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DEMOCRACY AND THE GROWTH OF RELIGIOUS LIBERTY AS A UNIVERSAL HUMAN RIGHT

By Derek H. Davis



In the years after World War II in particular, the idea of religious liberty as an essential element of democracy became institutionalized worldwide. In the following article, Derek Davis, the dean of the College of Humanities at the University of Mary Hardin-Baylor in Texas and an international expert on religion as a fundamental liberty, discusses the four pillars of international religious freedom as an outgrowth of democracy and how international treaty obligations might be more fully implemented in keeping with political commitments, democratic and otherwise.

The 20th century witnessed phenomenal growth in the number of democracies around the world. The collapse of the Ottoman and Austro-Hungarian empires at the end of WW I, the democratization of Germany and Japan following WW II, the demise of several military dictatorships in South America in the 1970's and the demise of communism in Russia and Eastern Europe in the 1990's were largely responsible for this trend. Since 1980 alone, the percentage of nations worldwide practicing some form of democracy has risen from 30 percent to 60 percent. While the essence of democracy is rule by the people, most democracies today are "liberal" democracies, which means that fundamental rights or liberties of the citizens are built into the legal structure of the regime. These rights usually include freedom of speech, freedom of the press, freedom of assembly, and freedom of religion.

Corresponding to the 20th-century trend toward democratization is the evolution of religious liberty as a fundamental human right. Democracies are structured to

accommodate difference and most countries today are populated by people with a range of religious commitments; thus religious liberty is now considered a basic human right, and indeed we can say that democracy over the last century or so has contributed to what could be termed the internationalization of religious human rights.

Several notable steps in the internationalization of religious human rights can be identified. The [World's Parliament of Religions](#) was held in Chicago in 1893 as part of the Columbian Exposition -- a long forgotten but important event in world religious history. A founding principle of the meeting was that no religious group should be pressured into sacrificing its truth claims. In 1944, the U.S. Federal Council of Churches created the Commission to Study the Bases of a Just and Durable Peace. The Commission developed the "Six Pillars of Peace" that mixed tactical measures such as the "reformation of global treaties" and "control of military establishments" with principles such as "autonomy for subject peoples" and the "right of individuals everywhere to religious and intellectual liberty."

Another group, the U.S. Commission of the Churches on International Affairs (CCIA), helped promote the inclusion of religious liberty in the Universal Declaration of Human Rights, adopted by the United Nations in 1948.

In addition to the Universal Declaration, three other significant international documents were developed after WW II with the aim of promoting principles of religious liberty: the International Covenant on Civil and Political Rights (1966); the U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981); and the Vienna Concluding Document (1989). Each of these documents promotes religious freedom by expounding rights of such significance that they should be universal. Each of these documents is described below.

The Four Pillars of International Religious Freedom

Of the four major international documents that universalized the principle of religious liberty in recent years, by far the most central is the [Universal Declaration of Human Rights](#), adopted by the United Nations in 1948. This

landmark document recognizes several important religious rights. Article 18 is the key text:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The Declaration vigorously asserts that individual religious differences must be respected. It embraces the political principle that a key role of government is to protect religious choice, not to mandate religious conformity. It took centuries, even millennia, of religious wars and religious persecution for the majority of modern nation-states to come to this position, but the principle is now widely accepted, especially in the West. The modern principle of religious liberty, by which governments declare their neutrality on religious questions, leaving each individual citizen, on the basis of his/her own human dignity, to adopt his/her own religious beliefs without fear of reprisal, is an outgrowth of the Enlightenment's emphasis on human freedom, which in turned helped spawn the rise of democracy. It received universal recognition in the 1948 Declaration, undoubtedly the major milestone in the evolution of international religious liberty. The Declaration refers to "a common standard of achievement for all peoples and nations." Written in the aftermath of the unspeakable horrors of World War II, it provides a standard by which the peoples of the world may learn to live in peace and cooperation. If the world enjoys a greater measure of peace in the present millennium than in previous ones, it is possible that future historians will look to 1948 as the beginning of the new era of peace, much as we now look, for instance, to 313 C.E. ([Edict of Milan](#)) as the beginning of the Constantinian union of church and state, or 1517 (Martin Luther's posting of the [95 Theses](#)) as the beginning of the Protestant Reformation. There is simply no way to overstate the significance of the Universal Declaration of Human Rights.

Whereas the Declaration imposed a moral obligation upon all signatory nations, later documents went further in creating a legal obligation to comply with its broad principles. [The International Covenant on Civil and Political Rights \(1966\)](#), ratified to date by 144 nations, prohibits religious discrimination, as stated in

Article 2 (1), "without distinction of any kind, such as race, color, sex, language, political or other opinion, national or social origin, property, birth or other status."

Article 18 guarantees the same rights listed in Article 18 of the Universal Declaration, then adds more, including the right of parents to direct the religious education of their children. Article 20 prohibits incitement of hatred against others because of their religion, and Article 27 protects members of ethnic, religious or linguistic minorities from being denied the enjoyment of their own culture.

Moreover, the 1966 Covenant provides a broad definition of religion that encompasses both theistic and nontheistic religions as well as "rare and virtually unknown faiths."

The United Nations [Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief](#), adopted in 1981, is another key document protecting religious rights. Articles 1 and 6 provide a comprehensive list of rights regarding freedom of thought, conscience and religion. These include the right (1) to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes; (2) to establish and maintain appropriate charitable or humanitarian institutions; (3) to make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief; (4) to write, to publish and to disseminate relevant publications in these areas; (5) to teach a religion or belief in places suitable for these purposes; (6) to solicit and receive voluntary financial and other contributions from individuals and institutions; (7) to observe days of rest and to celebrate holy days and ceremonies in accordance with the precepts of one's religion or belief; and (8) to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Finally, the 1989 [Vienna Concluding Document](#) contains provisions similar to the 1948, 1966 and 1981 documents, urging respect for religious differences, especially among various faith communities. The participating nations specifically

agree to ensure "the full and effective implementation of thought, conscience, religion or belief."

These international documents are, in reality, binding only on those nations that take steps to give them legal status. In other words, they are not self-executing. While the religious liberty protections contained in the international documents do not carry the effect of law, however, they are already shaping human rights law in participating nations, and they are a key feature of a developing and, hopefully, more peaceful world order. Nevertheless, today's world is one in which religion still is a source of great conflict, and fundamental principles of religious liberty are often more abused than respected. Can more be done to further religious liberty, and can the spread of democracy contribute to the advancement of religious liberty?

Transforming International Obligations into Reality

Religious persecution continues to be a serious problem worldwide despite the significant steps taken by the world community, particularly since World War II, to combat it, a sobering reminder that declarations, conventions and other documents do not easily translate into reality. Scholars have stressed at least five areas where broad institutional approaches may be effective in helping to make religious liberty not only a worldwide ideal, but also a worldwide reality.

Treaty Implementation. Nations must take seriously the provisions of international human rights treaties by integrating them into their own legal systems. It is perhaps tautologous to say that religious liberty in the world would be a given if all the countries of the world complied with the various conventions and other documents that have been adopted since World War II. That it is not is reflective of the fact that too many governments afford themselves the luxury of basking in the glow of the ideals they signed on to while failing to take the necessary legal and other actions to make them a reality.

Legislation. Governments around the world should enact meaningful legislation designed to curb religious persecution. In 1998 the U.S. Congress passed the

[International Religious Freedom Act](#). This Act mandates an annual report prepared by the State Department that assesses and describes violations of religious liberty in each country. The Department also considers the suggestions of a nine-member [U.S. Commission on International Religious Freedom \(USCIRF\)](#). Based on the annual report, the U.S. president may impose a range of penalties and sanctions on countries found to be violators. The legislation is controversial internationally, but the measure has thus far helped the cause of international religious liberty. The law does not attempt to impose "the American way" on other nations. Rather, it draws on the universally accepted belief in the inviolable dignity of all human beings and of the universal rights that flow from that belief, and the United States encourages other nations to adopt similar oversight measures.

Since the legislation was implemented, several countries are repeatedly cited for serious abuses of religious freedom. Among them are China, Cuba, North Korea, Iran, Saudi Arabia, and Uzbekistan. According to the State Department, in most cases the practice of religion in these countries "is often seen as a threat to the state's ideology or power." A number of countries have improved their records on religious freedom in recent years, however, including India, Georgia, Turkmenistan, the United Arab Emirates, and Vietnam. By way of illustration, "in October 2004 the UAE's Ministry of Justice, Islamic Affairs, and Awqaf hosted an international conference on religion and terrorism that was designed to encourage moderation in preaching and condemn extremism and terrorism." Also, in June 2005, UAE created a law establishing the Zayed Center for Islamic Culture to promote interreligious tolerance and co-existence and to better educate people in the West on the meaning and practice of Islam. The extent to which such improvements were the result of the State Department's criticism in earlier-year reports is difficult to document, but it is arguable that the reports were strong motivating factors in bringing about some countries' improved records.

Education. More needs to be done to make the people of the world aware of the staggering level of religious persecution still prevalent in many parts of the world.

More conferences and symposia could highlight this theme, and more support (verbal and monetary) could be provided to human rights nongovernmental organizations such as Human Rights Watch and the International Religious Liberty Association that monitor human rights abuses around the world and report them to governments and other concerned groups.

Separation of Church and State. There must be renewed efforts to increase respect by all political, religious and social institutions for the modern view that political society's primary interests are in fostering peace, justice, freedom and equality, not in advancing religion. This is the basic meaning of the separation of church and state. The obvious tension here, of course, is that historically, religion has been the basis for every dimension of life, including the political. As the eminent Quaker William Penn noted in 1692, "government seems to be a part of religion itself, a thing sacred in its institution and end." But of course Penn was a budding church-state separationist, and he increasingly moved to the view that religion is fundamentally a personal, individual concern, and government's role should be the protection of all religious outlooks rather than the advocacy of one. Since Penn's day, nation-states have increasingly adopted this perspective, and the 20th century's human rights documents have done the same. As already suggested, this perspective needs to be taught by educational institutions through a range of curricula that confront the interaction of religion and government in the modern world.

Spread of Democracy. Democracy is structured to accommodate difference, pluralism and diversity, thus promoting religious liberty. Totalitarian regimes often attempt to unify their nations around a common religion; the consequence is often religious repression and persecution of minority religions and a fundamental denial of the principle of freedom of thought and conscience. As democracy spreads, the result is likely to be less religious repression and a greater practice of religious liberty worldwide.

Conclusion

In the final analysis, we, as members of the world community, owe it to ourselves and to our progeny to make religious liberty a reality for everyone. There is no more important task in the 21st century. All nations should improve their commitments to making religious freedom a reality; indeed religious liberty can be promoted and practiced even in non-democratic regimes. But if democracy is one of the tools to spread religious liberty as a universally recognized human right, then let democracy ring around the world.

[Back to top](#) | *Issues of Democracy*, [November 2001](#) | [Other IIP E-Journals](#) | [IIP Home](#)