural reality, adherence to a comprehensive moral code, and the concept of a well-ordered interior life. This appreciation, often lacking in foreign policy circles, could provide valuable insights.

7. Establish within the Department of State a formal outreach program to key American minority religious communities. Such programs would contribute to the education of diplomats and strengthen ties between U.S. diplomacy and U.S. religious communities.
8. Encourage existing public and private diplomatic institutions to increase interfaith dialogues and exchanges. In addition, encourage the establishment of privately funded Islamic and Hindu Institutes of American Studies. Such institutes could assist in bringing Islamic and Hindu scholars from around the world to engage in discourse about the American experience, via seminars, conferences, publications, and teaching.
9. Provide each American ambassador a religious freedom fund to send religious leaders to America for short visits. These funds would be different from the International Visitors Program, which is more structured and long-term.

Counterterrorism Policy

Since the end of the Cold War the U.S. national security community has increasingly had to come to terms with the fact that many threats emanate not just from conflicts of interest or ideology but also of “identity.” Such conflicts have complex origins but are often implemented along the lines of religious identity.

Today’s most important security threat involving religion is, of course, the global terrorist/insurgent network led by Al Qaeda and its ilk. The U.S. response has been to pursue (1) hard-power approaches (military, law enforcement, and intelligence measures focusing on preventing a particular action—terrorist violence), and (2) broader efforts in conflict prevention, counterinsurgency, and democratic nation-building. Unfortunately, in practice the U.S. has over-emphasized the former and under-emphasized the latter. A more balanced and effective approach would employ military measures as only one component in a combination of all the elements of national and international power. That combination must include “smart” diplomacy and solutions to the critical problem of religious and secular authority.

In its hard-power strategy to date, the U.S. has attempted to apprehend or eliminate terrorists by the use of intelligence, law enforcement, and military power. It has sought, and in some cases gained, the cooperation of other governments in these activities, including some in the greater Middle East where the terrorists and their ideas were born and nurtured. These U.S. efforts have had some success. In Iraq, for example, Al Qaeda leaders have been killed and cadres removed from areas where they had

been entrenched. In Saudi Arabia, the government has taken harsh measures against Al Qaeda, and the Saudi government has cooperated on intelligence sharing. But Islamist terrorism as a serious threat to American interests at home and abroad has not been eliminated. It survives in the form of Al Qaeda and other like minded groups such as the Taliban, Lashkar-e-Taiba, or Hezbollah.

In its broader preventative strategy the U.S. has argued that the spread of democracies in the region is the best means of “draining the swamps” of extremism. The logic has been that democratic freedom is necessary for Muslim-majority nations to overcome the social, economic, religious, and intellectual conditions that produce terrorist movements. This approach has also had only limited success. The nascent and struggling democracies brokered by the United States—Iraq and Afghanistan—have indeed demonstrated their desire for freedom, including freedom from the ravages of religiously-inspired violence. But neither has developed the democratic institutions and habits necessary to eliminate the appeal of extremist Islamism. Moreover, in Pakistan, a country with a long and checkered history of procedural democracy, extremist Islamism in the form of Al Qaeda and other movements continues to subsist within its borders in part because of their successful appeal (however unjust and distorted) to religious obligation.

U.S. democracy promotion policy has not succeeded for a variety of reasons, including the effects of the war in Iraq, the Israeli-Palestinian crisis, the power of the Khomeinist Iranian government, the rise of Hezbollah and Hamas, the entrenched power of both secular and theocratic autocracies (e.g., Egypt and Saudi Arabia) and the U.S. need for their cooperation, and the inability of Muslim reformers in key countries of the Middle East to move their regimes to embrace an Islamic-democratic political theology. U.S. democracy policy has itself been inconsistent. After suggesting it would support democratic movements throughout the Middle East, the United States by 2006 was retreating from that position.

Even more importantly, U.S. counterterrorism and democracy promotion strategies did not integrate an appropriate focus on religion and religious freedom. American diplomacy and security institutions failed

to engage systematically the religious leaders and communities that drive political culture in most countries of the greater Middle East. And even if U.S. leadership had recognized the importance of this kind of engagement, it had not made the prior investments in its own education that are prerequisites to success.

There was insufficient effort to encourage Muslim participation in democratic reform movements, or to engage in an internal discourse over what the religion-state relationship might mean in an Islamic democracy, or to promote faith-based diplomacy and conflict prevention. U.S. actions permitted majority religious communities to conclude that the goal of U.S. IRF policy was to undermine their respective religious traditions, to separate them from political involvement, and to facilitate freedom for Western missionaries. No arm of U.S. foreign policy—military, intelligence, public diplomacy, government to government diplomacy, foreign aid, U.S. funded democracy programs, or Track II diplomacy—put religious freedom broadly construed at the core of its counterterrorism strategies.

WHY IS RELIGIOUS FREEDOM NECESSARY TO THE SUCCESS OF U.S. COUNTERTERRORISM POLICIES?

We believe that effective military, intelligence, and law enforcement efforts are necessary but insufficient tools to defeat terrorism committed in the name of Islam. Terrorist movements thrive in part on the appeal of ideas: even when leaders are captured or killed, communications disrupted, or geographic regions cleared of terrorist cadres, the ideas which attract recruits remain operative. New terrorists emerge for a variety of reasons, including rage, a sense of victimhood, or in some cases unemployment. But Islamist terrorism in its various guises is distinctive, and possesses a particular staying power, because of its appeal to religious obligation. Al Qaeda's survival to date would not have been possible without its argument that Islam requires Muslims to engage in a defensive jihad against the United States and its allies.

Polls show that, not surprisingly, the great majority of Muslims worldwide believe terrorism to be incompatible with their understanding of Islam. Moreover, there are in every Muslim-majority country reformers, including feminists speaking from the heart of Islam, arguing for a lib-

eral democratic Islamic political theology. These factors provide reason to believe that the institutions and habits necessary to eliminate the appeal of extremist Islamist ideas are achievable. But the goal is blocked by the dominance of secular and theocratic autocracies that continue to incubate and encourage extremism. The “war of ideas” within Islam cannot be won within such regimes or, for that matter, within fragile, nascent democracies in which public discourse over Islam is still strongly discouraged. Overcoming extremist religious ideas can only be accomplished if Islamic reformers, especially those from majority religious communities, are able to speak and publish freely about Islam and its relationship to political authority, justice, coercion, the rights of women, and the rights of non-Muslims. This is a key aspect of religious freedom overlooked by U.S. IRF policy.

In many Muslim-majority contexts the conditions for a public discourse about Islam have not existed, at least in recent history, and do not now exist. Most secular Middle Eastern authoritarian governments (e.g., Egypt, recent Pakistani governments, Iraq under Saddam, Iran under the Shah) have for their own ends manipulated and marginalized religion and religious communities. That policy has contributed to the radicalization of Islamist groups in those countries, including a turn to violence and sometimes terrorism. By the same token, in most Middle Eastern theocratic regimes, radical religious ideas and movements (e.g., Iranian Khomeinist Shiism, Saudi Wahhabism, and the Afghan Taliban) have themselves monopolized political power and prevented any exposure by their own or other religious groups to religious freedom and democracy. Each of these regimes has been responsible for the incubation, export, and support of Islamist terrorism.

In short, the secular and theocratic autocracies of the greater Middle East have not simply prevented the emergence of democracy. They have also blocked the operation of a critical precondition to the defeat of extremism and terrorism—that religious communities seeking a role in politics be willing and able to submit their religious truth claims and religion-based political arguments to public scrutiny (and public rebuttal). The nascent and struggling democracies of Pakistan, Iraq, and Afghanistan have laid some groundwork for religious freedom and a public discourse about Islam, but all have powerful political-religious forces that resist.

OBSTACLES TO SUCCESS

The arguments presented above about the value of democracy and religious freedom are highly unlikely to appeal to religious actors who are already radicalized. There is some evidence that a few radicals have experienced “conversions” to more moderate forms of Islam under the influence of reeducation programs performed by authoritarian governments such as Saudi Arabia and Yemen. While such programs may be useful, they are unproven and should not be the primary content of U.S. diplomatic efforts against Islamist terrorism. Those efforts should center on the empowerment of democratic Muslim reformers, speaking from the heart of Islam, rather than relying on the actions of authoritarian governments.

Second, Islamist organizations that have engaged in the democratic process, such as Egypt’s Muslim Brotherhood or Pakistan’s Jamaat-e-Islami, contain factions that have historically undertaken violence and terrorism. The radicalism of such groups does not arise solely in reaction to authoritarian regimes; their arguments for extremist measures, including illiberal measures in criminal law, the treatment of women, and the treatment of religious minorities, derive from religious arguments as well. But on balance authoritarian settings exacerbate the violent and radical tendencies of such groups while democratic settings can lead them to be more moderate and peaceful than they otherwise would be. Part of the moderating mechanism is the requirement to submit their religious and political truth claims to public scrutiny and debate. It is by no means inevitable that moderation will result from opening a political environment, but democracy grounded in religious freedom can increase the chances of political *and* religious moderation.

Third, a key obstacle to the employment of IRF policy as a counterterrorism strategy is the arguments made by terrorists themselves, i.e., that U.S. policy is intended to separate Islam from politics and facilitate the operation of American missionaries. Islamist radicals have successfully exploited Muslim familiarity with the French model of managing and marginalizing religion. They have conflated the French and American models, and branded American “freedom” strategy as secular, godless, and anti-Islamic. U.S. IRF policy can overcome these perceptions by communicating, in public and private diplomacy, foreign aid, democracy programs, and Track II efforts, that religious freedom means the right of religious communities

to participate in forming the laws and policies of a democratic state. It does not mean the banishment of Islam from public life.

RECOMMENDATIONS:

1. Mandate that U.S. military and other security institutions provide relevant personnel basic education about religious/cultural issues, and particularized instruction on the religious traditions in the countries in which they serve or for which they are responsible.
2. Provide a representative from the State Department Office of IRF to all agencies of the U.S. government that are responsible for implementing counterterrorism strategies. In particular—and most importantly—the Ambassador-at-Large for IRF should also serve as a Special Assistant to the President on religion and national security issues.
3. Regularize and expand procedures for seeking the counsel of religious actors and groups who live in and have experience in target cultures, as well as American-based clerics and scholars, in order to broaden and deepen the official American understanding of extremist and terrorist groups and how to defeat them.
4. Establish under the aegis of the National Security Adviser an interagency task force to examine the prospective contributions by U.S. IRF policy to counterterrorism strategies. The task force should be co-chaired by the Department of State's senior counterterrorism official and the Ambassador-at-Large for IRF, with substantial input from other relevant agencies. This project should lead to a national security directive integrating IRF policy into counterterrorism policy.
5. Assign a senior adviser on counterterrorism to the Ambassador-at-Large for IRF.
6. Encourage the U.S. Commission on IRF to continue and expand its efforts to study the effects of religious freedom on religious extremism.
7. Encourage faith-based NGOs with expertise in relational diplomacy, conflict resolution, and reconciliation. Ensure that funding mechanisms are open to such NGOs on a nondiscriminatory basis with other NGOs.

Multilateral Engagement and International Law

A truly successful religious freedom policy will be oriented not just to reactive and rhetorical condemnations of persecution, or to case work (e.g., diplomatic interventions to try to free religious prisoners) but also to the proactive, long-term cultivation of religiously free regimes. At the multilateral level there is a two-fold problem besetting U.S. efforts to promote international religious freedom in this larger sense.

First, the perception of U.S. IRF policy around the world is that it is an example of U.S. unilateralism and illicit American exceptionalism. It is not seen as being inherently linked to international law and norms, but rather as an example of America's arrogant assumption of its own superiority and special calling to remake other countries in its own image. To be sure, such perceptions are not entirely fair—indeed they are often grossly exaggerated. But they have become more rather than less widespread since the passage of IRFA and they undercut U.S. credibility and influence in international relations.

Second, while there are many formal protections for religious liberty articulated in international legal documents, the protections are insufficiently respected by signatory countries and insufficiently operationalized at the multilateral level. In recent years the U.S. has not helped matters by trending away from multilateral engagement. While the tools of unilateral foreign policy are important, even the sole remaining superpower usually does not have sufficient leverage on its own to produce comprehensive systemic change, particularly when hyper-sensitive issues related to religion are at stake. Indeed, the process of globalization

is rapidly diffusing and complicating international relations, making exclusively unilateral approaches increasingly untenable.

WHY ARE MULTILATERAL ENGAGEMENT AND INTERNATIONAL LAW IMPORTANT TO U.S. IRF POLICY?

One of the ironies of U.S. IRF policy is that while some critics accuse it of being a peculiarly and unilaterally American crusade, international law has long been abundantly clear in setting robust standards for freedom of religion or belief. Article 18 of the Universal Declaration of Human Rights is unambiguous and remarkably comprehensive in defining these freedoms. The Universal Declaration was adopted by the General Assembly without a single negative vote and to this day is still regarded as the seminal international human rights document.

The Universal Declaration's Article 18 is also the source text of subsequent international human rights instruments, notably the International Covenant on Civil and Political Rights (ICCPR), which stipulates that religious freedom cannot be impinged even during war-time. It is listed as one of the ICCPR's "non-derogable" rights. Freedom of religion or belief is reinforced in other human rights declarations and treaties as well, including the UN Declaration on Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, the European Convention for the Protection of Human Rights and Fundamental Freedoms (which established the European Court of Human Rights), the American Convention on Human Rights, the African Charter on Human Rights, and key documents of the Organization for Security and Cooperation in Europe (OSCE) such as the Helsinki Final Act and the Vienna Concluding Document.

Furthermore, many of the formal protections for religious freedom in international law and institutions came into being not in spite of American unilateralism but with active American multilateral engagement. Former First Lady Eleanor Roosevelt was the driving force behind the UN's adoption of the Universal Declaration. American diplomats and NGOs were also deeply engaged in other international human rights efforts, such as the ICCPR and the Declaration on Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. American diplomats were likewise key players working to ensure that

OSCE documents included language on religious freedom. And it was the U.S. that introduced the UN resolution creating a Special Rapporteur on Freedom of Religion or Belief.

In short, international law has been important to the cause of international religious freedom, and international religious freedom has been important in the development of international human rights law. At least on paper, there is now and has long been widespread international support for freedom of religion or belief. And there are ample precedents of American leadership and cooperation in efforts to include these freedoms in multilateral documents and institutions.

OBSTACLES TO SUCCESS

Notwithstanding the existence of these international protections for religious freedom on paper, many signatory nations violate religious freedom in practice. Moreover, signatory nations that are not themselves gross violators of religious freedom will often take no meaningful action, either individually or via international law/institutions, in response to gross violators. This problem is, of course, not unique to religious freedom; other human rights are also often ignored in favor of competing national and political interests.

The practical weakness of existing international institutions leads some frustrated U.S. policy makers to abandon or neglect multilateral engagement. Indeed, the U.S. can rightly be criticized for inconsistency in its relationship to international human rights. While the U.S. has at times exercised leadership in creating international human rights law, and its rhetoric on the global stage is full of bold statements on human rights, it has not always avoided the temptation to seek exceptions for itself. It has even failed to ratify human rights treaties that its own officials were influential in negotiating.

Of course, human rights treaties will never be perfect—some may never warrant U.S. approval, and others may only warrant approval with specific reservations. But the U.S. has not invested deeply and consistently enough in the development of legitimate international institutions capable of enforcing the high ideals of international law. The U.S. needs efficacious international human rights institutions in

order to promote genuinely sustainable religious freedom and in order to protect its own interests and reputation. Its lack of investment undermines U.S. credibility when it tries to use its own foreign policy tools (such as those available under IRFA) to influence other nations' human rights records.

On the other hand, the U.S. should not yield to those critics who argue that IRF should *only* be addressed through international law and international institutions, and never directly through its own foreign policy and its own national institutions. Such critics typically contend that using U.S. institutions to defend and promote religious human rights amounts to American cultural imperialism. However, sometimes these same critics have no problem with using unilateral foreign policy tools to defend other rights, such as rights to racial and gender equality and to freedom of speech and press.

Such arguments also seem to ignore the long bipartisan track record of unilateral U.S. efforts supporting international human rights, including religious freedom. For example, the Jackson-Vanik Amendment of 1974 employed unilateral economic sanctions to pressure the Soviet Union to stop violating the emigration rights of Jews. In 1976, the Democratic Congress created the Helsinki Commission, which has never found it necessary to exclude religious freedom concerns from its advocacy for international human rights. Another example is the Congressional Human Rights Caucus; spearheaded by Democrat Tom Lantos and Republican John Edward Porter in 1983, the Caucus has long included international religious freedom advocacy in its work.

It is legitimate, then, for the U.S. to use its own diplomatic and institutional resources to criticize other countries and attempt to persuade them to respect the freedom of religion or belief. Yet this legitimacy depends in part on the existence of strong standards of religious freedom in international law. Since almost all nations of the world are signatories to the Universal Declaration, the U.S. can fairly say that in criticizing other countries it is not trying to "impose" its culture. Rather it is merely calling on other countries to live up to their existing commitments under international law.

If the U.S. wishes to enhance the credibility and effectiveness of its unilateral and bilateral efforts, it will need to balance them with multilateral efforts. That is, at the same time that the U.S. deepens its own foreign policy on religious freedom, it needs to participate—and be seen participating—in the strengthening of international human rights law and institutions. The reality is that, as we have argued in this Policy Report, the successful advancement of religious freedom will be good for the societies themselves, good for the world, and good for the fundamental interests of the United States.

RECOMMENDATIONS:

1. Publicly stipulate that the administration seeks practical and ambitious results from its IRF policy, and that accordingly it intends to make intelligent use of all the tools available to it, multilateral as well as unilateral. The U.S. should reinvigorate the tradition of American leadership in international law/institutions vis-à-vis freedom of religion or belief. It should in particular seek ways to strengthen and augment existing institutions at the UN that have specialized expertise on religious freedom. The U.S. mission to the UN should dedicate a senior official to this issue.
2. Seek to form coalitions of like-minded countries and other international actors who have a shared interest in promoting freedom of religion/belief in a particular country or region, thereby maximizing strategic relevance and leverage. At times multilateralism via regional bodies or ad hoc coalitions will be preferable to multilateralism via the UN, which can be too cumbersome and compromised to be effective. Such strategies may well result in coalitions that are not led by the U.S., or may not even have the U.S. as a formal member. For example, the European Union may have more influence with some former Soviet states than does the U.S.
3. Increase the administration's commitment to international human rights monitoring institutions, including those that monitor and report on human rights and religious freedom in the United States. The IRFA-mandated Annual Report on International Religious Freedom is a highly valuable resource, but because it includes every nation on earth except the U.S., it is too often dismissed as an exercise in American exceptionalism.

4. Choose words carefully when discussing freedom of religion abroad, and define terms precisely. In the U.S. the phrase “religious freedom” is widely understood, but in international documents the accepted formulation is “freedom of religion or belief.” In using the broader formulation, U.S. officials should make clear that the freedom sought is not just for formally recognized “religions” but also for individual religious belief (a position which by its nature includes the individual right not to believe). Some nations attempt to define “religion” in a restrictive way that includes only state-approved traditional religions, and then claim to be respecting “religious freedom” because all the “religions” they have approved are free to operate.
5. Internationalize the “bully pulpit” with respect to religious freedom promotion. President Obama should seek opportunities to speak jointly with other world leaders about religious freedom as a universal human right. This will help change the climate of global opinion and, perhaps even more importantly, help preempt criticism that religious freedom is just an American hobbyhorse.
6. Seek to persuade multilateral bodies to revise their existing grant-making policies or create new ones in order to provide focused support to civil society organizations that defend and promote freedom of religion or belief. Some venerable international human rights organizations, both secular and faith-based, refuse on principle to accept financial support from the U.S. government or any other individual government. They want to rule out any possible perception of a conflict of interest or of political compromise. However, if more broadly multilateral funding mechanisms were available, such organizations may be more willing to avail themselves of the support and thereby expand their capabilities in religious freedom programming.
7. Develop programs in countries where religious freedom is restricted to educate religious groups and lawyers acting on their behalf about their rights under international law and about complaint and reporting mechanisms available to them within international institutions. In some cases it will be useful to encourage minority religions to work cooperatively with each other and take common positions in any effort to mobilize international law.

Conclusion

America's ten-year old policy of advancing international religious freedom has laid important tracks for the future. The United States has consistently and forthrightly condemned governments that conducted or tolerated persecution. U.S. diplomats have made laudable strides in relieving the suffering of particular individuals. Hundreds of victims have been released from prison, an achievement worthy of our nation. IRF policy has initiated legal changes in at least one country, Vietnam, that might have positive long-term effects. In another, Saudi Arabia, important commitments were won from the government which could also have long-term effects, although there remain significant reasons for caution.

As important and potentially fruitful as these achievements are, however, they are not enough. U.S. IRF policy has for too long been hampered by a sense that religion and religious freedom are too difficult and divisive. In her recent book, *The Mighty and the Almighty: Reflections on America, God, and World Affairs*, former Secretary of State Madeleine Albright noted that diplomats and policy makers have simply ignored the role of religion in shaping the world. To them, she wrote, the subject of religion "was above and beyond reason; it evoked the deepest passions; and historically, it was the cause of much bloodshed. Diplomats in my era were taught not to invite trouble, and no subject seemed more inherently treacherous than religion."

But, as Secretary Albright went on to say, "Billions of people still live under governments that fail to recognize or protect basic human rights. The plight of the poor and repressed should be reason enough for Amer-

icans to close ranks, if not always in common cause then at least in separate causes that come together at key points. ... The first is support for the principle and practice of religious liberty.”

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