

REL 400 The Human Right to Freedom of Religion or Belief

Short Syllabus | March 11, 2016
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COURSE INTRODUCTION

Freedom of religion or belief (FoRB) is widely recognized by scholars, policymakers, and practitioners of human rights as the oldest of the universal human rights recognized under international law. Indeed, FoRB is frequently referred to as the “grandparent” of human rights and as “the first freedom” of international human rights. Despite the general consensus amongst human rights experts about FoRB as the epicenter and core of universal freedoms intrinsic to the human condition, empirical evidence from around the world reflects the “Dickensian” (“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness”) reality of FoRB realities and protections, with a measurable gap between the meticulous and detailed legal protections for FoRB versus the massive and egregious violations on FoRB around the world. Furthermore, FoRB has become a lightning rod for diplomatic disputes, bilateral and multilateral tensions, and conflicts and violence which threaten state durability and which put at risk the very survival of specific faith communities and peoples.

How is it possible to make sense of the complexities of FoRB in contemporary world affairs? How is it possible to square the circle, to resolve the paradoxes and conundra associated with the apparent recognition of FoRB as the most precious and critical of human rights, on the one hand, and the raging discursive, political and cultural battles, as well as florid violence related to FoRB, on the other hand? What accounts for the gaps between possibility and reality? How do states, international institutions, religious institutions and religious actors take responsibility for the causes, consequences, and amelioration of this gap?

This course seeks to provide students with the foundational materials that can help to respond to the above questions. The course introduces students to the human right of FoRB, based on a review of the conceptual and operational tools, as well as illustrative empirical evidence, necessary for further, advanced study of FoRB. The course is designed from the perspective of international relations scholar-policymaker-practitioners, so that students of religious studies and/or theology, as well as religious leaders working within faith-based and non-faith-based contexts, can develop an understanding of how the human right of FoRB has come to be defined, protected, interrogated, and addressed, in a global order that remains organized according to the (evolving and problematic) political entity known as the state.

The course works from the assumption that, given the challenges and possibilities for religious leadership in the 21st century to contribute to protection of the human right of FoRB, an international relations point of departure is indispensable—both as frame of reference for, and as object of constructive criticism and transformative engagement by, religious leadership.

COURSE DESIGN

This course is designed using the pedagogical methodology of a blended curriculum, which carefully combines online instruction, peer-group interactions, and conventional reading and writing assignments, with a culminating seminar experience in Washington, DC, and a concluding capstone project.

The modalities of blended learning in this course are intended to provide students with the foundational knowledge, enhanced analytical strengths, and collaborative skills which, taken as a whole, will facilitate students' familiarity and facility with main parameters of scholarly and policy debates on the human right of freedom of religion.

Furthermore, this course is designed as part of an integrated learning curriculum which includes four courses; therefore, the course introduces materials on freedom of religion as a universal human right as part of a broader intellectual rubric and conversation that includes a review of the history and contemporary contours of religious liberty in the United States, as well as an introduction to the way in which religion is covered by and utilized in the media.

The course is divided into four parts, each of which addresses conceptual and operational issues and each of which uses case studies to illustrate the aforementioned issues.

UNIT OVERVIEW

Unit I. **Global Overview of Freedom of Religion or Belief (FoRB): The “Dickensian Moment.”**

Unit I. Learning Objectives

- Introduction to conditions of FoRB around the world.
- Recognizing FoRB as a human right.
- Identifying FoRB and its connections to other types of human rights.
- Identifying FoRB as it relates to regime type (democratic, non-democratic, hybrid).
- Identifying secularist and religious threats to FoRB.
- Identifying the FoRB-security nexus.

Unit I. Frameworks

- Using a kaleidoscope of perspectives, what do we see? Do we recognize FoRB in our daily discussions, in media reportage, in policy debates?

Unit II. **Intellectual Frameworks for Thinking about Religion and International Relations: Ideas about Modernity, Secularity, and Universality versus Particularity**

Unit II. Learning Objectives

- Geography, religion, and culture in the origins of universality: state versus nation, organic versus imposed ideas and arrangements for protecting FoRB
- The political and policy consequences of FoRB captured by secularization theory
- Religious traditions, jurisprudence, and views on FoRB
- Globalization, pluralism, and FoRB as a core human right

Unit II. Frameworks

- Which frames help us identify ideas, sources of knowledge, vocabulary? How do these frames inform how we talk about what we see?

Unit III. **Immersion in Washington, D.C.**

Unit III. Learning Objectives

- Exposure to international actors in DC: government, research, religious and civil advocacy organizations
- Institutional structures, standpoints, and strategies

Unit III. Frameworks

- Which institutional frames help us measure the efficacy of international approaches to human rights?

Unit IV. **The Architectures of FoRB: Global Context and Formative Texts**

Unit III. Learning Objectives

- FoRB and the origins of the Westphalian state order.
- FoRB and multiple secular arrangements
- Codification and protection of FoRB as a universal human right: the 20th century impetus
- Evolution of FoRB in universal human rights architectures
- Westphalian deficits, religion and human security, and FoRB
- Illustrative case studies: American model as a case study

Unit IV. Frameworks

- Which theoretical structures for formative texts—*universality, particularity, evolution, adjustment*—serve as the legal architecture for FoRB?

Unit V. **Diplomacy and the Practices and Protections of FoRB**

Learning Objectives

- FoRB and Global Security: the Religion-Security Nexus, the Religion-Democracy Nexus
- FoRB and International Diplomacy: Case Studies and Models (e.g. IRF, EC, Canada, ICC, ECHR, OSCE, OIC)
- What can religious leaders learn and contribute to protections of and policies regarding FoRB?
- How can religious leaders improve FoRB literacy amongst their own faith communities and contribute to inter-faith dialogue and commitments to FoRB?

Unit V. Frameworks

- Which diplomatic practices and protections influence the operational engagement, deescalate challenges, curtail learning curves, and optimize opportunities?

ASSIGNMENTS

The five parts of the course consists of formal lectures and online blocks, some of which include multimedia interactive and short written assignments, and others which include didactic sessions and student group presentations developed through videoconferences.

See each week to determine the specific assignments, but as a rule, students should be prepared as follows:

Lectures/videoconferences: This is a standard lecture format, designed for students to learn the basic conceptual, analytical, and empirical data for the assigned readings.

Online Bloc Discussions: These discussions are student-driven and designed to revolve around discussion and deconstruction of readings and to all students the opportunity to return to issues raised in class, through discussion with coursemates and instructor. The online blocs also allow for introduction of additional materials (e.g. media reportage, visual materials, policy documents, journal articles) salient to the week's readings. Students will post essays to the online site for comment and discussion.

Short written assignments (one essay for each of the following units: I, II, IV, V): These are two-page essays drawn from the week's readings. Each student must complete a total of four

essays (one essay in each of the four parts of the course). The essays are intended as think-pieces which can address any aspect of the materials covered in that section of the course, from the specific perspective of your religious or non-religious identity/tradition. The essays should be posted to the site and shared with other students, and can be incorporated into discussion and commentary in the online bloc discussions.

Small-Group Team presentations developed through online discussions (one presentation over the duration of the course): Each student group must do two presentations over the length of the course. The instructor will assign students to a specific group, and students must work online to develop their presentation. The presentations must be decided upon by week two of the part of the course, and the topic must be submitted to the instructor and to the other students during that week. The group's presentation is done in the last week of each part of the course. The presentation must be no more than 20 minutes, and students must submit questions to the rest of the class for discussion immediately following the presentation. The aim of the group presentations is to allow students to become facile in discussing, analyzing, critiquing, and applying the main disciplinary debates and sample case studies which elucidate FORB as a human right in the contemporary world order.

Midterm Exam: Students will respond to two of five essay questions aimed to demonstrate understanding of the materials covered in Parts One and Two of the course.

Final Case Study: Students will select a case study that will allow them to conduct an in-depth analysis of a specific FORB issue, problem, or event. Students should work with the instructor to identify the case, which can be focused on a theoretical, conceptual, or operational question (e.g. defamation of religions, proselytism and evangelism, gender rights, R2P/Responsibility to Protect, comparative secular arrangements and implications for FoRB, public order and counter-terrorism limitations on FoRB, etc.). The topic and format of the case study (whether text, multi-media, research paper, policy/white paper, interview montage, etc.) must be agreed by both instructor and student.

MATERIALS

Course Packet #1 – Primary Source Documents

1. UN General Assembly, Universal Declaration of Human Rights, GA Res. 217 (III) U.N. Doc. A/810 (10 December 1948)
2. European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 9.
3. International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 7 March 1966, 660 UNTS 195 (entered into force 4 January 1969)
4. International Covenant on Civil and Political Rights, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976), at 171. International Covenant

- on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976), at 3.
5. UN General Assembly, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, GA Res. 36/55 U.N. Doc. A/ RES/36/55 (25 November 1981)
 6. *International Religious Freedom Act (IRFA)*, 1998.
 7. The Cairo Declaration of Human Rights in Islam, The Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9-14 Muharram 1411H (31 July to 5 August 1990);
 8. Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990)
 9. UN General Assembly, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, GA Res. 47/135 U.N. Doc. A/ RES/47/135 (18 December 1992)
 10. Human Rights Committee, General Comment No. 22: Article 22: (Freedom of Thought, Conscience or Religion), U.N. Doc. CCPR/C/21/Rev.1/Add.4 (30 July 1993)
 11. European Charter of Fundamental Rights, 2000, Chapter 11, Article 10.
 12. 2005 Report of the Special Rapporteur, Ms. Asma Jahangir, on the Elimination of All Forms of Religious Intolerance, U.N. Doc. A/60/399 (30 September 2005)
 13. UN General Assembly, Declaration on the Rights of Indigenous Peoples; GA Res. 61/295 U.N. Doc. A/RES/61/295 (13 September 2007)
 14. UN Human Rights Council, Combating Defamation of Religions, HRC Res. 13/16 U.N.Doc. A/HRC/RES/13/16 (15 April 2010), adopted 25 March 2010. See also See General Assembly resolutions 60/150, 61/164, 62/154; Commission on Human Rights resolutions 1999/82, 2000/84, 2001/4, 2002/9, 2003/4, 2004/6, 2005/3, and Human Rights Council resolutions 4/9 and 7/19.
 15. The UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on Defamation of Religions, and Anti-terrorism and Anti-extremism Legislation (9 December 2008) <http://www.osce.org/fom/35639>
 16. Three pillars of the responsibility to protect, as stipulated in the Outcome Document of the 2005 United Nations World Summit (A/RES/60/1, para. 138-140) and formulated in the Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect
 17. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR, in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012.

18. UN Human Rights Council, Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence Against, Persons Based on Religion or Belief, HRC Res. 22/31 U.N.Doc. A/HRC/RES/22/31 (22 March 2013), at para. 7(c).
19. UN Human Rights Council, Freedom of Religion or Belief, HRC Res. 22/20 U.N.Doc. A/HRC/RES/22/20 (12 April 2013)
20. Sixth session of the Forum on Minority Issues, Agenda: A/HRC/FMI/2013/1 of 1 October 2013 <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session6.aspx>

Course Packet #2: Secondary Sources – Scholarship and Research Reports

Excerpts from the following publications

1. Alkire, Sabine. Human Development Research Paper 2010/2011. "Human Development: Definitions, Critiques, and Related Concepts." 2010/11
2. An-Na'Im, Abdullah. "The Islamic Law of Apostasy and Its Modern Applicability: A Case from the Sudan," in *Religion*, No. 16 (1986).
3. Appleby, R. Scott, Cizik, Richard, and Wright, Thomas. "Engaging Religious Communities Abroad: A New Imperative for U.S. Foreign Policy." Report of the Task Force on Religion and the Making of U.S. Foreign Policy. (Chicago: The Chicago Council on Global Affairs, 2010).
4. Bellamy, Alex J. & Reike, Ruben. "The Responsibility to Protect and International Law" *Global Responsibility to Protect 2* (2010).
5. Clark B. Lombardi and James K. Wellman, Jr. "Introduction: Religion and Human Security: An Understudied Relationship,;" in Lombardi and Wellman, eds.
6. Cotler, Irwin. "Jewish NGOs and Religious Human Rights: A Case-Study,;" in Witte, John Jr. and van der Vyver, Johan D., eds., *Religious Human Rights in Global Perspective: Religious Perspectives*. (The Hague: Martinus Nijhoff Publishers, 1996)
7. Durham, Cole Jr., Richards, Matthew K., and Donlu, Thayer D. "Ch. 1, The Status of and Threats to International Law on Freedom of Religion or Belief," in Hertzke, Allen D., ed., *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2008)
8. Durham, Cole. "Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities." ODIHR Background Paper 1999/4. Organization for Security and Cooperation in Europe. (Review Conference, September 1999).
9. Elshaint, Jean Bethke. "Ch. 4, Toleration, Proselytizing, and the Politics of Recognition," in Banchoff, Thomas, ed., *Religious Pluralism, Globalization, and World Politics*. (NY: Oxford University Press, 2008).
10. Finnemore, M. "Constructing Norms of Humanitarian Intervention" *The Culture of National Security*, ed. Katzenstein (1996).

11. Ghanea, Nazila. "Apostasy and Freedom to Change Religion or Belief," in Lindholm, Tore, Durham, W. Cole Jr., and Tahzib-Lie, Bahia G., et al. *Facilitation Freedom of Religion or Belief: A Deskbook*. (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2004).
12. Grim, Brian J. and Finke, Roger. *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century*. (NY: Cambridge University Press, 2011)
13. Gunn, Jeremy T. "Permissible Limitations on Religion," in *Fides et Libertas: the Journal of the International Religious Liberty Association*. A Symposium Issue on Religion, Human Rights, and Religious Freedom. (2010).
14. Hackett, Rosalind, Silk, Mark, and Hoover, Dennis R., eds. *Religious Freedom as a U.S. Policy Issue*. (Hartford, CT: Center for the Study of Religion in Public Life, 2000).
15. Hertzke, Allen D., ed. *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2013).
16. Joustra, Robert. "Three Rival Versions of Religious Freedom: What Canada's Office of Religious Freedom Can Teach Us About Principled Pluralism," in *Review of Faith & International Affairs*, Vol. 12, Issue 3 (August 2014).
17. Kayaoglu, Turan. "Constructing the Dialogue of Civilizations in World Politics: A Case of Global Islamic Activism," in *Journal of Islam and Christian-Muslim Relations*, 23/2 (2012).
18. Kuru, Ahmet T. "Assertive and Passive Secularism: State Neutrality, Religious Demography, and the Muslim Minority in the United States," in Hertzke, Allen D., ed., *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2013).
19. Leustean, Lucian N. "Eastern Christianity and Human Security in Postwar Europe," in Lombardi and Wellman, eds.
20. Lindholm, Tore, Durham, W. Cole Jr., and Tahzib-Lie, Bahia G., et al. *Facilitation Freedom of Religion or Belief: A Deskbook*. (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2004).
21. McDaniel, Charles. "The Role of Human Security in the Contest between the Egyptian Government and the Muslim Brotherhood, 1980-2010," in Lombardi and Wellman, eds.
22. Metraux, Daniel A. "The Soka Gakkai and Human Security," in Lombardi and Wellman, eds.
23. Mohamed, Saira. "Taking Stock of the Responsibility to Protect" *Stanford Journal of International Law* 48 (2012): 319-330
24. Murphy, Karen. "Ch. 7, Religious Freedom and State Security in Europe: Findings and Recommendations," in *State Security Regimes and the Right to Freedom of Religion and Belief: Changes in Europe Since 2001*. Routledge Research in Human Rights Law. 1st edition. (NY: Routledge).
25. Murphy, Karen. "Introduction: The Issue of Religious Freedom and State Security," and "Ch. 2, Protections and Critiques of the Right to Freedom of Religion and Belief," in

- State Security Regimes and the Right to Freedom of Religion and Belief: Changes in Europe Since 2001*. Routledge Research in Human Rights Law. 1st edition. (NY: Routledge).
26. Murphy, Karen. *State Security Regimes and the Right to Freedom of Religion and Belief: Changes in Europe Since 2001*. Routledge Research in Human Rights Law. 1st edition. (NY: Routledge, 2014).
 27. Murray, Robert W. and Hehir, A. 'Intervention in the Emerging Multipolar System: Why R2P Will Miss the Unipolar Moment' *Journal of Intervention and Statebuilding* 6 (2012) 387.
 28. Oliver-Dee, Sean. "The European Union's Awkward Embrace of Religious Freedom," in *Review of Faith & International Affairs*, Vol. 12, Issue 3 (August 2014).
 29. Prodromou, Elizabeth. "Beyond the Dickensian Paradoxes of Human Rights: Reconceptualizing Proselytism, Rediscovering Evangelism," in Clapsis, Emmanuel, ed., *Violence and Christian Spirituality An Ecumenical Conversation*. Geneva, Switzerland: World Council of Churches, 2007).
 30. Reinold, T., "The United States and the Responsibility to Protect: Impediment, Bystander, or Norm Leader?" *Global Responsibility to Protect* 3 (2011) 61-87.
 31. *Review of Faith & International Affairs*. Special Edition on "Public Order and Public Morality: Uses and Abuses of the Legal Limits on Free Speech and Religious Liberty." Vol. 6; No. 2 (Summer 2008).
 32. *Review of Faith & International Affairs*. Special Edition on "Religious Freedom and U.S. Foreign Policy." Vol. 6, No. 2 (Summer 2008).
 33. Rudy, Sayres S. "Washed by the Deluge: The Religious Struggle for Human Security in Algeria and Poland," in Lombardi and Wellman, eds.
 34. Seiple, Chris, and Hoover, Dennis R. "Ch. 14, Religious Freedom and Global Security," in Hertzke, Allen D., ed., *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2013).
 35. Senturk, Recep. "Human Rights in Islamic Jurisprudence: Why Should All Human Beings Be Inviolable," in Hertzke, Allen D., ed., *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2013).
 36. Stahnke, Tadd and Martin, J. Paul, eds. *Religion and Human Rights: Basic Documents*. (NY: Columbia University Center for the Study of Human Rights, 1998).
 37. Sunga, Lyal S. and Walker, Nathan C., *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned*. (Rome, Italy: International Development Law Organization, 2014).
 38. Tahzib, Bahiyyah. *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*. International Studies in Human Rights. 1st edition. (NY: Springer, 1995).
 39. *Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools*. ODIHR Advisory Council of Experts on Freedom of Religion or Belief. OSCE, 2007

40. United States Commission on International Religious Freedom (USCIRF) documents on Defamation of Religions <http://www.uscirf.gov/issues/defamation-of-religions>
41. Wellman, James K. and Lombardi, Clark B. "Postscript: Lessons for Policymakers about Religion and Human Security," in Lombardi and Wellman, eds.
42. Wellman, James K., Jr., and Lombardi, Clark B., eds. *Religion and Human Security: A Global Perspective*. (NY: Oxford University Press, 2012).
43. Witte, John R. and Arold, Nina-Louisa. "Lift High the Cross?: Contrasting the New European and American Cases on Religious Symbols on Government Property," in *Emory International Law Review*, Vol. 25, No. 1 (2011).
44. Wu, Angela Howard. "Ch. 2, Leveraging Legal Protection for Religious Liberty," in Hertzke, Allen D., ed., *The Future of Religious Freedom: Global Challenges*. (NY: Oxford University Press, 2013).