

Religious Freedom in Foreign Affairs: The History and Development of the International Religious Freedom Act

Since the passage of the First Amendment in the 1790s, the United States has been the leader in the establishment of religious freedom. After World War II, its diplomats were instrumental in incorporating Article 18, on religious freedom, into the Universal Declaration of Human Rights in 1948. A half century later, in 1998, Congress passed the International Religious Freedom Act. This put the advancement of religious freedom as one of the key purposes of American foreign policy. Because of this legislation, each year the U.S. State Department, along with the private U.S. Commission on International Religious Freedom, rates each country in the world on whether it upholds religious freedom. What were the motivations for the passage of this legislation? What has been its effect, twenty years later? What will be its future, as many countries become more and more hostile to religious freedom?

Fred W. Beuttler is an administrator at the Graham School of Continuing Liberal and Professional Studies at the University of Chicago. He received his PhD in history from the University of Chicago in 1995 and an MA in the History of Christianity from Trinity International University. Prior to coming to Graham in June 2015, he was director of general education and taught history at Carroll University in Wisconsin. From 2005 to 2010, he was the deputy historian of the U.S. House of Representatives in Washington, D.C., and from 1998 to 2005 he was the associate university historian of the University of Illinois at Chicago.

I. Introduction: Internationalizing the First Amendment

II. Christian Origins of Religious Freedom and the Separation of Church and State

- A. “Render unto Caesar the things that are Caesar’s, and to God the things that are God’s,” Jesus, in Matthew 22:21

III. From Religious Toleration to Religious Freedom

- A. Enlightenment Doctrine of Religious Toleration

- B. Establishing Religious Freedom, 1780s-1790s

- 1. Virginia, 1780s
 - a. Thomas Jefferson, *A Bill for Establishing Religious Freedom*, 1785

- 2. US Constitution, 1787-89
 - a. First Congress; Bill of Rights, 1789-91
 - i. First Amendment:
“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

3. The Revolutionary Meaning of the First Amendment
 - a. Voluntary Principle: religion a matter of choice
 - b. State as Limited: no authority over “religion”
 - c. From “Church” and “Sect” to “Denomination”

C. Other forms of Church/State Separation

1. European State-Supported Churches
2. Enlightenment Anti-Clericalism
 - a. J.J. Rousseau, *The Social Contract*, 1762, esp. “On Civil Religion”
3. French Revolutionary tradition – *Laicite*

IV. USA as World Power: Idealism and Realism in Foreign Policy

A. President Wilson in WWI, “to make world safe for democracy”

B. President Roosevelt, in WWII, Four Freedoms speech

1. Freedom of Speech, Worship, from Want, from Fear
“freedom of every person to worship God in his own way – everywhere in the world.” 1941

C. Federal Council of Churches: Committee to Frame a Just and Durable Peace

V. United Nations and the Universal Declaration of Human Rights

A. Secular vs Religious Principles of Human Rights

B. Drafting the UDHR, 1946-1948

1. Role of Charles Malik, Ambassador of Lebanon and Christian

C. UDHR Article 18

1. Article 18. 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.

VI. US Foreign Policy and Human Rights

A. Congress: Jackson-Vanik Amendment, 1975

1. Adopts trade sanctions on countries that restrict human rights and emigration (esp. Jews from Soviet Union)

B. President Carter, Human Rights Policy, 1978

C. Fall of the Soviet Union and Emerging States

VII. The US International Religious Freedom Act, 1998

A. Legislative History

1. In House of Representatives
 - a. Introduced by Congressman Frank Wolf (R-VA)
 - b. Opposition to a “Hierarchy of Rights”
2. In Senate
3. Executive Branch Opposition
 - a. State Department
 - b. White House
4. Legislative Changes
 - a. Removal of automatic sanctions, but sliding scale
 - b. Ambassador at Large for Religious Freedom in State Dept.
 - c. Annual Report on International Religious Freedom in State Dept.
 - i. Designation of “Countries of Particular Concern”
 - d. Independent U.S. Commission on International Religious Freedom (independent, bipartisan as watchdog)
5. Passed Senate, House unanimously on last day of Congress, 9 Oct 1998

B. Provisions of IRFA:

“It shall be the policy of the United States ... to condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.”

C. US State Dept:

“America’s founders made religious freedom the first freedom of the Constitution ... because they believed that guaranteeing the right to search for transcendent truths and ultimate human purpose was a critical component of a durable democracy. The founders believed in the universality of human dignity – that all human beings are endowed by the Creator with certain rights that are theirs by virtue of their existence. These rights were inalienable because they were understood to exist prior to societies and governments, and were granted by neither.” The “inviolable and university

dignity of the human person is at the core of US human rights policy abroad, including the policy of advocating religious freedom.” Governments that respect this right “are more likely to protect other fundamental human rights,” including economic prosperity and peace. 2008

VIII. The Legacy of International Religious Freedom Act, 1998-2019

Suggested Readings:

Website of the US Commission on International Religious Freedom, <https://www.uscirf.gov/>

USCIRF 2018 Annual Report: <https://www.uscirf.gov/reports-briefs/annual-report>

US State Department Annual Report to Congress: <https://www.state.gov/j/drl/rls/irf/>