A Global Crisis of Religious Liberty: Evidence, Origins, and Significance
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Religious freedom in full is necessary for individual human flourishing, as well as for the social, economic, and political success of nations. And yet mounting evidence suggests that the early twenty-first century is witnessing a rapid, worldwide decline in religious freedom—what might reasonably be labeled a global crisis. Long brewing outside the West, the crisis has spread to Western democracies, including the United States.

The symptoms vary widely, from vicious physical abuse to the “mere” privatization of religion. But they emerge from a common diseased root—a failure to credit the religious nature of man and the consequent need of individuals and societies for a vigorous system of religious freedom, valued in culture and protected in law.

Unfortunately, the meaning and reach of this problem are often misunderstood or ignored in the West. We are outraged by the vile religious persecution of the Nigerian schoolgirls by Boko Haram, or the despicable torture by the Sudanese government of Meriam Ibrahim, the Christian woman who refused to convert to Islam, was arrested and forced to have her baby in a filthy Sudanese prison, and was sentenced to death for apostasy.

But outrage is not enough. On occasion, international condemnation can have the effect of freeing someone from harm’s way, and that is manifestly a good thing. But it does little or nothing to address the causes of religious persecution. Sad to say, the American policy of advancing international religious freedom, which is highly rhetorical and lacks any strategic rationale, has been largely anemic and ineffective.

We will always have a duty to condemn religious persecution. But if religious freedom is to survive, governments and societies must be given compelling reasons to alter the habits and structures of persecution. They must be persuaded that religious freedom is not a Trojan Horse designed to undermine their respective cultures, but that it is necessary to their own well-being.

In short, the case for religious freedom must be rediscovered by Western elites and advanced in their respective foreign policies, not as an imposition on those who now resist it, but as a necessary step to achieving their own goals. Presenting this self-interest argument should be a signal task of Western diplomacy. Unfortunately, to date it has not been seen as such.
Contending Premises

The case for religious freedom begins with the proposition that it is an individual, social, and political good precisely because religion itself is a good. This, of course, is contested ground. While there is abundant evidence in the international covenants, human rights instruments, and national constitutions of a commitment to something called religious freedom, people of good will have profound disagreements over the content, value, and reach of that freedom.

This disparity exists in part because opinion shapers—especially in the academy, the policy world, and the secular media—do not agree on what “religion” is, and, accordingly, what it is that people have a right to do under the protection of a constitutional or civil right to religious freedom. Among other things, this disagreement includes the question of whether religion is most accurately seen as a set of doctrinal commitments, a social or ethnic identity, or some other sociological attribute that is less “chosen” than it is inherited.

While eminent scholars have invested much time and energy complexifying the various meanings of religion, a reasonable definition can be quite straightforward, and can capture most, if not all, of the world’s religious traditions, as well as the contemporary phenomena of individualized “spirituality” and “believing without belonging.” Indeed, this definition proceeds from an understanding of human nature rather than any particular religion.

Religion is the universal human search for a greater-than-human source of being and ultimate meaning. So long as humans have existed they have engaged in this search, asking, as it were, the religious questions. For example, is there a greater-than-human, ultimate reality to which or to whom I owe my being and to which or to whom I should attune my behavior? If I conclude that such a reality exists, it is quite reasonable that I should seek to know and commune with it, and to understand what it requires of me in the way I organize and live my life. It is reasonable for me to ask whether there is life after death, and, if so, whether my behavior in this life, with respect to a greater-than-human reality and my fellow man, will affect my fate in the next.

I believe that the right to religious freedom is grounded precisely in the value of that enterprise as a human good. The search for a greater-than-human source of being and ultimate meaning is self-evidently necessary to human flourishing. To deny a person the right to engage in this search as his conscience demands, and to live in accord with the truths he discovers, is to deny the very essence of what it means to be human.

Nor is religion the merely emotive exercise imputed to it by those who would dismiss religious beliefs as akin to alchemy. There are, of course, aspects of religion that are “revealed” and must in the end be accepted on faith. But much of religion, including revelation, is subject to reason and rational discourse. Religious truth, in short, constitutes an ultimate intelligible motive for
human action. This factor augments religion’s importance as a fundamental human good and as an activity worthy of special protection in law and culture.

There are of course other ways to ground religious freedom, including the conviction that God desires people to come to him freely. For those who believe this, as do, for example, many Christians, Jews, and some Muslims, it constitutes a powerful incentive to protect religious liberty.

Others believe that religious freedom is necessary for civil peace – without it, religions and their adherents will inevitably clash. Today some scholars attribute this motive to the American founders who fashioned the religion clauses of the First Amendment. According to this interpretation the First Amendment’s ban on the establishment of religion was designed to protect the government and the public from the pernicious effects of religious divisiveness.

Still others understand religious freedom as an aspect of personal autonomy, merely one element of a “right to privacy”—that contemporary, ever-expanding rights-bearing vessel which in the United States also contains a constitutional right to consensual sex, contraception, and abortion. In this sense, the act of religion is an intimate personal choice that deserves legal protection, although no more than any other personal choice, and less than many.

This understanding of religious freedom as a private right doubtless helps to explain the movement of religion, and therefore of religious freedom, in Western Europe and North America out of public life. It helps to explain why increasingly in the United States we hear of a “right to worship” as if that were the sole content of religious freedom.

For my part, I accept the view that God desires religious freedom because He wishes his creatures to come to him freely. But I recognize that those who do not believe in God, or in this kind of God, are not likely to be persuaded by such an understanding. On the other hand, I reject as ahistorical the idea that the American founders saw religion as something dangerous to be controlled by the Establishment Clause. To the contrary, there is ample evidence that the founding generation believed that public manifestations of religion were necessary to the success of the American democratic experiment. The purpose of the Establishment Clause was to protect religion from the state, not vice versa. By the same token, the purpose of the Free Exercise clause was precisely to invite religion into the public square. As the first American president put it, “religion and morality are indispensable supports…[to] political prosperity.”

I also reject the idea that religion is merely a private activity, consisting exclusively of prayer and worship. For most religious people, the act of religion has distinct public dimensions, such as caring for the poor and defenseless, educating the young, creating and running civil society
institutions or for-profit businesses according to particular religious norms, sharing religious truths with others, and making religious claims to inform and shape the public life of a nation.

In sum, I see religion as a basic human good with inevitable public dimensions. All of us humans engage in it in some fashion, even if somewhere along the way we reject it—as have public intellectuals like Sam Harris, Christopher Hitchens, and others. I believe that religion is natural to human beings and is necessary to their flourishing, both individually and in society.

If, then, religion is a fundamental human good, then religious freedom must be more than a private right. Indeed, it follows that the legal right must be broad and capacious, i.e., the right of every person to an immunity from coercion in matters religious. It includes a right to believe and to worship, or not, and, if one is a religious believer, to act on the basis of belief in the public life of one’s nation, both as an individual and as a member of a religious community.

Religious freedom entails the right to criticize one’s own religion, and that of others, and to exit one’s religious community, without civil or criminal penalty. It includes the right to engage in civil society, business, and politics on the basis of one’s religious beliefs, as well as the right of individuals and groups to make religion-based arguments for laws and policies on a basis of full equality with non-religious arguments, and to prevail.

Let me emphasize that such a vigorous understanding of religious freedom is an ideal. It has never existed in full anywhere. In my view, however, it reflects the goals of the American founders and has come closest to realization in the United States. To the extent that religious freedom in full has existed there, it has made a significant contribution to such social, political, intellectual, and economic success as America’s citizens have enjoyed. Unfortunately, there is evidence that religious freedom is declining in the United States, as it is globally.

**Empirical Evidence of a Global Crisis**

Let me now summarize the evidence for that assertion. In the longer version of my paper for this conference I have provided data from four comprehensive reports published by the non-partisan Pew Research Center. Drawing on a variety of separate and independent sources, Pew has measured restrictions on religious liberty in 198 countries between the years 2007 and 2012.

Although this window of time is limited, the picture painted by the Pew reports is compelling and clear. At the beginning of the period, restrictions on religion were already high, but in the years since they have gotten steadily worse. Let me give you a flavor for these data.

In 2007 68 percent of the world’s population lived in countries where religion was highly or very highly restricted. By 2012 that number had increased to 76 percent.
Most of these people live in Muslim-majority countries, communist or post-communist regimes such as China or Vietnam, or large authoritarian states such as Myanmar or Russia. But there are also a few democracies, such as India and a handful of Western European nations, a subject to which I will return.

The Pew reports identify both government restrictions on religion and social hostilities toward religion. Both of these indicators were high in 2007, and each has gotten steadily worse since then.

For example, social hostilities toward religion reached a six-year global high in 2012. In 2007, 20 percent of the world’s countries had high or very high religious hostilities. By 2012 that was up to 33 percent—one third of the countries of the world. The increase in government restrictions during this period is comparable.

One of the most troubling elements of religious freedom’s decay is the growth in religion-related terrorist violence. In 2007, according to Pew, nine percent of the world’s nations were experiencing this kind of terrorism. By 2012 that number had more than doubled, reaching almost 20 percent.

Regarding which religious groups are most subject to harassment and persecution, the data show that that Christians are the most vulnerable, with Muslims a close second. Between 2006 and 2012, Christians were harassed in 151 countries, and Muslims in 135.

Significantly, the harassment of Jews—an historical bellwether of civilizational problems—has also increased dramatically over the past few years. In 2007 Jews were harassed in 51 nations. By 2012 that number had risen to 71 nations.

These and other religious minorities are often the victims of cruel violence, such as torture, rape, unjust imprisonment or unjust execution, because of their religious beliefs and practices or those of their tormentors. Examples are legion: the burning alive of boys, and the kidnapping and forced Islamization of girls, in Nigeria by Boko Haram; the slaughter of Muslim women and children by Hindu extremists in the Indian province of Gujarat; the ongoing brutalization and dehumanization of Ahmadiyya in Pakistan and Indonesia; or the terrible depredations of the al-Qaeda affiliate, the Islamic State of Iraq and Syria (ISIS).

The humanitarian costs of the crisis in religious liberty are staggering, as are the costs in instability and conflict. It is all the more puzzling that the United States and other nations that include religious freedom in their foreign policies have had so little impact.
The Western Democracies

Part of the problem is that some Western democracies are now themselves creeping into the “high” category of restrictions on religion. Many of us assume that religious persecution occurs exclusively in the Middle East, Asia, and Africa. And, indeed, most of the violent persecution, whether it is done by governments or private groups, does occur in those regions and not in the West. But there is reason for concern about Western democracies.

The Pew data show that in several nations of Western Europe social hostilities toward religion are rising dramatically. The Pew scores for France, Germany, Italy, and the United Kingdom are so high that they are similar to those of Iran and Saudi Arabia. All of them are in the category of “high” social hostilities toward religion.

The Pew studies also suggest that problems are emerging in America as well. The most salient trend is an increase in government restrictions on religion. According to the most recent report, the US level of government restrictions has increased by 57 percent between 2007 and 2012. In 2012 the level of US government restrictions was 54 percent higher than the global median. In 2007 the US score had been lower than the global median.

Causes of the Crisis

What is the explanation for rapidly increasing levels of religious persecution in certain regions outside the West, and for the decline of religious freedom inside the West, including in the United States?

Non-Western Countries. In most of the countries where religious persecution is on the rise—in particular Muslim-majority countries such as Egypt, Pakistan, Afghanistan, Indonesia, Syria, Saudi Arabia, Iraq, and Iran, plus North Korea, China, Vietnam, Cuba, Russia, Myanmar, and India—religious freedom has never been accepted or developed in law or culture.

The one significant exception is India. The world’s largest democracy, India has a huge Muslim minority, larger than the entire population of the Middle East. Since its birth in 1948 amid some of the most terrible interreligious massacres ever recorded, India has made remarkable progress toward a half-way house to religious freedom, namely, religious tolerance. But even tolerance is at risk with the emergence of a radical form of Hinduism in elements of the BJP party whose approach to Muslim, Christian and other minorities is harsh, anti-democratic, and illiberal. The fact that the BJP will lead the current Indian government will likely have significantly negative consequences for religious freedom there.
As for the other non-Western nations where religious persecution is on the rise, however, nothing approximating religious freedom in full has ever existed. There are many reasons for this gap, including skepticism in these nations that religious freedom is either useful for their societies or compatible with their respective religious traditions. In some there is suspicion that religious freedom is a form of Western cultural imperialism that seeks, for example, to move Islam to the margins of political life in favor of Christianity. For those who believe this (including some in Europe and the United States), religious freedom constitutes a threat that must be resisted. Such views constitute a major obstacle to attempts by the US or other nations to develop effective religious freedom policies and to advance them successfully.

The perception of US cultural imperialism is deeply ironic. The American model of religious freedom has historically included religion in political life in a way that could presumably have some appeal to Muslim nations. It is the French model of laicite that has sought to privatize religion in a way that seems incompatible with Islamic history and practice. Unfortunately, Muslim-majority publics seem to believe that US foreign policy would not accommodate Islam in public life, but would impose an American form of laicite that privatizes Islam, and would therefore be inimical to their interests.

Unfortunately this perception contains a substantial element of truth. Notwithstanding their own history, American foreign policy elites have for the most part abandoned the American model for the French, a phenomenon that helps explain the relative ineffectiveness of US international religious freedom policy.

One key cause of growing religious persecution is radical, violent religious movements, especially the extremist Islamism that provides the theological oxygen for transnational and regional terrorist groups of the Al Qaeda variety—for example, Al Qaeda in the Islamic Maghreb, the Al Nusra Front in Syria and Lebanon, and Boko Haram in Nigeria. In other forms, extremist versions of Islam pervade Iran, Saudi Arabia, and Sudan, and dominate the discourse about religious freedom in many other Muslim-majority countries.

Most contemporary religion-related terrorist movements are led by Islamists who believe they are carrying out God’s will and defending Islam. An unwillingness to credit this theological motive helps account for attempts by the United States and others to defeat Islamist terrorism almost exclusively with military force, intelligence services, drones, and legal procedures. These actions have been highly controversial, very expensive, and largely ineffective.

To the extent that terrorism is driven by a sense of religious obligation it is unlikely to be defeated exclusively by force, or the threat of force. Muslim opinion shapers must have the will and the means to discredit the religious rationale for violence. I believe that every Muslim
country has leaders who, given the opportunity, will make arguments from the Islamic tradition that Islam need not be defended with violence, and that Islam can support equality in law and culture of all citizens. But in order to make these arguments and to convince others, Muslim leaders must possess religious freedom. In most Muslim majority countries the public presentation of such arguments will result in official charges of blasphemy, or in mob violence. Violent Islamism is not the only form of religious radicalism that is fueling persecution. Extremist Hinduism is threatening democracy in India. Radical forms of Buddhism are fomenting violent persecution in Myanmar and Sri Lanka. In Russia, the Orthodox Church has too often allied itself with authoritarianism in order to preserve what it believes to be its rightful monopoly on religion in Russia.

In North Korea, China, Vietnam and Cuba, religious persecution is the result of a lingering totalitarian impulse still attributable to the influence of communism. In China, the central government has found it far easier to achieve economic growth than its goal of harnessing and managing the power of religion—especially evangelical forms of Christianity and Tibetan Buddhism. Purdue scholar Fenggang Yang has recently predicted that by 2030 more than 247 million Chinese will be Christians – more than the Christian population of any other country. The question is how the Chinese government will deal with this stunning growth. Will it react with vicious and overpowering force, as it did in Tiananmen Square or against the Falun Gong? Or will it find ways to accommodate Christianity, Buddhism, and Islam short of violence and repression? This is a major, but largely ignored, issue for US foreign policy.

Inside the West. The single most powerful cause of the decline of religious freedom in Western democracies is the rise of militant secularism, defined either as the rejection of religion altogether or the insistence that it move out of public life. Militant secularism is supported, especially in Western Europe, by the abandonment of, and growing hostility toward, religion by substantial numbers of people. But it is also supported by liberal Protestant and Catholic movements that seek to privatize religion and reduce its impact on culture, law and public policy.

The most plausible explanation for this phenomenon is not difficult to identify. Traditional forms of Protestantism and Catholicism offer the primary, and frequently the sole, obstacle to the acceptance in law and culture of modern liberalism’s life-style individualism, including state-sanctioned sexual liberation, same-sex marriage, liberalized abortion, unilateral divorce, euthanasia, the medical usage of embryos and embryonic stem cells, and other similar goals.

There is much to be said about Western Europe but I want to focus here on the United States. While the data suggest that the decline of religious freedom in the United States is less dramatic than in Europe, the trend lines are distinctly negative.
What can we conclude from these data? First, we should approach them with caution. Six years of statistical trends does not provide certainty about the long-term fate of religious freedom in the United States. Moreover, no one is going to jail for his peaceful religious practices in the United States. At least not yet. One can express the sincere hope that such a tragedy will never befall that nation or any other Western democracy.

But the anecdotal evidence—some of which reflects decades-long trends—provides additional reason for worry. In a recent lecture surveying this evidence, Harvard Law Professor Mary Ann Glendon noted that “the rights of religious entities [in the United States] to choose their own personnel, and even to publicly teach and defend their positions on controversial issues, are coming under intense attack.”

Let me mention some of the evidence that does not appear to be reflected in the Pew scores. I will cite three developments, each having to do with the issue of same-sex “marriage.” First, in 2010 a federal judge overturned a 2008 California referendum, known as Proposition 8, which determined that marriage in that state was to be defined as a union between one man and one woman—a definition that had been deeply rooted in law and culture. One of the stated rationales for declaring the referendum unconstitutional was that proponents of marriage had made arguments grounded in religion and morality, and that such arguments could not provide a rational basis for the referendum’s outcome. I would submit that this dictum—a legal declaration that religious and moral arguments are by their nature irrational and therefore unconstitutional—is false, and constitutes a grave threat to religious liberty and American democracy.

Second, the Supreme Court of the United States last year declared unconstitutional the 1996 Defense of Marriage Act, passed with large Congressional majorities and signed into law by Democrat President Bill Clinton. Writing a mere 17 years later in the Windsor case, Justice Anthony Kennedy asserted that those who defend marriage as it was defined in DOMA, and has been defined by all civilizations for millennia, are acting with malice. Their goal, wrote Justice Kennedy, is to “disparage,” “injure,” “degrade,” and “demean” homosexuals, to brand them as “unworthy,” and to “humiliate” their children. In short, those Christians, Muslims, Jews and others who insist on maintaining the traditional definition of marriage are to be branded as haters—the bigots of the twenty-first century.

The law is a great teacher. But in Windsor the law, expressed through the voice of Justice Kennedy, is teaching a malevolent untruth, one with corrosive effects on religious freedom and democracy. The effects can be seen in my third example, the case of Brendan Eich. Named CEO of Mozilla Corporation, Mr. Eich was discovered to have contributed $1000 to support traditional marriage in the aforementioned California Proposition 8 referendum. When Eich’s contribution was discovered, much of the American media and political punditry—following
Justice Kennedy’s lead—branded Eich a hater and a bigot. Realizing that such vitriol and anger, however unjust, would ensure he could not perform his job, Eich resigned.

There are many examples of court decisions, executive actions, and cultural trends that demand the removal of religion-based moral ideas and institutions from public life in the United States. Some seek this outcome because they believe traditional religion poses an obstacle to equality. I submit that such an attitude is short sighted. The purging of traditional moral arguments from public life threatens the system of religious freedom on which American democracy, including its commitment to equality, has long relied.

An effective system of religious freedom requires that all voices, secular and religious, have an equal opportunity to be heard and, if they are persuasive enough, to prevail in law and public policy. The American founders fashioned the First Amendment in order to ensure the presence of religious voices—Christian and non-Christian—in political and civil society. They believed those voices necessary to guarantee a moral citizenry and to limit the power of government. The judicially-encouraged banishment of a particular point of view from American life, especially one with deep roots in law and culture, represents a thoroughly un-American act of intolerance and a step toward tyranny.

Further, the attack on public manifestations of religion, as demonstrated in the Obama administration’s positions in recent court cases, constitutes an assault on civil society itself. In the American system, religion-based non-profit and for-profit entities such as schools, hospitals, orphanages, AIDS hospices, immigrant services, soup kitchens and the like are the backbone of civil society. As such they act as a check on state power, both by providing services that government would otherwise provide, and by positing an authority beyond the state. History has amply demonstrated that among the threats to human equality fashioned by man, few rival the destructive power of the state.

**Conclusion: The Price of Religious Freedom Denied**

Let me conclude by summarizing some practical reasons why those who resist religious freedom in full—whether they are Western liberals, Indian Hindus, Chinese atheists, or Muslim skeptics—should reconsider their respective positions. Although space does not permit an exploration of precisely how these reasons might be employed in United States and other Western foreign policies, a wiser diplomacy would be guided by them.

First, there is growing evidence that religious freedom is necessary for a democracy to survive, flourish, and remain stable. There is empirical evidence that successful democracy requires a “bundled commodity” of fundamental freedoms. Religious freedom acts as a linchpin within the
bundle. Without it, the other rights and freedoms—for example, freedom of speech and association, or the equality of all citizens under the law—cannot do their work of consolidating democracy and rendering it stable. Such evidence, properly developed, could be employed in any country struggling to achieve stable democracy in pursuit of its own interests, including Egypt, Iraq, Afghanistan, Pakistan, Indonesia, Russia, Myanmar, and India.

Evidence of the connection between religious freedom and the health of democracy also provides reason for reflection by Western elites who in effect are demanding the demolition of religious liberty in order to achieve state-enforced life-style individualism and a false, impoverished “equality.” Theirs will be a pyrrhic victory if it feeds an authoritarianism in which only state-approved voices are heard. Such a state will inevitably turn on them as well.

Second, religious freedom can make an important contribution to economic development, the reduction of poverty, and social development. For example, sociologists Grim and Roger Finke have analyzed the cross-national relationship between religious liberty and numerous indicators of economic development and political freedom. They found particularly robust relationships, not only between religious freedom and political freedom and the longevity of democracy, but also lower poverty, and greater economic freedom. These correlations are strong enough to suggest a causal mechanism at work: the presence of religious freedom can contribute to economic, social and political goods; its absence or decline can undermine them. The connection between religious liberty and economic dynamism was once well understood in the West. That is no longer the case.

Finally, religious freedom can help defeat religion-related violence and terrorism. Especially in Muslim-majority nations, anti-blasphemy laws suppress moderate voices within the Islamic tradition and ensure that public discourse is dominated by extremist arguments. The most destructive, widely accepted among Muslim publics, is the argument that anyone who defames Islam deserves punishment by the state or private actors. Precisely because this assertion is so widely accepted, it provides a cultural underpinning for violent Islamist extremism.

Religious freedom would free moderate voices who, speaking from within the tradition, would champion more liberal versions of Islamic practice, including ideas of equality between men and women, and Muslims and non-Muslims. Perhaps most importantly, such voices would argue—as did, for example, the former Prime Minister of Indonesia, Abdurrachman Wahid—that God neither needs nor requires men to defend Him with violence.

There are many reasons for societies everywhere to embrace religious freedom, foremost among them the moral imperative to rid the world of the vile acts of persecution that are increasing with alarming rapidity, causing such terrible human suffering and darkening our future. Such human
acts of evil, and the suffering they cause, will always be with us. We should never tire of countering them, including with force when appropriate and necessary.

But we must also rediscover the powerful, practical reasons for religious liberty, reasons that are grounded in the religious nature of man, his consequent need for freedom, and the value of religious freedom for social flourishing. Those reasons, apparent at the American founding, are in danger of being lost. And yet, they can and should be understood as reflecting the interests of all people everywhere: stable self-governance, economic development, and the defeat of religion-based terror. If we act to rediscover them ourselves, we can avert the momentous consequences of a global crisis in religious freedom.