

U.S. Commission on International Religious Freedom
Hearing: Strategies for Religious Freedom in Fragile States
James Patton comments
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I'd like to thank USCIRF, particularly Chair Maenza and Vice Chair Turkel, as well the other Commissioners and colleagues at the Commission. I am grateful to join my illustrious fellow panelists in this hearing.

The U.S. government's stabilization strategy, as described in several recent documents, sets the ambitious goal of a whole-of-government, data-driven approach to supporting stability in fragile states. It elevates prevention and emphasizes locally-driven solutions. While the focus on learning from past failures and seeking effective coordination are laudable goals, there is also a strong argument for reducing U.S. spending on foreign assistance, claiming a lack of public support. Unfortunately, polls consistently show that the public perception is that upwards of 25% of the government budget is spent on foreign assistance, which is wildly divergent from the reality of less than 1%. In some places, the strategy also seems to argue against the kind of longer-term engagements that most development and conflict prevention practitioners will advocate for as necessary to support sustainable peace.

Stability, much like peace, cannot be understood as merely the absence of violence. A whole host of conditions must exist, from an authentic government-civil society contract, to individual opportunities for education and income, to such abstract ideas as "belonging". Reactive measures to instability will be a thin strategy for success when compared to preventive measures that allow for problems – both current and future – to be constructively solved before deteriorating into violence. And in cases where violence has been a reality, recovery is not a linear process. Grievances often remain across generations, and conflict can ebb and flow. Assuming that a peace accord or a truth and reconciliation committee means the end of instability is a false perception of how human communities see themselves, others, and their histories. The 2018 Stabilization Assistance Review references data from the Uppsala Conflict Database that suggests that "unresolved grievances and a failure to address political reform mean that more than one-half of armed conflicts that achieve peace lapse back into violence—at a median of seven years."¹

Programs that seek to prevent instability also evidently require less financial investment than those requiring military intervention or reconstruction during and after conflict. They may, however, require a longer time horizon and deeper relationships. They also require **methodological humility**, where best-practices may provide a framework, but local understanding, experience, and an asset-based collaborative analysis determine the appropriate intervention. The Stabilization Assistance Review points out that "large-scale projects run a higher risk of creating perverse incentives, distorting the local economy, and being manipulated by corrupt actors who benefit from the conflict."

¹ <https://www.state.gov/wp-content/uploads/2019/06/SAR-Final.pdf>

This kind of adaptive and long-term thinking is sometimes elusive in an environment driven by changes in political priorities and the urgency of the next erupting crisis. But in stability operations, I think it is fair to quote the adage ascribed to Benjamin Franklin, “an ounce of prevention is worth a pound of cure.”

The explicit acknowledgment in these USG strategies of the need for community-driven practices, as well as authentic and consequential partnerships, points directly to a growing recognition in recent years of the importance of religious actors with respect to conflict and stability operations. Perhaps the first step in any discussion about how Freedom of Religion and Belief is relevant to this discussion would be to touch upon what is distinct about faith communities in comparison with other kinds of identity groups – both in terms of supporting as well as detracting from stability.

In some ways, faith communities have certain critical characteristics that few other institutions and identity groups share. Among them is a broad social reach, often stretching from the political and economic elite to the grass-roots and more marginalized communities. This offers an unrivaled conduit for information sharing, dialogue, and collective action. Additionally, spiritual communities and religious identity tend to have a long generational time horizon, unlike some other well-intentioned outside engagements that may be limited by available funding or political priorities.

Simultaneously, however, the imperatives of religious belief, and therefore the behavior of individuals and communities of the faithful, can overshadow other kinds of commitments, such as competing legal or social norms. The transcendent nature of religious identity adds a cosmic dimension to people’s motives, often representing an eternal calculus when it comes to consequences. When this is interpreted or manipulated to inflame grievances and conflict, it can be very difficult to redirect.

There is significant research, which has been borne out by personal anecdotal evidence from communities around the globe, that only a small percentage of “religious” combatants are initially driven by an ideological commitment to violence. Rather, the majority of religiously-justified violence seems to originate from a wide range of grievances, from a lack of economic opportunity to socio-political exclusion. Religion is frequently a narrative that gets wrapped around those grievances. Conflict mobilizers are particularly skilled at manipulating religious language to identify “culpable” groups and not only justify, but create, divine encouragement for violence against them.

In recent years, a strong correlation between restrictions on FORB and social instability has been argued. There is, however, some debate about a direct causal link, and the Stimson Center, in a report from January of this year², asserts that, “more research is needed to determine whether

² The Stimson Center, “Violence Based on Religion or Belief: Taking Action at the United Nations,” Jan. 2021. Accessed online on 16 September 2021 at <https://www.rfp.org/wp-content/uploads/2021/03/PCIC-issue-brief-violence.pdf>

and how FoRB restrictions correlate with the outbreak of violent conflict worldwide.” In conflict and stability analysis, however, “causal” thinking rarely reflects reality. It is much more accurate to use “conditional” language. While there is no one cause for violence, many variables in a context combine to create conditions that increase or decrease the likelihood of an outbreak of conflict – or of sustainable stability. While no calculus can determine for certain where and when inter-group violence will erupt, a careful systems analysis of these variables can provide meaningful early warning, as well as a framework for strategic engagement.

With respect to FoRB, it seems evident that restrictions on FoRB are a significant contributor to conditions for possible conflict. I would suggest a few experientially-informed and intuitive considerations about such conditionality:

- 1) There is a human tendency toward identity conflict in contexts of group inequality.
- 2) Social and political exclusion is a commonly cited grievance that drives conflict.
- 3) Most faith traditions are grounded in the assertion that they hold some form of absolute truth, which is, by definition, exclusive of other truths.
- 4) The aforementioned transcendent nature of faith exponentially amplifies internal justifications for inter-group prejudices by giving them divine sanction.
- 5) Therefore, if social and governance structures support restrictions on FoRB, pitting protected religious groups against excluded ones, they contribute directly to a powerful driver of identity conflict.

Religion’s role as driver of intolerance can be especially grievous when aligned with political interests that are served by targeting religious out-groups. Political restrictions on FoRB are rampant, globally. The aforementioned 2021 Stimson report states that “State attempts to **eliminate the presence** of at least one religious group from the country (through violent or non-violent means) have been recorded in Afghanistan, Algeria, Azerbaijan, Bahrain, China, Comoros, Egypt, Eritrea, Indonesia, Iran, Iraq, Malaysia, Myanmar, Pakistan, Russia, Syria, Tajikistan, Turkmenistan, Vietnam, and Yemen.”³

States with official religious identities can be the worst oppressors of minority religious adherents. And States rarely act solely within their own borders. It is critical that the United States pressures its allies to prioritize FoRB protections in their domestic and international policies. We must collaborate to commit – in action, not just in rhetoric – to promote pluralist societies with legal, social, and educational policies that protect minority religious rights. In particular, allies must refrain from agitating conflict between religious identity groups in order to increase regional and geo-political influence. We have seen firsthand evidence of the ripple effect of religious oppression, not just in terms of domestic unrest, but in regionalized and globalized violence. Religious persecution in one place will amplify prejudice, punitive legislation, vengeance violence, and the like in other contexts, resulting in a self-reinforcing cycle. One program being

³ Stimson Center, 2021. Emphasis added.

conducted by The International Center for Religion & Diplomacy has shown how unrest and persecution in Myanmar's Rakhine State, Sri Lanka's Easter bombings in 2019, and recent developments in Afghanistan are tied to documented increases in religious-based intolerance, discrimination against minorities and indigenous peoples, intercommunal violence, and the securitization of FORB in the context of fighting terrorism. Religious and ethnic minorities are coming under attack as governments and militaries instigate or fail to prevent these violent outbreaks, despite the fact that most of region's constitutions and laws guarantee FORB.

One critical aspect of FORB is that is cannot be selective. FORB must be universal, and its protections must be universal, for it to be meaningful. This is not only an issue of equal rights, it is a practical issue on several fronts. Universalizing the application of FORB rights may itself be a simple way in which to reduce identity conflict. While faith traditions may, in their core tenets, see other traditions as representing an "incorrect" understanding of divine truth, they can easily find common cause in efforts to elevate FORB protections if those protections are understood as mutually reinforcing. The United States should continue to advance the narrative that rights regimes that create an atmosphere of protection for belief and worship will protect all religious faithful. Inter-religious cooperation in promoting such a narrative will demonstrate a common value across traditions that can only increase understanding and empathy – key elements in programs that are successful in reducing identity conflict.

This is particularly salient when it comes to beliefs that we might not understand or share. In some cases, those beliefs may not easily integrate into a Western "liberal democratic" framework. And yet, FORB should still be rigorously applied without prejudice. In one example of a program done by ICRD, we engaged with non-violent, conservative, self-described Salafi communities in peri-urban areas of Tunisia. Tunisia had seen a significant number of recruits leave to join foreign terrorist organizations, and whereas more "moderate" voices might not reach or persuade members of their communities, conservative Imams had the kind of influence to be able to reorient at-risk community members away from violent extremism. In some cases, the teachings within the communities were not aligned with values embraced by the U.S. government and American civil society, including questions of gender equality, for example. However, the commitment to a religiously-based admonition to reject violent extremism was shared. Importantly, one of the primary grievances found among the community related to a broad sense of exclusion and prejudice against the Salafi community by civil society, the media, and the government. This sense of isolation was expressed to be a direct driver of radicalization within the community.

Engagement as a strategy in-and-of itself has some detractors, and may not always be effective – and it is important to be cautious not to be seen as advocating for policies or beliefs that are problematic or run contrary to national policies and convictions. However, disengagement only ensures that ideas will not be shared and, in isolation, may grow more extreme. We are a nation committed to the free expression of ideas, and religious ideas are no different. And in cases of disagreement, our institutions are built on the importance of debate and persuasion, not persecution.

There is an important question that we must grapple with, however, when it comes to FORB. Religion and belief do not exist in a vacuum, nor expire at the walls of a house of worship. Personal faith, sacred doctrine, and religious teachings can all compel religious adherents to act in society – in many cases in ways that are profoundly supportive of others, from providing material aid to advance poverty reduction to helping with campaigns to support public health initiatives. However, there are times in which the behaviors that religious faithful engage in come into direct conflict with civil law frameworks and norms.

Simply put, FORB protections cannot include FORB-justified inter-group prejudice that manifests as structural or physical violence. Whereas, in many cases, civil law finds reinforcement or even grounding in religious law, tensions can arise between civil and religious law when the latter is understood by faith adherents to supersede the former, as it is derived directly from a divine source believed to hold authority above that of the State. In this case, can a government promote absolute FORB and rule of law simultaneously? What about cases where interpretations of religious doctrine exhort followers to express prejudicial behaviors, including physical harm, towards those who are considered a religious deviant and even an existential threat?

In the United States, there are Constitutional restrictions on “establishing or prohibiting” religion and its free exercise, as stated in the Establishment Clause. That applies to U.S. government actions abroad, of course, and there is significant effort expended to ensure that government interventions do not make distinctions regarding religious identity. However, not only are there no restrictions placed upon upholding broad rights protections for individuals and communities, including those that specifically aim to prevent violence, there are compelling legal and moral obligations to do so. So how does the U.S. government grapple with the protection of FORB in cases where a faith community is engaged in or inciting a violation of the rights of others?

While these limitations may seem intuitive, and most within the community advocating for FORB would agree with this in principle, the language of FORB is often couched in an abstract fashion that fails to acknowledge this tension. Unfortunately, many who actively advance religious prejudice, do so on the grounds that the religious “other” is dangerous. In fact, we have seen FORB arguments abused by governments and religious identity groups alike to justify restricting the freedoms and denying the rights of others. When does a “religious exemption” become an unacceptable violation of equal protection or the responsibility to the common good? A clear articulation of the limits of those freedoms with respect to the rule of law and protections for the rights of the other, including those who do not adhere to a religious tradition, would render those arguments less compelling.

It may be unpopular or uncomfortable to raise the question of the “limits of FORB” at a hearing advocating for FORB protections. However, it is an increasingly important topic both internationally and domestically. Religious belief risks erupting into civil violence when society and government begin to waver on the primacy of universal rights and rule of law. It is not religious intolerance, however, to reject violence and the religious assertions that would justify it. That refers to structural violence as well as physical violence. In the end, such an articulation of the boundaries of religious freedom – not in worship or belief, but in intergroup behaviors –

would likely increase the protection of the myriad faith adherents around the world. No longer would a person or community be judged for their sacred dress or text or rituals, as long as it were clear that none could violate the rights of others by using a religious justification.

In closing, I would like to share a concern. We spend a great deal of energy on resolving conflicts between faiths. However, I am increasingly unsettled by what I see as religious schizophrenia within faiths, and a growing “battle for the soul of faith”. There are those religious faithful who feel compelled to see what we Quakers call “the light of the divine” in everyone, driven by their belief to exhibit care and compassion for all people, regardless of their identity. And then there are those religious faithful who purportedly adhere to the same tradition, who feel a divine call to persecute those who are not within the “correct” community of belief. The divine cannot simultaneously wish for hatred and violence, while seeking empathy and healing. Perhaps it is not my role to encourage the U.S. government or USCIRF to grapple with this divide, but I would suggest that it might be a point of further deliberation when it comes to FORB and the rule of law, as well as the aforementioned “whole-of-government” stabilization strategy – including domestic stability.

Thank you for your time.
