

Religious Freedom and the Pitfalls of Secularism – a Foreign Policy Perspective – University of Helsinki, 13.09.2016

1. Introduction

Thank you very much for the kind introduction and for the warm welcome to Helsinki.

Vartuin Torontossa Kanadassa naapurustossa, jossa oli paljon suomalaisia ja virolaisia. Harmi että Saku Koivu ei pelannut Maple Leafs; olisimme voineet voittaneet Stanley Cupin ehkä. Se on vilpitön ja henkilökohtainen ilo olla Suomessa viimein.

My talk today draws principally on my experience as a practitioner of foreign policy, so in that sense I am addressing you from that perspective and not as an academic per se. Yet, my presentation is informed by my own academic background in political science, history, and theology to which I have now recently returned.

At the end of a 15-year career as a civil servant in the Government of Canada I was appointed as Canada's first and to date only Ambassador of Religious Freedom. I headed the Office of Religious Freedom within the Department of Foreign Affairs, now Global Affairs Canada through which I and my team worked with our colleagues throughout the foreign service to advance and defend religious freedom as a key element of Canada's principled foreign policy. This was accomplished through a combination of advocacy, policy, and programming activities.

Our focus was exclusively on the state of international religious freedom and not on the Canadian domestic situation, although my work was necessarily informed and shaped by the Canadian experience.

The initial 3-year mandate of the Office of Religious Freedom concluded on March 31st of this year at which time the present Liberal Government decided to abolish the Office and diminish the attention paid by Canada to the issue of international religious freedom. I will not equivocate when I say that this decision was most unfortunate and regrettable shaped exclusively by ideological factors. The loss of the Office of Religious Freedom has been lamented by many of our allies including the US and the UK and by a diverse array of faith communities at home and abroad. Yet, the persecution of people of diverse religious faiths and of no faith continues apace in the world today.

Now even more there is a need for countries around the world, not solely western liberal democracies, to speak out and take concrete actions to uphold the internationally-recognised, fundamental and foundational human right of freedom of religion or belief. This has been reflected by the increasing attention paid in countries as diverse as Indonesia, Tunisia, Cameroon, Germany, and the UK to the great challenge of addressing violations of religious freedom overseas, both through government restrictions and social hostilities perpetrated by one or more groups against others. The appointment of Mr. Jan Figel as the European Commission's first Special Envoy for the Promotion of Freedom of Religion or Belief outside the European Union is a clear expression of this increased focus on the defence of religious freedom.

Likewise the decision by the Obama Administration to significantly increase the human and fiscal resources of the Office of International Religious Freedom at the US Department of State shows that contrary to the position of the Government of Canada, our leading allies in Europe and the US have adopted a wiser, deliberate, and necessary course of action in aiming to curb violations of freedom of religion abroad.

The decision by many countries, most of whom are western liberal democracies, to engage their foreign policy apparatus in the cause of defending religious freedom as a fundamental human right is a laudable one. It is laudable in that it reflects an abiding belief in the supremacy of the rule of law, freedom, democracy, and the inviolability of human rights shared by so many of us. Yet, in the midst of pursuing this laudable goal we find ourselves confronted by a paradox: we are committed to advancing the fundamental right of freedom of religion, a right enshrined in the Universal Declaration of Human Rights –the UDHR, in many of our national constitutions, and a right that has been established in the west as far back even as the Edict of Milan of 313 A.D. Yet, in championing this right as educated liberal elites and specifically as foreign policy practitioners we are shrouded in a veil of ignorance and prejudice when it comes to the question of religion and religious practice. In our secular and increasingly secularist western societies we have shoved religion and public displays of religious faith so firmly out of view into the privatized world of the individual and we have increasingly excluded religious voices from the debates in the public square that we are now largely incapable of discussing religion and its role in much of the world as we encounter it.

I wish to focus today on three specific points. Firstly, how do we understand religious freedom and what is the current state of religious freedom in the world today. Secondly, how has our secular society and the secularism it embraces seriously impeded our ability to engage with other societies in discussing religious freedom? And thirdly, what are some possible remedies to the situation that currently faces us.

2. Definitions

Before I continue, let me offer some clarification of the terms I will be using:

- Freedom of religion or religious freedom vs. FoRB
 - Inclusivity of FoR, includes atheists, secular humanists, non-religious
 - I employ the term secular in its modern usage vis-a-vis the State. Specifically I am speaking about the philosophical underpinnings of contemporary, western, liberal democracies in North America and Western Europe and how these underpinnings shape the relationship among individual human persons constituting civil society and their relationship to the State. This refers specifically to a State where:
 - There is no established faith, or where there is an established faith/Church yet religious freedom is guaranteed and upheld in law and by the legislatures and courts

- All beliefs, religious or otherwise, are permitted to flourish and their adherents to express their beliefs in public and private subject to such reasonable limits under law in a democratic and free society
- Secularism is used in the context of a specific belief system that excludes the open display of religious belief in society, including in institutions and in daily life.

Let me now move on to discuss what we mean by religious freedom and the state of religious freedom in the world today.

3. What is Religious Freedom?

As you are all familiar religious freedom is defined neatly in Article 18 of the UDHR, let me paraphrase...

- Freedom to practice your faith in public and private, worship, missionary activity, change faith –litmus test/gold standard, choose to not believe

Yet, I would like to argue that there is much more to it than that...

- Freedom to contemplate who am I...

The noted Canadian-American legal philosopher and Jewish scholar Rabbi David Novak presents, what I would argue, is a clear and helpful understanding of the right to freedom of religion and how it is to be understood in the relationship

between the State and the individual human person. Novak defines religious freedom in this way:

- An individual's freedom from the totalising authority of the State. When the State embraces a totalizing authority in all matters of human society and therefore against religious freedom we have secularism. Again, this is secularism as an exclusivist ideology distinct from the secular State which is called to be neutral in matters of religious expression rather than proscriptive towards a particular religion or towards an enforced secularism. For Novak, human autonomy is the foundation of the moral law hence the freedom possessed by all human beings to see God, or not see God, as the ultimate author of the moral law.
- Indeed as Novak argues, and I would agree, religion addresses a deep metaphysical need for human beings. Despite predictions to the contrary since the Enlightenment, religion has not disappeared, indeed it has persisted in both ancient forms and developed new forms as well over millennia. All of which respond to this metaphysical need of humanity.
- Finally, Novak points out that secularism seeks the assimilation of religious individuals and communities to the State as the temporal authority whereby no public expression of religious belief is to be tolerated and private expressions of religious belief are viewed with deep suspicion and are often judged to be detrimental to the broader society.

The importance of religious freedom vis-à-vis enabling humanity to respond and meet this metaphysical need has been profoundly expressed in many different traditions. Let me note just two of these expressions from a Muslim and a Christian perspective:

- Abdurrahman Wahid (Indonesia)

"The fact that the Qur'an refers to God as "the Truth" is highly significant. If human knowledge is to attain this level of Truth, religious freedom is vital. Indeed, the search for Truth (i.e., the search for God) – whether employing the intellect, emotions or various forms of spiritual practice – should be allowed a free and broad range. For without freedom, the individual soul cannot attain absolute Truth... which is, by its very nature, unconditional Freedom itself."

- Dignitatis Humanae

...the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.(2) This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right. It is in accordance with their dignity as persons-that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility-that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of

truth. However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom. Therefore the right to religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. In consequence, the right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed.

We see here a primacy of human dignity. Echoes of this same understanding of religious freedom being linked to human dignity can also be found in traditions as diverse as Judaism and the Baha'i faith.

My own defence of religious freedom whether as Ambassador or merely as Andrew is grounded in two related aspects of myself: 1) I believe in the inherent dignity of every human being and that this dignity is realised in a particular way through our expressions of faith 2) I am a devout Catholic who publicly and privately professes the truth of the Incarnation and so my understanding of human dignity is based upon the absolute necessity of recognising the image and likeness of God in every human being. This latter fact calls me to champion the right to religious freedom for all people whether theist or atheist, whether Christian, Muslim, Hindu, or Yezidi. It is a call I embrace willingly and with passion.

There are many in the world of political science and international law who have questioned openly the validity of a foreign policy

that advances and defends religious freedom, viewing it variously as a deeply misguided approach that advances western values against fundamentally different world views in countries of the Middle East, South and Southeast Asia, and Africa –a form of neo-colonialism- to those who point to the undefinable and non-universalist nature of the concepts of ‘religion’ and by extension ‘freedom of religion’. Critics such as Elizabeth Shakman Hurd have gone on to equate the promotion of religious freedom as somehow equivalent to the Inquisition. Other scholars such as Thomas Farr, Timothy Shah, and Daniel Philpott reject this view and instead point to the universal, objective nature of religious freedom within the broader human rights framework, noting that in the drafting of the UDHR in the immediate aftermath of the Second World War there was a considerable interchange of cultural, political, legal, and faith traditions present which were able to find expression in what was then new and innovative charter of human rights which expressly defines freedom of religion, belief, and conscience.

Through my own thinking and through my direct experience in championing religious freedom I find myself squarely within the camp of Farr, Shah, and Philpott and would argue that while Shakman Hurd and her colleagues, among them Winnifred Sullivan, offer some necessary critiques they have little to offer by way of course of action or remedy to the crisis of religious persecution in our world today. Let me now turn to the current situation.

4. The Situation of Religious Freedom in Today’s World

Many of you will be familiar with the data I will be citing, but I think it is important to present it so as to put my subsequent comments in context.

We understand religious freedom violations to come in 2 forms: govt. restrictions and social hostilities.

These are studied in depth in the Pew Research Center's Trends in Global Restrictions on Religion survey of June 2016 that looks at 2014 data, and in previous similar reports by Pew. I am quoting directly from the report now:

Of the 198 countries included in the study, 24% had high or very high levels of government restrictions in 2014 (the most recent year for which data are available), down from 28% in 2013. There was a similar decline in the share of countries with high or very high social hostilities involving religion, which dropped from 27% to 23%. This is the second year in a row the number of countries with this level of religious restrictions has declined, after three years of steady increases

Although only about a quarter of the countries included in the study fall into the most religiously restrictive categories, it is important to note that some of the most restrictive countries (such as China, Indonesia, and Pakistan) are very populous. As a result, roughly **three-quarters** of the world's 7.2 billion people (74%) were living in countries with high or very high restrictions or hostilities in 2014, down slightly from 77% in 2013.

The modest declines in countries with high restrictions or hostilities took place despite a marked **increase in the number**

of countries that experienced religion-related terrorist activities, including acts carried out by such groups as Boko Haram, al-Qaida and the Islamic State (also known as ISIS or ISIL). Of the nearly 200 countries and territories included in the study, 82 (41%) had religion-related terrorist activities in 2014, up from 73 (37%) in 2013.

The increase in the number of countries with religion-related terrorist activity – which is counted as a social hostility in this study – was offset by **decreases in the number of countries that experienced other types of social hostilities involving religion.**⁴ For example, there was a decline in the number of countries in which individuals were assaulted or displaced from their homes in retaliation for religious activities considered offensive or threatening to the majority faith in their country, state or province. There also was a decline in the number of countries where threats of violence were used to enforce religious norms and a global decline in the incidence of mob violence related to religion.

Several factors contributed to the **overall decline in government restrictions on religion**. For instance, there was a decrease in the number of countries where some level of the government – national, provincial or local – interfered with worship practices. There also was a sizable drop in the number of countries where governments used force against religious groups that resulted in individuals being killed, physically abused, imprisoned, detained or displaced from their homes.

Looking at the **overall level of restrictions in 2014** – whether resulting from government policies and actions or from hostile acts by private individuals, organizations or social groups – the new study finds that restrictions were high or very high in 34% of countries, down from 39% in 2013 and 43% in 2012.

The Middle East and North Africa region continued to have the highest median level of government restrictions on religion and The Middle East and North Africa continued to have the highest median level of social hostilities involving religion

Among the world's 25 most populous countries, the highest overall restrictions on religion were in Egypt, Indonesia, Pakistan, Russia and Turkey, where both the government and society at large imposed numerous limits on religious beliefs and practices. China had the highest level of government restrictions in 2014, while Pakistan had the highest level of social hostilities involving religion.

Harassment or intimidation of specific religious groups occurred in 159 countries in 2014, down somewhat from 2013 (164). The world's two largest religious groups, Christians and Muslims, continued to be harassed in the most countries, and there was a notable increase in the number of countries in which Jews and Hindus were harassed.

Christians and Muslims were harassed in the most countries in 2014. The total number of countries where Christians were harassed increased, while it stayed about the same for Muslims. Christians were harassed in 108 countries in 2014, up from 102 in 2013. Muslims were harassed in 100, compared with 99 in 2013.

The number of countries in which Jews were harassed continued to increase. Jews, who make up 0.2% of the world's population, were harassed in 81 countries (up from 77 in 2013 and 71 in 2012). More than half of the incidents of anti-religious hate crimes in the U.S. in 2014 (58%) were motivated, in whole or in part, by anti-Jewish bias, according to the FBI; 16% of the incidents were motivated by anti-Muslim bias. It is interesting to note that in my own country of Canada the group targeted most by hate crimes in Toronto, our largest city, according to the Toronto Police Force is also Jews. This is a trend that must not go unchecked either in North America or in Europe where anti-Semitic attacks are on the increase. Anti-Semitism in any form remains what it has always been: ignorant, pernicious, inhuman, and as in the face of all persecution we must remain vigilant in our combatting of it.

So the story is that serious violations of religious freedom continue to pose a grave challenge to human security, geopolitical stability, and social and economic development in many countries. I mention the last point given that many marginalised and persecuted communities such as Rohingya Muslims in Myanmar, Ahmaddiya Muslims in Pakistan, and Christians and Baha'is in Iran are denied the ability to fully participate economically and socially in their countries due to government restrictions and social hostilities thereby impoverishing the broader society from the full contribution they could make.

The situation in the world today demands coherent, effective, coordinated, and concerted action to address violations of

religious freedom no matter where these violations take place and no matter which community is facing persecution. We must defend any individual and community facing persecution regardless of what faith they profess or whether they profess a faith at all. It is a matter of defending human dignity. [REPEAT THIS]

As Rabbi Lord Jonathan Sacks, former Chief Rabbi of England and Wales and one of the great Jewish scholars of the past hundred years, has said:

That people in the 21st century are being murdered, terrorised, victimised, intimidated and robbed of their liberties because of the way they worship God is a moral outrage, a political scandal and a desecration of faith itself. I believe that God himself weeps at the evils being committed in His name. Let us urge, as strongly as we can, the worldwide implementation of Article 18 as one of the great challenges of our time so that we can all exercise our fundamental right to live our faith without fear.

5. Religious Freedom and the Pitfalls of Secularism

Let me now move on to what I see as some of the pitfalls of secularism and how an increasingly pervasive secularist mindset has limited our ability to speak publicly about religion, to understand the role of religion in international relations, and therefore made it more of a challenge to advance religious freedom as a core foreign policy goal. I will try to illustrate these pitfalls with some anecdotes from my experience as Ambassador for Religious Freedom.

- a. An inability to speak publicly about religion
 - i. Example: Presenting to outgoing HoMs in 2013
- b. An inability to converse in a meaningful way with faithful people
 - i. Surprise among religious leaders at my openness as a public servant
- c. Religion is not an important factor, approaching foreign policy by looking in a mirror
 - i. Canadian Forces Chaplains in Afghanistan: “Where’s your guy?”
- d. An ignorance, often willful, of religious communities and their plight, the question of weak formation
 - i. Conversations within DFATD after fall of Mosul
 - ii. Discussion with Heather Cruden
- e. The denial of religious freedom violations/cloaking as violation of another freedom
 - i. The case of Raif Badawi and unwillingness in DFATD to speak about FoR, we could only speak of FoE
- f. A desire to be balanced and fair when speaking of persecution without any nuance as to proportionality, thus relativizing suffering and persecution
 - i. Unwillingness to speak of a Yazidi/Christian genocide. Never again?!?
 - ii. Never able to speak about Christians alone

All of these pitfalls can individually or collectively constrain a willingness to take action, delay actions being taken at a time of crisis, and perpetuate a systemic diplomatic blind spot within foreign ministries and governments when it comes to engaging

the vast majority of the world that is religious -85% of the global population according to Pew.

In much of the world religion is not simply an element of culture best kept behind closed doors, either those of the home or those of the church, mosque, or temple...social, economic, political...we in Canada and Western Europe are the outliers, the vast majority of the societies in Latin America, Eurasia, Africa, and South and Southeast Asia are deeply religious. To put it succinctly, we need to better understand religion.

6. Remedies

So what then are the remedies to these problems, how can the pitfalls be overcome?

- a. An inability to speak publicly about religion
 - i. Hard to address. Based on more than a century of retreat of religion. Embrace a general pluralism, find ways to carve out greater space in the public square for religious voices. Discuss Cardus efforts.

- b. An inability to converse in a meaningful way with faithful people
 - i. Support genuine religious engagement by foreign service officers and civil servants generally. Draw upon religious people within the foreign service given them a voice. When engaging, go and attend worship services, listen, learn a new vocabulary.

- c. Religion is not an important factor, approaching foreign policy by looking in a mirror
- d. An ignorance, often willful, of religious communities and their plight, the question of weak formation
 - i. Again, we are outliers. Recognise this. Training. Training. Training. Recognise deficiencies in formation. Train foreign service officers extensively on the religious dimension of their countries of focus. Contrast with western society, look at continued religiosity in western society. Make interaction with religious communities a core component of diplomacy as you would interact with business, government, multilaterals, human rights NGOs, etc.
- e. The denial of religious freedom violations/cloaking as violation of another freedom
 - i. Training. Look at how FoR is foundational to other rights. How does it link? Argument made that we need to focus on human rights generally not specifically is very short-sighted, we can and we already do single out certain rights for advancement, e.g. equality rights (MinState Status of Women), freedom of expression in Russia, historically legal rights of African-Americans during 1960s civil rights movement. To say that we cannot focus on freedom of religion is to demonstrate a clear bias. We can walk and chew gum at the same time as has been demonstrated.

- f. A desire to be balanced and fair when speaking of persecution without any nuance as to proportionality, thus relativizing suffering and persecution
- i. Why can we not speak about Christian persecution or Muslim persecution or Anti-Semitism independent of other persecutions? There are unique persecutions taking place against these groups. To speak up for one group does not mean you are not defending others.
 - ii. Why do Christians and churches in the West often fail to defend Christians being persecuted in other parts of the world such as Vietnam, Russia, or Iraq. What have they done to not be vociferously defended and saved from persecution, especially by Christians and churches in the west? What have they done to deserve our indifference? To help a Christian being persecuted in Syria is not to ignore a Muslim facing persecution there just as to help a Muslim facing persecution in Myanmar is not to ignore a Christian who is facing serious restrictions there also. While the suffering in Syria and Iraq may be similar in form and intensity Christians and Yezidis face an existential threat that does not affect their Sunni and Shi'a neighbours. In Myanmar we must speak out in particular for Rohningya Muslims who live as essentially stateless people in their own country, a fate not faced by Chin or Kachin Christians. Nuance is important. Proportionality is reality.