
Religious Freedom and the War on Terror

Elizabeth Ann Massopust and Nathaniel Zylstra

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“Religious liberty, the freedom to proclaim a religious identity and practice it without fear, is an aspiration and an inalienable right of people everywhere. When practiced with tolerance, it can be one of the keys to a stable, productive society. But generations of hatred may be sown when it is delayed or denied. It is central to the strength of free peoples. Its protection and promotion are important elements of America’s support for human rights around the globe.”¹

Six months before four crashing planes catapulted national security to the forefront of U.S. foreign and domestic policy, an independent international policy organization prophetically linked the promotion of religious freedom abroad with security interests.

“Treat religious freedom as a security issue, not just a human rights issue,” the Brussels-based International Crisis

Group urged, “and advocate unequivocally that regional security can only be assured if religious freedom is guaranteed and the legitimate activities of groups and individuals are not suppressed.”

Perhaps it was already too late for our government to heed the advice, or more likely, few people actually listened to the warning. Americans were awestruck by the vehemence, hatred, and religious motivation of the people who had come after us.

Since 9/11, all aspects of U.S. foreign policy have been re-evaluated in the context of a single, overriding objective: the protection of American citizens and national interests around the world. The War on Terror, the conflict in Afghanistan, and the war in Iraq have all been commenced, at least primarily, in hopes of securing and

maintaining those protections. With several military victories behind us, most notably in Afghanistan and Iraq, our government must now turn its eyes toward establishing the foundations for a lasting peace. State-building is under way in both nations. The rest of the world—especially Central Asia and the Middle East—watches intently for the precedent, progress, or peril.

The Bush administration has recognized that tracking down terrorists, destroying their training camps, blocking their financing, and removing colluding governments will not be enough. The administration has also decided to pursue a “forward strategy of freedom” in the Middle East and Central Asia, with the goal of bringing freedom and democracy to an area of the world that has seen very little of either. The essentially unchallenged insight of this strategy is that free and prosperous countries will be less likely to produce religiously motivated terrorists and that democratically accountable governments will be less likely to support such terrorists.

To put it another way, the oppression that has fueled terrorist groups in Afghanistan, Iraq, and throughout the Middle East and Central Asia will not be fully alleviated without the establishment of democracies and human rights. The largely unrecognized link, however, is that democracy and human rights will not be established in those areas of the world without guarantees of religious freedom.

As the United States aids the new Iraqi and Afghan governments in defining objectives for new constitu-

tions and governments, the opportunity is ripe for establishing the liberties—particularly freedom of religion—that are central to a free, healthy, and stable society and necessary to undermine and defeat the forces of terrorism that have endangered the world. Yet once again it seems that warnings like that of the International Crisis Group may go unheeded. There is a real danger that the right to religious freedom in the new Iraq and Afghanistan will not be established. And if freedom of religion continues to go unrealized in these and other countries of the Middle East, Americans cannot expect to make significant and lasting progress in the War on Terror, and cannot hope to avoid religiously motivated terrorism in the future.

The Missing Link

Since 9/11, the United States has freed two nations from the world’s most repressive governments, apprehended one of the world’s most notorious and dangerous dictators, arrested members of terrorist organizations around the globe, and restricted terrorists’ fundraising abilities. Despite continued terrorist attacks in Iraq and elsewhere, on the whole the military, intelligence, and law enforcement aspects of the War on Terror appear to be going incredibly well. But, as many have noted, most of the battle has now shifted from military might, to transforming cultures into free societies that will not produce religiously motivated terrorists.

In February, President Bush expressed confidence that religious liberty would be protected in Iraq, saying

that he had received assurances to that effect from members of the Iraqi Governing Council. In contrast, last fall Deputy Defense Secretary Paul Wolfowitz said at a Senate hearing, "Iraqis will draft their own constitution. I cannot say what the outcome will be, as the final product will represent a compromise between Iraqis of widely varying beliefs and ideologies."

But as Nina Shea of Freedom House's Center for Religious Freedom in Washington has pointed out, the Bush administration has unequivocally—and rightly—pressed terms and conditions on other controversial matters, such as the creation of a federalist democratic model of government in hopes of protecting minorities like the Kurds. Shea and others worry that the diffidence of Wolfowitz and other administration officials on the priority of religious freedom "suggests Washington's relative indifference to this basic human right," and there is some evidence that in Afghanistan and Iraq religious freedom may not be vigorously protected. It is almost as if the first freedom protected in the American Constitution is the one most easily forgotten.

Why is Religious Freedom So Important to the Cause?

Why be so insistent about establishing religious freedom in Iraq and Afghanistan, and why must religious freedom be considered a central aim in the War on Terror? After all, our enemies overwhelmingly claim to be working from a religious base, and one might object that insisting on more

freedom of religion—the very force that appears to serve as the greatest catalyst for terrorism around the world—is more than a bit counter-intuitive. However, promoting and guaranteeing religious freedom in Iraq and Afghanistan and elsewhere is critical to winning the War on Terror because it is the most effective way of undermining religiously motivated terrorism, and because it is the lynchpin for securing democracy and other basic human rights in those countries.

Before we go further, it is important to note what must be protected under the banner of "religious freedom." The U.N. Declaration on Human Rights states that "Everyone has the right to freedom of thought, conscious and religion." This reflects two basic and critical aspects of the freedom which must be kept in mind: first, it inheres in every individual, and second, no one can be told what their belief or worship must be. These may seem like basic points, but they are important because the Afghani constitution only grants freedom to religious groups. Thus, while different Islamic sects, Christians, Baha'is and others may have the institutional right to exist, Afghani citizens may not be given the right to openly debate, consider, and decide for themselves what religion to follow. The Iraqi Transitional Law, in contrast, contains a statement of religious freedom parallel to the U.N. Declaration. The key, of course, for both countries is to interpret their laws to provide religious liberty for individuals and to develop the institutions to protect those rights.

A Right of Humans Everywhere

There is a certain degree of irony about the need to explain to the American people—the freest and some of the most religious people in the world—that freedom of religion is a universal human right, of critical importance to the foundation of any free society. No doubt many Americans take religious freedom for granted, and many Americans may believe that religious freedom is just one of many uniquely American cultural phenomena, perhaps desirable and effective for our society, but not a universal standard that must be protected and respected for all peoples everywhere. For example, Nina Shea has noted that the diffidence of Bush Administration officials like Paul Wolfowitz on the promotion of religious freedom in Iraq and Afghanistan is likely applauded by many Americans attempting to be sensitive and tolerant. As Amy Hawthorne of the Washington Institute for Near East Policy has pointed out, some are reluctant to “pressure” our Arab friends and other potential allies on human rights issues as sensitive and touchy as religious freedom, lest such pressure exacerbate the instability that many believe is already lurking beneath the surface of many Middle Eastern and Central Asian governments and societies.

However, the refusal to insist on guarantees of religious freedom in Iraq and Afghanistan actually shows a devastating intolerance for the fundamental human rights of the citizens of those

countries and all but guarantees that they will be denied religious freedom and other inalienable rights. And, such oppression itself also all but guarantees that instability, and therefore threats to our national security, will increase.

An unfortunate result of the prevailing secular U.S. foreign policy mindset is the compartmentalization of religion and a failure to treat it as an important factor within nations around the world and in the lives of other people. Religion is a powerful, salient, public, political force with the potential to bring about great good and cause great problems, and we ignore its salience at our peril. Especially in societies such as Afghanistan and Iraq, freedom of religion is crucial to ensuring the establishment and exercise of democracy and other human rights because religion is the lens through which almost all other political and social norms and reforms are viewed.

When religious dialogue and ideologies dictate political and social reform in a country, as they do in Iraq and Afghanistan, religious freedom must be in place for political and social discourse and reform to occur. Healthy democratic debate will not occur unless citizens have the freedom to hold varying religious views and participate in varying religious practices, because those religious views and practices fundamentally inform and affect their political and social practices. An independent press, free elections, the emancipation of women, free markets, and all other necessary features of a democratic society will not function properly—and more importantly, will

not attract the participation and loyalty of religious citizens—if individuals and groups are not free to speak, act and participate on the basis of their individual religious beliefs.

Refusal to insist on guarantees of religious freedom undermines the already difficult task of securing a fully democratic government. Several examples of this have already been seen. In Afghanistan, a particularly strict school of Islamic Shariah law, if implemented under the new constitution, would criminalize dissent and criticism of Islam through so-called blasphemy laws. Afghan reformers seeking to express their views on the new draft constitution have already been hindered by threats, harassment and even imprisonment under the blasphemy laws, including one case in which an editor and a reporter have been charged with blasphemy for publishing an article questioning the role of Islam in the state, according to Afghanistan's Human Rights Commission and the U.N. Assistance Mission in Afghanistan. In Iraq, where Christians and other religious minorities make up about 3 percent of the population, guarantees of religious freedom may be the only way to ensure that such religious minorities receive the full benefit and participation within the new federalist government in spite of the hostility of many within the Muslim majority. But even for Muslims within Iraq, blasphemy and apostasy laws have been and will continue to be used to intimidate, threaten, and crush scholars and

reformers who dare to oppose the prevailing powers or who promote original thinking regarding Islam. It seems clear, as Freedom House and others have warned, that without individual rights to religious freedom the citizens of Iraq and Afghanistan may never be able to claim and refine other basic human rights in the years to come, and religious minorities may be pressured to flee as they have been in the past.

The greatest threats to religious freedom in Iraq, Afghanistan and much of the rest of the Middle East and Central Asia comes from radical, militant Islamist forces within Islam, but the Islamic religion itself must not be blamed. Nor is it appropriate for the United States, the emerging governments of Iraq, Afghanistan or any other country to define "what Islam is." However desperately important that question currently is for the world, it is the job of Muslims to answer it for themselves. Muslims as well as all others must be guaranteed the freedom to discuss, debate, and struggle with the question of what their religion is and how religion will be acted out in their private and public lives. But that discourse and debate cannot and will not happen without religious freedom. The task for the United States is to clearly promote freedom of religion as a matter of foreign policy, thus ensuring that Iraqi and Afghan Muslims have the freedom to debate such sensitive issues as Shariah law, Islam's compatibility with democracy, and its compatibility with women's rights.

Undermining Religiously Motivated Terrorism

The United States has been faced with a foe that it has not dealt with before: radical, militant religious groups that are intent on obtaining and wielding great political and social control over citizens within their own region as well as attacking their “enemies” abroad. While this type of religiously motivated hatred and violence is plaguing the religion of Islam most widely, the basis for such hatred and violence is by no means confined to Islam and is certainly capable of emerging from any religious tradition. But today in Iraq and in Afghanistan, the United States is faced with forces for whom religious belief—and especially a certain interpretation of Islam—has come to dominate the motives and rhetoric of terrorists, even when religious aspirations do not govern the organizations that recruit them.

To win victory against terrorist forces, it is necessary to address the conditions that have fostered such radicalization. At the root of Islamic inter-religious hostilities and terrorism is a belief in a worldwide campaign to destroy Islam, according to Professor Tamara Sonn of the College of William and Mary. Those roots have grown throughout the past century because of colonial domination and post-colonial authoritarian rule, both of which resulted in socioeconomic and political marginalization for the majority of the formally colonized peoples, Sonn said during a hearing before the United States Commission on International

Religious Freedom in the fall of 2001. As these negative social conditions have persisted, exacerbated by almost continual oppression of authoritarian regimes, a sense of desperation has grown among their victims, and this desperation has been radicalized under the influence of Islamic teachers stressing the struggle against oppression. In other words, Muslims suffering under sustained conditions of economic, social, and political marginalization and oppression see a world that is intent on destroying them and their religion and become ready recruits for radicalization and manipulation by terrorist leaders. For this reason, scholars like Sonn and many policy makers have advocated a three-track campaign to combat these forces of terrorism involving military, diplomatic, and humanitarian intervention.

Much has already accomplished militarily, and humanitarian aid programs will continue to be important in alleviating needs caused by widespread poverty in the Muslim world. However, the elusive, disbursed nature of the terrorists and terrorist organizations facing the United States makes them impossible to defeat by a military campaign alone. In addition, background information on many terrorists—including the ones responsible for the 9/11 hijackings—shows that they were reasonably well-off, well-educated individuals whose terrorist acts could not have been motivated by personal poverty and ignorance. In fact, a recent comparison of terrorist incidents in the Middle East and changes in the gross domestic product of the region showed

that the number of terrorist acts per year increased as economic conditions improved, indicating that terror in the region did not spread as the economy got worse, but as it got better, James Q. Wilson has pointed out.

Where military intervention and humanitarian aid will fall short, the promotion of religious freedom as a central aim of U.S. diplomatic interventions is a means of addressing the victim mentality that pervades the Islamic world and, importantly, may serve to quell the belief, at least among moderate Muslims, that governments—especially their own—are the enemies of Islam. Muslims in the Islamic world are most endangered not by foreign nations, but by groups within their own countries seeking to impose a particular version of Islam on citizens who hold a vast variety of Islamic beliefs. The oppression that has resulted from this has fostered extremism and terrorism from within different Islamic factions—intent on eradicating “enemy apostates” at home or abroad. This has not only threatened to embroil the Muslim world in war and violence, but as we know, such violence can be and has been directed at other nations as well.

When guaranteed by a government as a right for all citizens, religious freedom serves to dispel this kind of religious extremism and terrorism. Where the government protects religious freedom, it does not favor one faith or religious sect to the detriment, marginalization, and oppression of other. The government becomes a protector of faith rather than an enemy of it, and citizens experi-

ence the ability to freely pursue religious truth and practice both publicly and privately without economic, political, or social consequences.

No doubt many Islamist terrorists will be incensed by such freedom. But the very freedom that infuriates them will also serve to undermine their popular support and thus their effectiveness. If strong legal and institutional barriers impair their ability to take over the government and impose their vision of Islam on the country, extremists' only response can be to turn the same instruments of terror now directed at the West against other Muslims. We see this happening in Iraq, as attacks against Iraqi civilians have become more prominent than attacks against coalition forces. The terrorists are thereby exposed as enemies of all those who do not toe their sharp religious and ideological line. This allows freedom to shine above militant, extremist alternatives, and while the terrorists themselves are not likely to switch allegiances, such a pronounced distinction promises to diminish public support for terrorist groups, thus sapping their effectiveness at drawing recruits.

Even if robust protection of religious freedom does not eliminate anti-American vituperation coming from extremist Islamists, it will reduce their ability to put their hatred into practice, both at home and abroad. As President Bush has recognized in his famous Bush Doctrine speech, states that support terrorism are a necessary condition for international terrorist organizations to thrive. Eliminating state sponsorship of

terrorists greatly reduces the terrorists' ability to operate. And a state that recognizes free and open debate about religion, allowing its citizens to pursue their own faiths, is not likely to support religiously motivated terrorists.

Opportunities Lost? The Debate over the Constitutions

As constitutions are debated and approved by the new governments being established in Afghanistan and Iraq, the United States has a golden opportunity to powerfully affect the future of those nations, the surrounding regions, and the War on Terror. Perhaps this is why it is so disturbing that administration officials have shied away from unequivocally asserting the importance of including religious freedom guarantees in these documents. Now as ever is the time for the United States to assert the importance of the inclusion of this basic human right in the Iraqi and Afghan constitutions.

Pressing governments to include guarantees of religious freedom in national governing documents is not the same as demanding that those governments adopt the United States' model of separation of church and state. For one thing, many nations throughout the world have achieved democracy and protect religious freedom even while having a state-supported religion. Second, as noted by Freedom House's Paul Marshall, separation of church and state works well with the current Western understanding of the Christian church, but does

not fit well with Islam, in which religious authorities are as much judges as clerics. Third, as a practical matter it may be next to impossible for Iraqis and Afghans to agree to live in a state that does not acknowledge Islam in some official way. Ultimately, however, the key is not to force Middle Eastern governments to ignore Islam, but to establish laws and institutions that prevent a particular vision of Islam from being imposed on everyone. Even in a self-proclaimed Islamic republic, all citizens, Muslims as well as non-Muslims must be free to believe, worship, and practice their religion according to the dictates of their conscience, and citizens must be free to publicly debate the role of religion and to question prevailing orthodoxies without fear of being subjected to trials, prison or death.

Afghanistan

In January, Afghanistan adopted a constitution that has been "lauded by many as one of most enlightened constitutions in the world," according to the United States Commission on International Religious Freedom (USCIRF). The Afghan constitution includes explicit recognition of the equality between men and women and of Afghanistan's commitment to its international human rights obligations. Both of these recognitions represent important steps forward in the creation of a democratic system that respects the dignity and rights of its citizens.

However, a crucial and potentially fatal flaw in the new Afghan constitution must not be overlooked—especially by

the United States—and that is an absence of a guarantee of religious freedom for individual citizens. The constitution does provide for the freedom of non-Muslim groups to exercise their faith; however it does not contain explicit protections for the right to freedom of thought, conscience, and religion for individual Muslims. This is a critical omission, because recognizing the rights and freedoms of groups does not go far enough in guaranteeing religious freedom, since it leaves open the possibility that a small minority or even a majority within any given religious group could usurp the power to define or limit of everyone within that group. Religious freedom guarantees for individuals must be included.

Additionally, one clause of the constitution states that “no law can be contrary to the beliefs and provisions of Islam,” and elsewhere in the document provisions are enumerated for a judicial system charged with the duty of enforcing that clause and applying judicial standards drawing from the Hanafi school of Islam in cases where there is no other applicable law.

As the USCIRF has warned, “With no guarantee of the individual right to religious freedom and a judicial system able to enforce Islamic principles and Islamic law, the new [Afghan] constitution does not fully protect individual Afghans against, for example, unjust accusations of religious ‘crimes’ such as apostasy and blasphemy. There are also fewer protections for Afghans to debate the role of religion in law and society and to question interpretations of

Islamic precepts without fear of retribution.” Indeed, such situations are not just hypothetical; as described above there have already been examples in Afghanistan over the past year of blasphemy charges being used against religious and political moderates in order to intimidate and silence them.

Iraq

Last October a *New York Times* opinion piece warned against letting the drafting process of the Afghan constitution pass by without ensuring that religious and other freedoms were included. “Iraqis are watching to see what minimum standards of individual rights will be acceptable to the United States,” wrote the authors—Preeta Bansal, former New York solicitor general, and Felice Gaer of the Jacob Blaustein Institute for Human Rights. Whatever opportunities were missed in the drafting of the Afghan constitution, they must not be missed with the Iraqis.

During the drafting process, several constitutional scholars, politicians, advisers, and organizations, including the USCIRF, expressed concern over the potential lack of protection for religious liberty in the Transitional Law document. Early drafts contained language similar to that of the Afghani constitution, including statements that no Iraqi laws could contravene the “tenets” of Islam, since some Iraqis have pressed for the interim constitution to identify Islam as the sole source of all law.

In response to the early drafts, other Iraqis have pushed for a more secular vision. In support of this view, the USCIRF sent a letter to Ambassador Paul Bremer, the presidential envoy to Iraq, expressing deep concern that the law did “not guarantee the right to freedom of thought, conscience, religion or belief for all Iraqis.” U.S. senators Sam Brownback, Joseph Lieberman, Rick Santorum, and Lindsey Graham sent a similar letter to National Security Adviser Condoleezza Rice. The senators noted that the recognition of “group” religious rights has often been used to allow religious meetings, but bar all other kinds of religious activities, such as the mere possession of a Bible. As these senators seem to realize, recognition of an individual right to religious liberty is especially significant in a nation like Iraq where a historically oppressed Shiite majority and a dominant Sunni minority—two branches of Islam that are sharply divided over what constitutes “truly Islamic” teaching on a variety of issues—must co-exist. The omission of an individual right to religious freedom could be used by Muslims in power seeking not only to prevent religious minorities from challenging and questioning the authority of Islam and Islamic leaders in the state, but could also be used to quell and crush dissent or debate among Muslims who may seek to reform, debate, or challenge prevailing orthodoxies regarding the teachings of Islam or the role of Islam and the state.

Fortunately, Bremer affirmed Iraqi officials who insisted that identifying Islam as the sole source of Iraqi law

would be unacceptable. The Transitional Administrative Law that was signed on March 8 adopted the U.N. Declaration on Human Rights language regarding religious freedom. At least under the current transitional law, all Iraqi citizens have the “right to freedom of thought, conscience, and religious belief and practice.” The law further states that “Coercion in such matters shall be prohibited.” The Iraqi law has been widely praised as an excellent step toward protecting freedom and democracy in that country. A *Wall Street Journal* editorial described it as a “remarkably liberal” document, and the Center for Religious Freedom at Freedom House issued a statement proclaiming that “Iraq has a new, powerful bill of rights.”

Some have expressed concern that the explicit statement that no laws may contravene the “tenets” of Islam could either be a means to establish a stable, religiously grounded society or a means for some to impose their vision of Islam on the country. And, of course, the Transitional Administrative Law is only an interim governing document until a final constitution is adopted. Much could change by the time the permanent Iraqi constitution is adopted in 2005. United States diplomacy must be particularly focused on ensuring that the Iraqis develop a tradition of religious freedom under the interim law, and that the final constitution has similar protections for religious liberty. Which path the country will follow will be one of the most important steps in establishing a lasting, peaceful democracy in Iraq.

Conclusion: A Good Place to Start

The Iraqis have made significant progress toward true protection of religious freedom in the short time since the fall of Saddam Hussein. If democracy is to take hold in Afghanistan, the Afghans should follow suit. Again, we need not insist that these countries adopt American-style separation of church and state, only that they give real meaning to words like those included in the U.N. Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion." Certainly this is not the only way to articulate the right, and it is important to remember that even if constitutional guarantees to individual religious freedom are adopted in Iraq and Afghanistan, which both belong to the United Nations, they will mean nothing if they are not put into practice.

The Bush administration's "forward strategy of freedom" is designed to provide long-term stability, freedom, and peace in the Middle East and Central Asia, and thereby reduce the threat of terrorism against Americans. But if the administration ignores the need for real religious liberty in Afghanistan, Iraq, and the rest of the region, that strategy will not succeed. If, however, religious liberty does prevail in these countries, the path toward lasting democracy and national stability will also be paved, and from the same places where religious terrorism has sprung, freedom will be allowed to reign.

Notes

1 "United States Policies in Support of Religious Freedom: Focus on Christians." U. S. State Department. From the foreword by Madeleine Albright ■