

Freedom of Religion or Belief *and* State Security  
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**I. Introduction: Religion and State Security**

On the morning of September 11 last year I was working at my desk when I received a telephone call that said that a plane had hit the World Trade Center in New York City. I turned on the television and watched as another passenger plane hit the second tower of the trade center. Within only a few seconds I had all of the following thoughts:

- this was done by bin Laden;
- this was done in the name of “religion”;
- Americans will understand this as an attack on their security in a way similar to the attack on Pearl Harbor that launched American participation in World War II;
- unlike other recent responses of the United States to attacks on embassies, ships, and military barracks, this time the United States will respond with massive, military force;
- this was a horrible experience for those who were on the two planes (we did not yet know about the other two planes);
- this is a nightmare for those who are in the World Trade Center;
- this is a sad day for human rights in the United States, because the American government will not respect all of its responsibilities under the Constitution and human rights standards;
- this is a sad day for human rights all over the world, because governments will use this incident to justify suppression of religious groups that have no involvement with terrorism, violence, or criminality; and
- I feared that Muslims living in the United States would suffer discrimination because of the attacks.

**Effect of September 11 in the US**

Several -- but not all -- of my first thoughts were correct. I now believe, as do most people, that the attack on the security of the United States was done in the name of religion. I

did not predict the overwhelming support that the United States would receive from countries all over the world. I would not have conceived of the possibility that the next time I arrived at Manas airport that American soldiers would be stationed there.

Let me be candid with you. Since September 11 many bad and many good things have happened in the United States regarding the issues of religion and security. Let me start with the bad before turning to the good.

I believe that the United States government is now engaged in several activities that violate its own Constitution and international human rights standards. I wish that I could say to you that the United States has responded to this terrorism by strongly affirming its underlying values and adhering to its international commitments. But I cannot.

As far as I understand, the United States has imprisoned people in Cuba in conditions that would outrage Americans if their soldiers were similarly treated. Although the United States has allowed the International Red Cross to meet with the prisoners and although I have seen no evidence whatever to suggest that the prisoners in Cuba are being tortured, the US government has not adhered to the standards that it would demand from others. President Bush, apparently without fully considering the issue, announced that he would establish military tribunals to try these people and that the tribunals would not have many of the protections that should be normally given to the accused. The U.S. Congress enacted a new law that, in my opinion, ignores many human rights commitments. The Immigration and Naturalization Service has engaged in widespread arrests and detentions of persons who are now in the United States illegally. While the United States has every right to arrest illegal immigrants and deport them, it is wrongly detaining them without providing exact information on who has been arrested and has not permitted most the arrested to see their families or attorneys. This is shameful.

Finally, and more philosophically, it appears to me that the American people and government are not making a serious effort to understand why the attacks happened and how such attacks can be prevented in the future. I believe that they are responding principally to the symptoms -- violence being conducted in the name of religion -- and not focusing sufficiently on the underlying causes.

I have no doubt that 20 years from now the overwhelming majority of the American people will acknowledge that many of these actions now being taken by their government -- conducted in the name of security -- were wrong. This has happened before in American history. During World War I, people were imprisoned for criticizing the military draft. During World War II, law-abiding American citizens of Japanese descent were imprisoned because they were Japanese. During the Cold War (particularly the McCarthy era) the U.S. Congress harassed law-abiding US citizens because of their political beliefs. All of these actions, which were conducted in the name of security, are now widely and properly condemned by most Americans who now acknowledge that their government was wrong. Sadly, it is always easier to acknowledge the mistakes of the past than to recognize the mistakes of the present.

But all is not bad in the United States. The most welcome surprise for me has been the American people's response to Muslims living in the United States. If you remember, this was one of my biggest fears -- that there would be increased discrimination against Muslims. And to tell the truth, there has been some random discrimination and even violence against some Muslims. There have been many positive actions taken by religious communities throughout the United States in sympathy with Muslims. In my own community, a Jewish synagogue helped refurbish a vandalized mosque. But the incidents of discrimination have been surprisingly rare. I also am pleased to say that high American political officials -- including the President -- have made strong and powerful statements that Americans should not discriminate against Muslims. The Attorney General and the Director of the Federal Bureau of Investigation said after September 11 that any attacks on Muslims in the United States would be treated as serious crimes and would be prosecuted under the civil rights laws. More than any other time in American history, I believe that the leaders of the country have made conscientious efforts to distinguish Islam from the crimes that some people committed in its name.

On this issue, the United States and the American people have shown themselves to be much more mature than I would have guessed. Recently, when I took a plane flight within the United States, I noticed that one of the security screeners was a woman wearing the Hijab. I had never seen this at an airport before. I was pleased that she was able to manifest her beliefs and work in an area of high security. As soon as I turned around to pick up my bag, I saw that there was another woman in the Hijab who also was screening luggage. No one seemed to particularly think that this was shocking or unusual. This, too, showed me some of the increased maturity of the American people. Even so, much more work needs to be done.

Freedom of expression also continues in the United States. While there have been problems here as well, there is an increasing number of people in the United States who are beginning to speak out forcefully about the violations of the Constitution and human rights standards. I feel completely free to criticize my government for what I believe are its serious errors. I do not worry that I will be attacked by the FBI or arrested for my speeches and actions. I am pleased to be able to say that criticism of the government is strong. And I believe one of the reasons that the United States is a strong country is because its citizens are free to criticize their government and because the government must listen to the criticisms.

### **But these problems are not new**

September 11 has certainly brought some things into clearer focus than they were before, particularly for the United States. There is now a much better understanding of the relationship between terrorism (conducted in the name of religion) and security.

The issue of the relationship between security and violence in the name of religion is not new. There are many examples of both international and domestic conflicts that involve religion and security:

- Northern Ireland
- Israel and Palestine
- Lebanon
- India and Pakistan (Kashmir)
- India and the Sikhs
- Nigeria (Muslims and Christians)
- Iran-Iraq (Shi'ites and Sunnis)
- Sri Lanka (Buddhists and Hindus)
- China (Uighurs in Xinjiang and Buddhists in Tibet)
- Saudi Arabia (Wahhabis)

We also need look no further than the Ferghana Valley, where the Islamic Movement of Uzbekistan has been engaged in several serious attacks and whose presence constitutes a continuing menace to the people of Central Asia.

## **II. State responses to terrorism (and crime) conducted in the name of religion**

So, we are fully aware that people and groups -- acting in the name of religion -- are prepared to commit crimes, engage in violence, and conduct acts of terror. While we know that freedom of religion and belief are fundamental human rights, we also know that states have the responsibility to protect themselves and their people against those who misuse the name of religion and try to change society by violence.

But just as we must reject the methods of those who misuse of the name of religion and who bring suffering to others, we must also be careful to reject the methods of those who misuse the name of security, and also cause needless and unjustifiable suffering to the innocent.

It is important that we ask ourselves what the proper relationship should be between state security and freedom of religion. Are these two important interests -- human rights and security -- opponents of each other as many people seem to believe, or is it possible that they might actually support each other?

### **A. Two different approaches**

There are, of course, many responses that a state could make to the problem of religiously inspired violence. But I would like to identify and contrast two different approaches to the problem. I will do this by referring to a branch of mathematics that was originally developed by two twentieth-century mathematicians: John von Neumann of Hungary and Oskar Morgenstern of Germany. The branch of mathematics they first developed is known as "game theory."

Game theory enables mathematicians and logicians to describe patterns of behavior and choices that individuals make in their daily lives. Game theory has become a particularly important method for economists and for people working in the area of conflict resolution.

Von Neumann and Morgenstern identified the two most basic types of game as: “zero sum” and “non-zero sum.” This may sound complicated, but the idea is quite simple. In some situations, the advantage that one person receives is seen as an equivalent loss for the other. Let us imagine, for example, that two people are dividing one loaf of bread. As the two people divide the loaf of bread they know that each milligram that one person receives, it will lead to a loss in the same amount for the other. Either person might obtain the whole loaf, or they could divide it in half, or one-third, two-thirds. But the amount available is set.

This is an example of a zero-sum game. A gain for one is a loss for the other.

But there is also a category known as a “non-zero sum game.” (The non-zero sum game is sometimes popularized as a “win-win” game.)

The non-zero sum game is quite different. In the non-zero sum game, the advantages and losses are not known from the beginning. By cooperating, it is possible that both sides could benefit. It is also possible that by not cooperating, both sides could lose.

Rather than dividing a loaf of bread, let us imagine two farmers who own land next to each other. One farmer owns land that has rich soil, but no water. The other farmer owns land with poor soil, but a stream runs through his land. Both will starve if they do not cooperate. The farmers realize that by helping each other they could both benefit. They have the choice of making their relationship with each other into either a zero-sum game or a non-zero sum game. If one farmer tries to steal water from the other, or the other farmer tries to take possession of the land, they are thinking in “zero-sum terms.” But, if they decide to work together, share the land, share the water, share the seeds, and share the labor, they can accomplish much more together than either could do alone.

So -- these are the two basic models given to us by mathematicians. One model sees a loss for one as a gain for the other. The second model sees that both farmers do better by cooperating with each other.

Let us go back to our original issue: religion and security. Which model makes the most sense?

It is certainly true that many people see religion and security as a zero-sum game. They assume that the more freedom there is for religion, the less security there is for the state. If they favor religion, they want to attack the security interests of the state. If they favor the state, they want to undermine and control religion. A loss for one is a benefit for the other. A strong state

means weak and controlled religion -- or vice versa. I am certain that you know people who think this way. Some people who think this way may be acting in the name of religion (like bin Laden); others may be officials in state security. But they think in a similar way. A gain for one is a loss for the other.

I would like to suggest to you that religion and security is not a zero-sum game. In fact, I believe that the state is more secure when genuine religious freedom is protected. Thus, for the state to enhance its security, it is of value to make certain that religious liberty and other fundamental human rights are secure.

## **B. Finding the answer**

I would like to make three arguments to support the assertion that the state is more secure when religious freedom is respected. Or, in the language of mathematics: the dynamics of religion and state security is a non-zero sum game.

First, it is consistent with principles of human psychology.

Second, it is supported by contemporary and historical examples.

Third, it is supported by common sense -- as shown in international human rights agreements.

### 1. Psychology

Let us first turn to simple human psychology. Let us imagine that you are sitting comfortably on a chair. Let us suppose that your arm is resting on a table in front of you. You are relaxed. But then suppose that I walk over to you and I place my hand on your wrist and firmly hold it. Although I hold it firmly, I do so without causing you any physical pain.

What is your reaction?

If you are like most people, you will immediately attempt to move your arm and break away from my grip. You will resist me not because I am hurting you or you are physically uncomfortable. Rather, you resist me because you see me as an opponent who wishes to constrain you. So even if you had no thought of moving your arm before I came over, you psychologically want to resist me and break away from the same position in which you were comfortable only one moment earlier. This is a typical human reaction.

Let us take another example. Suppose I were to tell you that I have a document in my hand that I do not want you to read. I tell you that it is very provocative -- and that I do not want you to read it because you might be influenced by it. What would your reaction be? Again, if you are like most people, you will want to read it. When someone tells you that you should not

read something, they raise the value of it. By attempting to suppress information, the government actually enhances its value.

The field of psychology has a general term that describes part of this phenomenon. It is called the “frustration-aggression” theory. In a simple form, the “frustration-aggression” theory argues that when a person is frustrated (such as being prevented from doing what he wants to do), he is likely to respond with frustration, anger, agitation, or resistance. Of course not all frustration causes aggression. But there is a correlation. When we believe that another person is trying to prevent us from doing what we want to do, we are more likely to resist than to accept the pressure. When governments (or terrorists) prevent people from doing what they want to do and what they think that they have a right to do, they create enemies for themselves.

For some peculiar reason, people mistakenly think that putting pressure on opponents makes the opponents less likely to resist. Let us look at the ongoing tragedy in Israel and Palestine. In their suicide attacks, Palestinians are attempting to put pressure onto Israel to withdraw from occupied Palestine. The Israelis respond by using force to destroy Palestinian homes and facilities. As each side uses greater force, the other side does not become more compliant. Israel imagines that it is increasing its state security by hitting the Palestinians hard. Palestinian fighters believe that they are enhancing their cause by placing greater pressure on Israel to withdraw. Each side has exactly the wrong approach to human psychology. Violence causes resistance to increase. Other than in totalitarian societies -- where all forms of expression are rigidly controlled by the state -- suppression typically creates greater frustration and greater resistance.

## 2. History

In using the example of the Israelis and Palestinians I have crossed from pure psychology into examples from history. History is in fact filled with similar examples. Let me give you a few that illustrate this point.

In Utah (where the Olympic games are now being held), the dominant religion is Mormonism. In the nineteenth century, Mormonism was seen as a radical, trouble-making religion in the United States. Its members were forcefully driven out of several states, causing them to flee west into the Rocky Mountains. Finally, in the 1890s, the Mormons and the Federal government began to talk to each other and started to resolve some of their differences. (This is a complex story for which we don't have time.) By 2002, the Mormons in Utah are patriotic and law abiding Americans. When pressure was placed on them, Mormons resisted. When Mormons became accepted in the American political system, their radicalism vanished. (There are other similar examples in the United States, including that of the Jehovah's Witnesses.)

I think that if we now look at states that have the most serious internal security problems from religion -- we will also see states that have the least tolerance for religious freedom. (I will try to show some good judgment by not mentioning any OSCE states!) In the last few years,

which states have had the most serious internal security problems? I will give you my candidates:

- Afghanistan under the Taliban;
- Saudi Arabia, where all but Wahhabism is prohibited;
- China (Perhaps the best example of state *creating* a security problem is the Chinese state's crackdown on the Falun Gong. The Falun Gong movement began as a non-political form of exercise and meditation. But it has now been transformed, incredibly, into an opposition against the Chinese state. By its suppressive tactics, the Chinese state created an enemy and undermined its own security.); and
- Iran (both under the Shah and under the Ayatollah Khomeini).

### 3. International consensus

My first two reasons for suggesting that freedom of religion and security should support each other rather than conflict with each other were based on observations of human psychology and events in the world. My third reason is quite different. It is based on the consensus that states have reached when they come together, debate the issues, and bring their own historical experiences to bear. When diplomats, experts, and governments debated and compromised, they reached conclusions consistent with the first two reasons.

We are here today under the sponsorship, in part, of the OSCE. The OSCE's experience illustrates my point. What we think of today as the OSCE began in 1973 in Helsinki, Finland, as a process of negotiations involving almost all European states, the former Soviet Union, Turkey, the United States, and Canada. Not only was the largest state -- the Soviet Union -- present, but also were the small states of Monaco, San Marino, and the Holy See. After more than two years of negotiations, the many states, with vastly different historical experiences and religious backgrounds, reached unanimous consensus on a document: the Helsinki Final Act of 1975.

Since 1975, what we now call the OSCE has grown to include 55 participating states, including Russia and the other fourteen states of the former Soviet Union. Among its numerous accomplishments, the Helsinki Final Act and the subsequent agreements negotiated under the Helsinki process reached conclusions about four important points directly relevant to our issue today.

First, the participating states concluded that there is a necessary link between the security of states and human rights. Indeed, this may have been the greatest accomplishment of the Helsinki process. The Helsinki process used the term "linkage" to suggest that security, peace, economic progress, and human rights do not compete with each other -- but that they reinforce each other.



There is a “close link between peace and security in Europe and in the world as a whole and [there is a] need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples . . . .”  
[Helsinki Final Act, “Questions relating to Security in Europe”]

Second, the states concluded that certain human rights -- including freedom of religion and belief -- are fundamental for human beings and should be respected by states. This means that the rights are not trivial or incidental -- but are understood to be core values of human society.

Third, the states also acknowledged that there are some circumstances where states may legitimately limit the exercise of human rights. The OSCE commitments are very clear on this:

The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. ***These restrictions have the character of exceptions.*** The participating States will ensure that ***these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.***

Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be ***strictly proportionate*** to the aim of that law.  
[Vienna Concluding Document, paragraph 24 (emphasis added)]

Thus, only under special and limited circumstances may the state restrict the fundamental right of religion. The state cannot limit religion because it does not like it or because it favors one belief over another. The restrictions must be proportionate to the problem that is being approached.

Fourth, the states have agreed to hold each other responsible for complying with the commitments that they have unanimously agreed to adopt. Under the OSCE process, each state opens itself for criticism by other states. The United States, for example has criticized Uzbekistan for its practices related to freedom of religion and belief. Uzbekistan can -- and should -- criticize the United States for its failures to comply with OSCE standards. Some states choose to make their criticisms in a noisy way. Some states are subtle and discrete. It is always fair and always legitimate for states to hold each other to their OSCE commitments. No state is exempt from criticism, and no state is without its faults. I hope the governments of Central Asia -- and all participating states in the OSCE -- strongly remind the United States of its obligations under the OSCE. We are all accountable to each other.

Before I turn to the final subject – some of the OSCE standards for freedom of religion and belief -- let me make one observation about the subject of hypocrisy. I often hear something that I will call the “hypocrisy excuse.” The “hypocrisy excuse” seeks to justify one’s own bad actions by pointing to the bad actions of another. During the Cold War, for example, the United States accused the Soviet Union of refusing to allow religious minorities to emigrate. The Soviets responded by saying that the criticisms were interferences in the internal affairs of the Soviet Union, and, in any case, there was terrible racism in the United States.

In my opinion, the United States correctly criticized Soviet emigration policy. And, in my opinion, the Soviet Union correctly criticized policies in the United States that supported racism. Both states would have profited from acknowledging their own failings rather than justifying them by saying that the other was worse. It is a wise person who follows a medical doctor’s good scientific advice. It is a foolish person who refuses to follow good medical advice for the reason that the doctor does not follow it herself.

### **III. OSCE and international standards on religion and belief**

The OSCE participating states have adopted several commitments that relate to religion and belief. These are obligations that belong to all participating states. I will briefly mention five of the most important.

First, promote equality and non-discrimination. Under the OSCE, all participating states have the responsibility not only to treat religions and belief without discrimination, but to prevent popular discrimination against religions.

States must: “take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers.” [Vienna Concluding Document, paragraph 16.1]

Unfortunately, the laws and practices in several OSCE states discriminate on the basis of religion and belief. Some states, for example, differentiate between “traditional” religions and “non-traditional religions.” There is no support for such discriminatory treatment in any of the OSCE commitments or other international human rights standards.

Second, promote tolerance. States have an obligation to “foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers.” [Vienna Concluding Document, paragraph 16.2.] In many ways, this

encouragement of tolerance is one of the most important challenges for states and individuals. Laws ultimately cannot prohibit all discrimination and regulate all behavior. It can be of great value to foster public tolerance by education, wise statements by public officials, and a mass media that is balanced and factual.

Third, talking directly to religious groups. OSCE participating states have pledged themselves to engage in serious discussions with religious groups. “In the context, they will consult, whenever necessary, the religious faiths, institutions and organization, which act within the constitutional framework of their respective countries.” [Concluding Document of the Madrid Session]. I have heard political officials in some governments say that they refuse even to speak with some religious minorities. I also have had the experience of speaking with members of religious minorities who have said how pleased they were to speak with me or other officials -- because their governments had refused to do so.

Fourth, registering religious groups. OSCE states have committed themselves to assist groups seeking to register rather than to use the registration process as a way of keeping groups outside of the law.

States should: “favourably consider applications by religious communities of believers practising or prepared to practise their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.” [Concluding Document of the Madrid Session]

States should: “grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries.” [Vienna Concluding Document, paragraph 16.3]

Many times the registration process is used as a way to *prevent* groups from registering with the state. By refusing to register groups, the state can create opponents.

Fifth, respect the autonomy of religious groups. The OSCE commitments suggest the contrary:

States should: “respect the right of these religious communities to: [1] establish and maintain freely accessible places of worship or assembly, [2] organize themselves according to their own hierarchical and institutional structure, [3] select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State, [4] solicit and receive voluntary financial and other contributions.” [Vienna Concluding Document, paragraph 16.4]

#### **IV. Conclusion: Responding to terrorism (and crime) in Central Asia**

We have now arrived at the end of my speech and the end of your patience. During the next two days, you will have the opportunity to discuss how the themes I have raised today might apply to Central Asia. You, unlike me, are all experts on Central Asia. Perhaps my position as a sympathetic outsider can be of some modest help to you as you discuss important issues. As you consider the role of religion and human rights standards in Central Asia, let me suggest three themes for your consideration:

1. It is important to respond to the real problems and not to the symptoms. If a person with a fever sees a doctor, we of course want the doctor to respond to the causes of the illness and not to focus solely on the symptoms. For a patient with a high fever, the doctor should prescribe medicines that attack the infection rather than tell the patient to cool himself by standing barefoot in the snow.

2. Suppression of information can make the prohibited information seem more valuable and more true. Governments should attempt to influence opinions by encouraging a wide variety of speech rather than by controlling speech. False information and opinions are better corrected by more and better information than by less information.

3. Governments should emphasize restricting *illegal activities* rather than restricting *religion*. Laws should focus on the real problem. And rarely is *religion* the problem -- rather it is the illegal activities undertaken in the name of "religion."

Only by treating human rights and security as partners will we be able to ensure the health of both.

Thank you very much.