

Conference: Religion, Democracy, & Human Rights

In 1988, the editors of the first volume of the Harvard Human Rights Journal wrote that they hoped the Journal would be a forum for scholarly discussion of human rights without promoting a particular ideology or political position.¹ They consciously left open the definition of human rights, envisioning the Journal more as “a forum for scholars to develop and debate these definitions than as an arbiter,” and they emphasized the importance of analysis of the United States’ initiatives and responses to human rights problems.² In commemoration of fifteen years of publication, the Harvard Human Rights Journal held its first conference, “Religion, Democracy, & Human Rights,” February 15–17, 2002 at Harvard Law School. The goal of the conference was to promote discussion of freedom of religion within an international human rights framework, including U.S. foreign policy initiatives in this area. In addition, we aimed to further scholarship in this area and to honor both the original vision of the Harvard Human Rights Journal’s founders and fifteen years of work by the Journal’s staff.

At the time of the conference, many national discussions of the September 11, 2001 terrorist attacks emphasized tensions among human rights, democracy, and freedom of religion and belief. The labeling of terrorist activity as religiously motivated reinvigorated debates about the authenticity of religious interpretation and religion’s political role. Arguments in favor of religion and belief as a human right, most often supporting minority speech and practice, have been tempered by concerns about fundamentalism and violence. Notions of peace-building and tolerance through expanding civil liberties are now mitigated by concerns for national and local security.

The conference brought together scholars of human rights, scholars of religion, and government officials working on issues of religious freedom within a human rights framework, particularly at the U.S. Department of State. Speakers were asked to frame remarks around the following themes: Is freedom of religion and belief different from other human rights such as freedom of expression or freedom of association? Are there differences in the development of the understanding of freedom of religion and belief as a human right or in strategies used by its advocates that require a departure from a traditional rights analysis? Is religious extremism protected under international standards of freedom of religion and belief? If so, how should conflicts

1. William J. O’Farrell & Morris Panner, *Editorial Preface*, 1 HARV. HUM. RTS. YEARBOOK, 1, 1 (1988). In 1990, the Yearbook became independent from the Harvard Human Rights Program and changed its name to the Harvard Human Rights Journal.

2. *Id.*

with other human rights standards be addressed? What attention should human rights scholars and practitioners pay to freedom of religion and belief?

John Shattuck,³ former U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, delivered the keynote address, which was followed by three panels. During the first panel, "Assessing the Meaning of Freedom of Religion and Belief to the Human Rights Regime," David Little,⁴ Makau Wa Mutua,⁵ Henry Steiner,⁶ and Winnifred Sullivan⁷ addressed how the right to freedom of religion and belief has been analyzed under national and international law, and how this analysis is changing. The members of the second panel, "Implementation of the Right to Freedom of Religion and Belief," Ambassador Jon V. Hanford III⁸ and Bahía Tahzib-Lie,⁹ contrasted the approaches taken by European countries, in particular the Netherlands, with the U.S. State Department's approach to violations of religious freedom abroad. The final panel, "Challenges at the Local Level," included panelists Rosalind Hackett,¹⁰ Jaskaran Kaur,¹¹ Cynthia Mahmood,¹² Roy Mottahedeh,¹³ and Nur Vergin,¹⁴ who discussed case studies on challenging issues including conflicts between religious practices and other human rights standards, proselytism, and the use of violations of religious freedom in U.S. asylum applications.

The conference drew together a unique group of scholars and practitioners in hopes that their discussions would promote continued scholarly engagement. We hope this Section will further the goal of the conference by promoting continued analysis of the relationship among human rights, democ-

3. CEO, John F. Kennedy Library Foundation; U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, 1993–1998; Chair, Secretary of State's Advisory Committee on Religious Freedom Abroad, 1996–1998; U.S. Ambassador to the Czech Republic, 1998–2001.

4. T. J. Dermot Dunphy Professor of the Practice in Religion, Ethnicity and International Conflict, Harvard Divinity School; Director of Initiatives in Religion and Public Life and Faculty Associate, Weatherhead Center for International Affairs.

5. Professor of Law and Director of the Human Rights Center, State University of New York at Buffalo.

6. Jeremiah Smith, Jr., Professor of Law, Harvard Law School; Director, Harvard Law School Human Rights Program; Chair, Harvard University Committee on Human Rights Studies.

7. Dean of Students and Senior Lecturer in the History of Christianity and the History of Religions, University of Chicago Divinity School.

8. U.S. Ambassador-at-Large for International Religious Freedom.

9. Senior Human Rights Advisor, Human Rights and Peacebuilding Department, Netherlands Ministry of Foreign Affairs; Co-chair, Working Group on Conflict Prevention/Dialogue, OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief; Member, International Advisory Council of the Oslo Coalition on Freedom of Religion or Belief.

10. Professor of Religious Studies and Anthropology, University of Tennessee at Knoxville; Liberal Arts Fellow in Law and Religion, Harvard Law School, 2000–2001; Senior Fellow, Center for the Study of World Religions, Harvard University, 2000–2001.

11. J.D. candidate, Harvard Law School Class of 2003.

12. Associate Professor of Anthropology and Director of Undergraduate Studies, University of Notre Dame.

13. Gurney Professor of History, Harvard University.

14. Professor of Political Science, Istanbul University.

racy, and freedom of religion and belief. Reprinted here is John Shattuck's keynote address, "Rights, Religion, and Terrorism." Shattuck argues for a human rights analysis of world events that relates terrorism to the "hijacking of a religion and the suppression of human rights in the Islamic world."¹⁵ He argues that the U.S. must understand and promote international rights to freedom of religion and belief understood in the broad context of civil, political, economic and social rights.

In addition, we have commissioned a piece by T. Jeremy Gunn,¹⁶ entitled "The Complexity of Religion and the Definition of 'Religion' in International Law." His piece discusses the problems inherent in defining religion and suggests ways adjudicators can think about religious persecution claims, particularly in the context of refugee law. This Section is intended to contribute not only to a greater understanding of religion, democracy, and human rights, but also to an understanding of some of the most basic themes in the field of human rights: discrimination against minority groups, violations by non-state actors, and the challenge of protecting both liberty and security.

—J. J. Rosenbaum

15. 16 HARV. HUM. RTS. J. 183, 188 (2003).

16. Member, OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief; Senior Fellow for Religion and Human Rights, Emory University.