

Scott Appleby - Kick Off Remarks

Religious Freedom and Foreign Policy Challenges:
State-Religions Arrangements in a Post-Western
World

Thanks to Fabio Petito, Silvio Ferrari, Marialaura Mazolla and other conference organizers and sponsors; my gratitude does not extend as lavishly to your decision to place me as the first speaker to feel the glare of the spotlight, where my ignorance of these issues can be more readily exposed.

In my brief remarks, I will set forth five challenges facing foreign policymakers and proponents of religious freedom in a "post-Western world."

The first is the lack of consensus on the content and definition of religious freedom. The basic question is this: what counts as an authentic religious expression and what does not? Should Western governments protect the freedom to wear the hijab? Should non-Western governments protect the freedom to change one's religion? Is the defamation of religious icons a betrayal of religious freedom? And so on

Such questions turn on the unsettled prior question of what constitutes religion itself. As we know, the definitions of religion are legion, from affirmations by the People of the Book that worship of a transcendent being or

obedience to his revealed laws stand at the heart of religion, to the late anthropologist Clifford Geertz's famous and still-contested non-theistic definition of religion as a cultural system . . ."a system of symbols which acts to establish powerful, pervasive and long-lasting moods and motivations in people by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic." That's a capacious sacred canopy!

One such definition of religion turns on its root meaning, re-ligare: to bind together. Religions are those social entities which bind together their members in a set of practices, beliefs, moral codes, etc. There is a distinctly communal cast to religion in this conceptualization: it is what we do in community; religion is NOT, contra William James's classic definition in *Varieties of Religious Experience*: what one does with one's solitude. It is not modern liberalism and radical individualism writ large, nor is it mere "spirituality." Rather, religion is collective, of the group.

And yet in 1986 Robert Bellah and colleagues in their study of American values, *Habits of the Heart*, concluded that religion in America had broken free of its communitarian roots, and was no longer denominational or Congregational or Catholic or orthodox or communal,

but rather given over to "self-expressive personal religiosity" —the final triumph of the radical individualism enshrined in western legal codes and social mores.

In short, any legal or social regime of religious freedom that extends itself to the collective—to groups, denominations, sects—to religions in the conventional sense— may increasingly pose profound difficulties for Westerners, the vast majority of whom, by the way, are not at all convinced that they are living in a post-Western world.

Cultural receptivity and social conformity is crucial to any legal regime, including the instantiation and institutionalization of the principle of religious freedom. But as we know, cultural receptivity to individual human rights is hardly universal. As the concept paper puts it: "In other parts of the world, different notions of freedom of religion and belief prevail, characterized by a less neat distinction between forum internum and externum and by an idea of religion as something to which individuals belong, something akin to family, ethnicity, or nationality."

This diversity of conceptions of rights and obligations, in short, poses a second challenge to building deep consensus about the meaning and content of religious freedom: there is fundamental skepticism, in some circles, about the desirability and viability of communal rights.

The third challenge to achieving a workable cross-cultural consensus on religious freedom is related also to the definition of religion or rather to its observable historical characteristics, its phenomenology: religion is irreducible to any encompassing, universal regime or good. Religions are longstanding, multigenerational historically conditioned, unresolved arguments about the good, about the sacred. As such, religions are internally plural and consistently contested from within. With respect to so-called liberal values such as tolerance or democracy or human rights, religion is, to coin a phrase, "ambivalent." Religion gives rise to violent, non-liberal expressions as well as to movements and groups and subtraditions that are largely congenial to liberal values such as universal human rights.

Compounding this challenge is the inability or refusal of many influential policymakers to comprehend and make decisions in keeping with this fact of radical religious pluralism. Here I refer to the persistence among western policymakers of a sort of secular myopia—an insistence on forcing global religious diversity and engagement into the procrustean bed of "church-state separation," construed along aggressively secular lines. Secular myopia about religion leads to its manipulation in one of two directions, along the lines of the two fallacies sketched last evening by Professor Dallmayr, namely, reducing

religion to politics and, in some settings, fusing it with the state; or, banishing religion altogether from the public square.

The desire to contain, regulate, restrict religion and religious expression, we must acknowledge, is understandable. Religions in the modern period, at least within the states that are also most likely to endorse religious freedom as a universal and fundamental human right—indeed as the cornerstone of all human rights—have been required to play within the rules of the liberal game, that is, to eschew hegemonic political power (e.g. the Islamic state or Hindu nation is a no-no), to operate within the supposed confines of civil society (as if civil society is somehow not a corridor to political power), and to conform to the modern situation of hyper-pluralism. James Madison: Let the sects flourish, i.e. let pluralism prevail, can be read as neutralize their will to power. This is not in the DNA of many modern religions, we must recognize: historically and even more so in a modern neocolonial setting, it is not in the DNA of synthetic political religions or fundamentalism, which are all about conquest and hegemony.

Hence our dilemma: The liberal project has asked religions to become self-limiting and self-policing. Is religious freedom to be extended only to those subsets who self-limit, who self-police? If so, what are the metrics

by which we judge their success, and who does the judging?

Do we deny the full measure of religious rights to Muslim minorities in Christian-majority or secular states, for example, because Muslims in some Muslim-majority states deny the full measure of religious freedom to non-Muslims? Is religious freedom, in short, a conditional or an inherent human right?

The fourth challenge is the fragmenting of the transnational discussion of religious freedom as the result of narrow ideological disputes. The partisan politicization of the discourse of religious freedom within national contexts threatens to undermine any emerging international and cross-cultural consensus on fundamental elements of religious freedom. Here I refer, in the American context, to the "distractions," to put it mildly, occasioned by the fierce partisan debate over Obamacare and the mandate to provide forms of contraception offensive to some religious communities. My remarks in this regard are not focused on the merits or demerits of the mandate, or the positions taken in opposition to it; nor, on the inevitable politicization of religious freedom, per se. Rather, they are intended to call attention to the ideological rabbit-hole into which proponents of religious freedom can easily plummet, and to ask what lessons may be learned from the politicization of religious freedom in

this particular prominent public dispute. In the American case, in my opinion, religious freedom has attracted some unsavory bedfellows, not least Catholic cultural warriors fighting battles for authority within the church—battles that have less to do with religious freedom than with questions of contested authority over who defines its terms and who possess the actual freedom to make moral choices within a religion.

The fifth challenge is the integration or at least the coordination of national constitutional and international law; and of course there are experts among us who can speak authoritatively to this matter. My own experience in this arena came through chairing a task force of 50 prominent Americans, which recommended as a new imperative for US foreign policy an unprecedented diplomatic and cultural engagement with religious communities abroad. We recommended that this engagement be preceded by a series of educational initiatives across the whole of US government on matters such as religious freedom. The idea was to prepare for a more subtle, nuanced and constructive engagement of American academics and leaders of civil society, as well as some intergovernmental agencies, with religious groups and movements.

The first obstacle to advancing such a program, we found, was an unresolved US constitutional debate on the question of whether any kind of US governmental engagement with religions abroad would violate the part of the religion clause of first amendment of the US Constitution, which forbids any law or measure that could be seen as promoting the establishment of a religion. Does this clause apply to engagement with religions outside the United States? And what kinds of engagement could be construed, in an international context, as abetting the "establishment" of a particular religion or sect?

I suppose in retrospect I should not have been surprised by the fact that such issues had not been resolved, or even systematically addressed, by US Constitutional lawyers. But we found this to be the case, as we witnessed a robust debate over these basic questions among the five constitutional lawyers on the task force. I take it that this coordination of domestic and international human rights law in the area of religious freedom is, or should become, a pressing matter for many nations, but I look forward to hearing more about this from our assembled experts.

I hope my remarks have been sufficiently provocative of discussion.