

\$10.00

Spring 2007

Vol. 7, No. 3

# INSIGHTS

ON LAW & SOCIETY®

*A magazine for teachers of civics, government, history & law*

## Religious Freedom *around the globe*

Glorious  
Qur'an

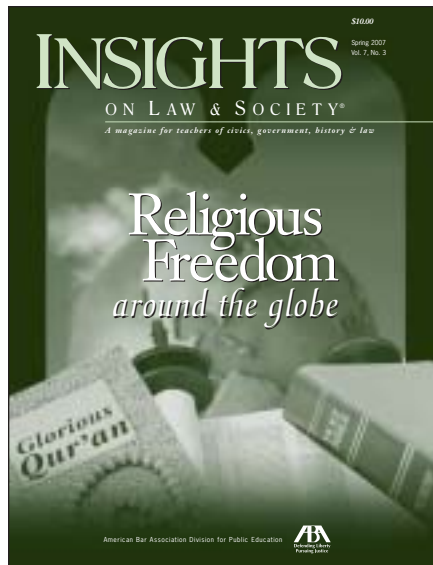
HOLY  
BIBLE

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Find some of the best lessons online that complement this issue's key themes.

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*“In the United States,  
we see religious  
freedom through ...  
a much safer lens  
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many countries.”*

### Director’s Note

W.E.B. Du Bois sagely predicted back in 1903 that “the problem of the 20th century is the problem of the color line.” As we look around the world today, the matter of religion—religious conflict, religious pluralism, and religious freedom—may well be the defining problem for the 21st century. In the United States, we see religious freedom through a particular, and usually much safer, lens than people in many countries. I saw this first-hand in my visit several years ago to the Middle East to work with Iraqi lawyers and community leaders on public education programs, designed to prepare their citizens for a new constitution and democratic elections.

In this issue of *Insights*, we explore religious freedom in an international context. As several articles highlight, it is a precious, sometimes scarce, commodity in many parts of the world. Paul Marshall provides an overview of the state of religious freedom, finding that repression is on the rise, notably in some of the most populous countries. Rosalind I. J. Hackett describes a fascinating diversity of religious groups throughout Africa, including many that survive in the face of restrictive laws and active government hostility. But sometimes religious persecution, or the fear of persecution, is so great that citizens of one country flee to another, safer country seeking political asylum, as John Paul Ryan reports in Law Review.

The separation of church and state is a fixture of our constitutional and legal culture in the United States. But this form of secularism is not widely shared beyond our borders, even in democracies. J. Christopher Soper and Joel S. Fetzer tell us that most European governments actively support and provide funds for churches, religious groups, and their schools (the lone exception is France). Religion and the state is also the subject of Reza Aslan’s article about the new Iraqi constitution, which he views as the basis for a constitutional democracy grounded in the values of Islam. The relationships between church and state in the United States are revisited through the lens of new (often evangelical) movements to strengthen religious freedom in Perspectives, where national leaders debate how to balance the free exercise and establishment clauses of the First Amendment, and in Students in Action, which describes the growth of student bible clubs.

Religious freedom is a sensitive subject to teach about in the public schools. In Learning Gateways, Sam Chaltain offers a case study to help students talk about conflicting values and beliefs within the framework of the First Amendment. Elsewhere in the issue, you will find many resources and activities for teaching about religious freedom in the United States and internationally



Mabel McKinney-Browning  
Director, ABA Division for Public Education  
mckinneyb@staff.abanet.org

# Patterns of Religious Freedom: A Global View

*Religious persecutions target groups around the world.*

by Paul Marshall

Religious freedom is an elusive human rights goal in many parts of the globe. As scholar and policy analyst Paul Marshall demonstrates, no religious group or sect is immune from persecution by the government or by fellow citizens of a different faith. In this article, he examines incidents and patterns of religious discrimination, violence, and persecution around the globe, linking the discussion to broader political conflicts and the search for democracy.

Violations of religious freedom affect more than “religious” people. Atheists and agnostics too suffer religious persecution. In Indonesia, it is illegal to be an atheist, though this is not enforced; but any Saudi Arabian who pronounced himself or herself an atheist faces a real risk of being executed. Religious freedom concerns situations where a person’s faith, or lack of it, is a component of the persecution or discrimination he or she suffers. Of course, there are few cases where religion is the only factor: religion is usually intertwined with ethnic, political, territorial, and economic concerns. Religious persecution occurs when some or all of the oppression that people suffer would not occur if they or their oppressors were of a different religion.

## Repression on the Rise

Over the last ten years, most of the largest population countries, such as China, India, Pakistan, Indonesia, and Nigeria, have shown an increase in religious oppression. China has always repressed religion, but it has cracked down even more harshly in the wake of peaceful public demonstrations in 1998 by Falun Gong, a movement that stresses meditation and spiritual exercises derived from Buddhism. The government, mindful that religious groups have been a source of opposition throughout Chinese history, has also increased controls on unregistered Protestants and Catholics (the majority of Chinese Christians) as well as Tibetan Buddhists and Muslim Uighurs.

In India, violent attacks on religious minorities increased after the Hindu-nationalist Bharatiya Janata Party came to power, portraying non-Hindus as “foreigners.” In Pakistan, the government is stumbling in efforts to rein in Islamic radicals intent on imposing repressive versions of Islamic sharia law. The country’s

*“Religious freedom  
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or achievement.”*

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*Paul Marshall (pmarshall@hudson.org) is Senior Fellow at the Hudson Institute’s Center for Religious Freedom; he was formerly Senior Fellow at Freedom House. He is the author and editor of over twenty books on religion and politics and is currently producing the second edition of a world survey of religious freedom.*

blasphemy laws, which carry the death penalty, are still used against religious minorities, including the Amadhiya minority, who are treated as heretics deserving of death.

Indonesia's welcome transition to democracy has been accompanied by increased religious violence. In the province of Ambon, Christian/Muslim communal violence was transformed into the slaughter of Christians by the influx of heavily armed "lascar jihad" warriors from elsewhere in the country. The death toll has been in the thousands, with over a hundred thousand refugees.

In Nigeria, most northern states have announced the institution of Islamic sharia law. Fears among the Christian population that they will become second-class citizens have erupted in violence, leaving tens of thousands dead since 2000.

Another important factor contributing to repression is the increasing religious elements in war. The conflicts between Israel and the Palestinians in the late 1980s, and even more so during the 1960s and 1970s, were characterized by nationalist rhetoric. Now, the theme is defense of Islam and its holy places. The India-Pakistan struggle over Kashmir has also always had religious elements; after all, India and Pakistan only came into separate existence because of their different dominant religions. But Kashmir, like Afghanistan and Iraq, has drawn militants from around the world and is portrayed as a holy war. The conflicts in Chechnya and the former Yugoslavia show the same religious radicalization.

There is some good news in other regions. Latin America has become one of the most religiously free areas in the world. The countries of Eastern Europe, except for the former Yugoslavia, have also become largely free from religious persecution. And there are many religiously free countries in Africa, espe-

cially in the south, and among several smaller Asian countries.

Nevertheless, in much of the world religious repression is increasing. While there are instances that do not fall into any clear pattern, most religious repression is now taking place in four contexts that I discuss next.

### Extremist Islam

Historically, Islam has often shown greater tolerance than its Christian counterparts, but there are now intensifying attacks on religious minorities, mostly Christians but including Hindus and Buddhists, throughout the Islamic

Africa, as well as Mauritania, Iran, the Comoros Islands, and Sudan, where it is part of the legal code. In countries such as Pakistan, the threat often comes from vigilantes, with greater or lesser complicity from the government. In Iran, Bah'ais have no legal rights and may be killed with impunity.

There is also widespread communal violence against minorities, often provoked by radical Islamicist leaders. In Egypt, the Coptic Church is subject to church burnings and local massacres. In Nigeria, thousands have been killed in mob violence prompted by northern state governments' attempts to impose sharia

*Hong Kong police look on as Falun Gong followers protest.*

belt from Morocco to the Southern Philippines in addition to widespread international religiously-based terrorism. There is direct state persecution in countries such as Saudi Arabia, where any non-Islamic or dissident Islamic religious expression is forbidden. Any Saudi who seeks to leave Islam faces the real prospect of death. This is also true in some other Gulf States and in North

law. In Pakistan in 1997, one Christian town, Shantinagar, was virtually razed to the ground, and Ahmadiyya Muslims suffer similar treatment. In Indonesia, long a place of toleration among Muslims, Christians, and other minorities, there has been an epidemic of church burnings. In some cases, like Indonesia and Egypt, governments (and major Muslim groups) have opposed such

attacks, though sometimes sporadically and usually with little effect. In Algeria, Islamicist guerrillas opposed to the government have targeted the Muslim majority.

### Communism—Post-Communism

The remaining Communist countries, or countries that still call themselves Communist, are China, Vietnam, Laos, North Korea, and Cuba. To these can be added countries such as Belarus, Turkmenistan and Uzbekistan that are nominally post-communist, but in which essentially the same regime holds power. In these countries, with the exception of North Korea, there may be relative freedom to worship in state-controlled religious bodies, but any religious expression outside of these bodies is controlled or suppressed. The Roman Catholic Church is banned since it accepts an authority, the Pope, from outside of the country. Its priests and bishops have been imprisoned, while several hundred leaders of the Protestant underground church have also been jailed and sent to labor camps. Independent Buddhism, especially Tibetan Buddhism, has also been repressed.

Laos has a similar pattern, as does Vietnam where the government has sought to control the major Buddhist groups and has violently repressed the rapidly growing churches among the tribal peoples. Turkmenistan and Uzbekistan also make it almost impossible for nonapproved Muslim and Christian groups to have legal status and then persecutes them as illegal. The situation in Cuba is similar, though the government often adjusts its policies for political gain. In North Korea almost every free religious expression is viciously repressed, and ten of thousands of believers are in labor camps.

*A young woman cycling past a church which has been burned down.*

### Religious Nationalism

Religious minorities also suffer at the hands of combined religious/ethnic nationalism, sometimes at the hands of the government but more commonly by communal violence. Violence and discrimination against minority religious groups is present in India, Nepal, Sri Lanka, and Bhutan. In February 2002, up to 2,000 Muslims were killed in communal slaughter in the Indian state of Gujarat bordering on Pakistan, and religiously motivated attacks on Christians number in the hundreds per year.

In Burma, the State Law and Order Restoration Council (SLORC), lacking popular support, tries to wrap itself in a cloak of Buddhism as part of its war against tribal minorities, especially the Rohingya Muslims in the west and the Karen and other tribes in the east, where Christians constitute a large proportion of the minorities. This campaign includes massacre, rape, forced labor, and the use of children to clear minefields.

### Intra-Religious Repression

There are also “intra-religious” conflicts—i.e., between Christians or between Muslims, for example. In the northern African country of Eritrea, Protestants have been imprisoned and tortured by the state, sometimes with the support of clergy of the Coptic Church. In the Mexican state of Chiapas, apart from conflicts with the Zapatista rebels, Protestant tribespeople, some 40 percent of the population, have been driven off their land and killed by local renegade “Catholic” leaders. In Afghanistan, thousands of Shiites were killed by the Taliban, who are Sunni. In Pakistan and, of course, Iraq, there is ongoing strife between Sunni and Shiite Muslims.

In Russia, there are repressive religion laws at the federal level, often backed by the Russian Orthodox Church, while local laws are often even more repressive. Meanwhile, several western European countries, including Germany, Austria, Switzerland, Belgium, and France, have become more controlling of what the majority regards as “sects” or “cults.” Those targeted include the Unification Church, Scientologists, Hare Krishnas, and Christian Pentecostal groups.

While this may seem to be a depressing list, I should also emphasize that religious freedom can be found in every area of the world. There are relatively free countries on every continent and of every religious background. There are no grounds for thinking that religious freedom is either an exclusively Western desire or achievement. In standardized country surveys produced by the Center for Religious Freedom, South Korea, Taiwan, Japan, South Africa, Botswana, Mali, and Namibia are religiously more free than France and Belgium.

*continued on page 23*

# Religious Freedom for European Muslims

*New immigration poses cultural challenges for Britain and France.*

by J. Christopher Soper and Joel S. Fetzer

Muslims are growing in numbers throughout Western Europe. In this article, political scientists J. Christopher Soper and Joel S. Fetzer explore how and why two countries—Britain and France—take very different approaches toward supporting and accommodating the religious practices of Muslims in public spaces such as schools.

Before 9/11, few Americans had any interest in the European Muslim community. The discovery that many of the terrorists had lived and trained in Germany and Britain immediately focused world attention on this previously ignored religious minority. Subsequent violence by Muslims, including the Madrid and London train bombings and the brutal murder of a Dutch filmmaker, have only heightened public concern. Closely related to these security issues have been tensions over the exercise of Muslims' specifically religious practices. Should Muslim girls in state-run schools be allowed to wear the *hijāb*, the Islamic headcovering? Must the government provide public money for separate Islamic schools if it is funding Christian and Jewish schools? May a mosque use loudspeakers to broadcast the call to prayer just as European churches ring their bells? In this article, we will explore how European governments have answered such questions by looking at the experience of two major countries, Britain and France. The British and the French approaches differ dramatically and represent two distinct responses to the religious practices of a growing Muslim minority.

Muslims began immigrating in large numbers to Britain and France following the Second World War. The pattern of immigration followed colonization, with most British Muslims arriving from the Asian subcontinent and most French Muslims coming from North Africa. Throughout the 1960s and 1970s, both states tightened immigration but allowed for family reunification and political asylum. Ironically, this effort to restrict migration had the unintended consequence of encouraging a "second wave" of immigration, as the wives and children of postwar economic migrants joined their husbands and fathers in Britain and France. This policy transformed the immigrant population from single migrants to families who wanted permanent settlement. Family settlement also

*"Most European countries have a long tradition of close cooperation between church and state."*

*J. Christopher Soper (chris.soper@pepperdine.edu) is professor of political science at Pepperdine University, and Joel S. Fetzer (joel.fetzer@pepperdine.edu) is associate professor of political science at Pepperdine University. They are co-authors of Muslims and the State in Britain, France, and Germany (Cambridge University Press, 2005) and have written extensively on religion and politics. Portions of this article previously appeared in Muslims and the State in Britain, France, and Germany and are used by permission.*

changed the political calculus; immigrants became concerned not simply with their political and economic rights as workers, but also with their cultural and religious needs as permanent residents or citizens. At present, 1.6 million Muslims live in Britain, an estimated 5 million reside in France, and perhaps as many as 15 million make their home in Western Europe. Islam is the third largest religion in Europe, and it is growing much faster than the historically dominant Catholic and Protestant churches.

### Religious Establishment and Muslims in Britain

Britain has an established church, the Church of England. Religious schools receive funding from the state (close to 1/3 of all students are educated in church schools), religious instruction and worship are part of the mandated curriculum in all state-run schools, and certain clerics in the Church of England automatically obtain seats in the House of Lords. While it took some time and political effort for non-Anglican churches to secure equal funding for their schools and win other concessions from the state, the Church of England gradually came to see its role as working with Roman Catholics, Protestant nonconformists, and Jews to promote consensual religious values. This pragmatic compromise incorporated religious newcomers, and just as importantly it established a mindset that the state should work with religious bodies toward common purposes.

Such an arrangement represents a common European pattern; most countries in the region have a long tradition of close cooperation between church and state. Greece and Denmark have established churches. Most social services in Germany are provided by publicly funded church agencies, and Catholic priests and most Protestant pastors are

essentially paid by the state. With few exceptions, European nations lack the American tradition of church-state separation and the related discourse about violations of an establishment clause. European Muslims thus understand their struggle for state funding or public recognition as issues of religious freedom.

In Britain, the most important policy questions for Muslims have revolved around the schools. For the most part British policymakers have broadened the existing church-state model to incorporate Muslims and other minority faiths. When confronted with the issue of girls wearing the *hijāb* in state-run schools, British educational authorities quickly reached a compromise that allowed girls to wear the headcovering so long as it conformed with the color requirements of the school uniform. After many years of trying to win state aid for Islamic schools under the same conditions that govern aid to Christian schools within the state system, the government in 1998 gave approval to two independent Islamic schools. Britain

*top: Girls practice their drawing during an art class at Islamia Primary School in London.*

*right: Muslim women in Paris protest the restrictions on wearing the veil.*

currently funds eight Islamic schools, and the 2005 government white paper “Higher Standards, Better Schools for All” calls for an even greater expansion of the number of religious schools. As noted above, even the state-run schools require teaching about religion. The curriculum in those religious-education classes includes an extensive treatment of not only Christianity, but also Judaism, Islam, and Sikhism.

### Laïcité and Muslims in France

The French Republican tradition differs greatly from the British model. French constitutional and legislative sources firmly establish that no religion is to receive any legal establishment, that the state must be neutral in religious matters, and that churches are part of the private sector and may not receive any direct state funding. One way in which French separationism is distinct from the American version is that France adopted its model through a head-on attack on the Roman Catholic Church during the French Revolution. The Church opposed the secularization, democratization, and political liberalism of the French Revolution. The state, on

the other hand, became an implacable opponent of the church and established a regime of church-state separation which culminated in the 1905 law on the separation of church and state. This law deprived the church of its official status and ended all forms of state aid to the Catholic Church. Politics became an arena of conflict where the parties aggressively opposed or defended French separatism, or *laïcité*.

In France, *laïcité* frames the religious freedom issues for Muslims. In the schools, as an example, France has followed the logic of separation by teaching French pupils very little about the tenets of different religions, including Islam. French Muslims are very far from obtaining state funding for Islamic schools. The most noteworthy controversy over Muslims' religious freedom is whether girls may wear the *hijāb* in state schools. Beginning in 1989, France sporadically expelled girls who wore the Islamic headcovering. In 2004, the parliament passed a law banning anyone from wearing such "ostentatious religious symbols" in public institutions. Supporters of the law argued that the ban was necessary to keep the public schools strictly neutral, to avoid any suggestion that the state was taking sides in religious disputes, and to prevent religious conflict from interfering with the educational enterprise.

## Conclusion

What are the chief advantages and disadvantages of the two approaches to Muslims' religious freedom? The British model allows Muslims publicly to practice their faith, and it has led to a more or less equal treatment between Muslims and the historically dominant religious communities. Some contend that the public recognition of religion is a good recipe for political stability and the successful social incorporation of British Muslims in the long run. On the other hand, the existing policy forces the government to become intimately involved with religion, and the public is required to pay for religious activities with which it might not agree. Some have argued that the state's recognition of religious groups can lead to social balkanization and increased political conflict around religion.

French *laïcité*, on the other hand, has the possible advantage of removing the state from the business of religion, and it does not force citizens to pay for religious activities that they do not support. Some believe that it promotes the idea that all citizens are equal in the eyes of the state. By contrast, many Muslims often perceive *laïcité* as simply anti-religious, believe the model delegitimizes any public role for religion, and claim that the *hijāb* law forces many Muslim girls to choose between violating their consciences and getting an education.

## FOR DISCUSSION

Why have Britain and France forged different relationships between church and state? What are the historical roots of these differences?

Why have so many Muslims migrated to a country like France, which actively discourages the public display of religious beliefs and faith?

Which country—Britain or France—is more like the United States with respect to the public role of religion? How exactly?

## For Further Reading

Cesari, Jocelyne. *When Islam and Democracy Meet: Muslims in Europe and the United States*. New York: Palgrave, 2004.

Fetzer, Joel S., and J. Christopher Soper. *Muslims and the State in Britain, France, and Germany*. Cambridge: Cambridge University Press, 2005.

Klausen, Jytte. *The Islamic Challenge: Politics and Religion in Western Europe*. Oxford: Oxford University Press, 2005.

Nielsen, Jørgen. *Towards a European Islam*. London: Macmillan, 1999.

Ramadan, Tariq. *To Be a European Muslim*. Leicester, UK: The Islamic Foundation, 1999.

The difficulty lies in finding the balance between recognizing the right of all persons to practice their religion and guaranteeing public safety and the values of a liberal democracy. A very small number of European Muslims do threaten the state by supporting or encouraging the use of terrorism and violence. Few would object to such extremists being arrested or having their religious liberty rights curtailed. Other religious-cultural practices, such as female genital mutilation or so-called "honor killings," are so contrary to human rights that the claims of religious freedom must yield to the welfare of the broader society. These are, however, extremely isolated cases, and they are relatively easy to resolve. In deciding more difficult cases, such as the wearing of the *hijāb* or public funding for Islamic schools, the state needs to be particularly careful not to mistake unfamiliar religious or cultural practices for dangerous behavior to be restricted.

# Managing Religious Diversity in Africa Today

*Governments send mixed messages to minority religions.*

by **Rosalind I. J. Hackett**

Few continents have the religious diversity of Africa. In this article, religious studies scholar Rosalind I. J. Hackett discusses the challenges faced by African governments in managing this diversity, drawing upon her more than thirty years of study in the region. She describes not only instances of religious persecution by fragile democracies but also the hopeful strivings of many minority religions seeking to secure a safe place for their beliefs and practices in the wider society.

With the resurgence of religion around the globe comes the challenge, for both governments and citizens alike, of how to manage equitably this burgeoning religious plurality and diversity. However, a brief glance at history and the daily news reveals a lot of inequality in the way governments handle the various religious communities under their jurisdiction. Some groups enjoy privileged relations with state power, while less favored groups may be subject to discrimination or even violent persecution. In this essay, I turn to the African continent to explore these pressing issues. Africa's great ethnic and cultural diversity (approximately two thousand ethnic groups in more than fifty nation-states) is matched by an equally complex religious scene, which I have been avidly studying from both near and afar for more than thirty years.

I teach a class on African religions every fall semester. I am never sure of what knowledge about Africa and its religions the 40+ undergraduates are going to bring to the classroom. Some Discovery Channel regulars only want to focus on the indigenous or "tribal" religions, as do the intending missionaries in the class who entertain romantic notions of converting "unreached peoples." Others are entering what one might call an "Empire Strikes Back" phase and want to celebrate all indigenous transformations of Western or other "foreign" religions in post-colonial Africa. They like the fact that many African Christian converts took the Protestant paradigm literally by founding thousands of independent, more culturally relevant churches. The remainder are shocked at the perspective of Africa as a new battleground between Muslims and Christians, especially of the more radical, revivalist variety.

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*Rosalind I. J. Hackett (rhackett@utk.edu) is distinguished professor in the humanities and professor of religious studies at the University of Tennessee, Knoxville, and is currently President of the International Association for the History of Religions. She has written widely on religion, religious pluralism, and religious freedom in Africa, based in part on fieldwork in more than a dozen African countries, and she lectures about religious change in Africa in a variety of national and international settings.*

*“Africa has a rich religious tapestry ... but minority or unfavored religions may have to struggle to survive.”*

As any teacher knows, it is hard to please all students all of the time, but I do believe that students leave my class with a much more informed understanding of the vibrant complexity of Africa's religious landscape. I am also concerned for them to know that this rich religious tapestry is by no means guaranteed from state to state, even given the democratic credentials of many countries today. Despite the religious tolerance that characterizes Africa's traditional heritage, in many modern-day states, minority or unfavored religions may have to struggle to survive, let alone be recognized as legal entities.

So this essay casts the spotlight on Africa to see how religious freedom is faring in the face of the seemingly unstoppable forces of deregulation, globalization, democratization, and national integration. For anyone traveling to Africa on a regular basis, as I do, one cannot help but be struck by the increased competitiveness of the public spheres. In the urban environments especially, numerous religious groups seem to be vying with each other for adherents and using every

form of new media technology possible! The marketplace atmosphere belies some of the discrimination and patterns of intolerance and exclusion that characterize relations between religions and between religions and the state.

### Reasons for Repression

In one form or another, all African constitutions enshrine the values of religious diversity and nonestablishment as articulated in international human rights documents. But in practice, many of Africa's fragile democracies and military governments readily invoke caveats pertaining to public order and national security. It is frequently the minority religions (and by this term I mean new religious movements of local or foreign origin, sometimes referred to as "sects" and "cults," as well as more mainstream religions in a minority setting) who bear the brunt of this form of social control. In my monitoring of the treatment of minority religious groups in Africa, I discern three main reasons for restricting their activities.

*Threats to Political Authority.* African governments can get very upset if they hear of religious leaders delivering subversive sermons or prophesying their imminent downfall. The Kenyan authorities have had a run-in over several years with a neo-traditionalist movement, known as Mungiki. Claiming links to earlier nationalist movements, members of this group practice female circumcision, sing traditional songs, and wear dreadlocks. I once interviewed some of them where they were camped out on a traffic island in the center of Nairobi. They claimed they were persecuted and harassed by police. Despite an official ban, some of their followers still pop up and get into altercations with the authorities. They were somewhat overshadowed in 2006 by a doomsday movement, the "House of Yahweh,"

that proclaimed the end of the world in September. Members started selling off their property, based on developments in the Middle East. Interestingly, their Texas headquarters did not seem to be on the same wavelength.

Some governments feel threatened by a proliferation of sects and institute new registration measures, which are almost always unpopular. In Ghana in 1989, the then-military government promulgated a law requiring all religious bodies to register. It allowed them to ban the Jehovah's Witnesses and the Mormons for, in the words of one judge, "activities deemed incompatible with normal Ghanaian life." The law was eventually repealed in 1994, following strident objections from the mainline churches. Times have changed, however, and the Church of the Latter-day Saints now has a gleaming new temple in the capital, Accra.

Since 2001, in its claim to be protecting national security, the Ugandan government has been able to invoke the label of "terrorism" to demonize the Lord's Resistance Army. This northern rebel group blends traditional beliefs of spirit possession with its political agenda, brutalizing the local population into the bargain through rape, child abduction, and murder. While virtually no one condones the violence that has lasted for two agonizing decades, the deviant labeling has arguably jeopardized the peace talks.

Governments can also fear or resent foreign religious groups coming in and seducing the local population. The fast-spreading Brazilian Pentecostal church, the Universal Church of the Kingdom of God, was proscribed in Zambia in 1998, on the grounds that it had not operated "within the laws of the land." The Raelians (who believe humans were

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*Muslims pray at the large Jamia Mosque in Nairobi.*

# The Iraqi Constitution: A Model of Islamic Democracy

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by Reza Aslan

Conflicts among religious groups and sects are at the heart of the current military and political situation in Iraq. Here, Iranian-American scholar Reza Aslan discusses how the Iraqi constitution, adopted by referendum in October 2005, provides a basis for religious pluralism and human rights protections. This article originally appeared in *New Perspectives Quarterly*, Vol. 23, No. 1 (Winter, 2006). It is reprinted with permission.

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The reprinted article in this section of the magazine, "The Iraqi Constitution: A Model of Islamic Democracy," by Reza Aslan is not available for downloading. However, you may find a copy online on the New Perspectives Quarterly web site archives at: [http://www.digitalnpq.org/archive/2006\\_winter/index.html](http://www.digitalnpq.org/archive/2006_winter/index.html)

*"Islam is going  
to play a  
significant role  
in the democratic  
development ... of  
the Muslim world."*

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*Reza Aslan is a scholar of religions and author of No god but God: The Origins, Evolution, and Future of Islam (Random House, 2005).*

## FOR DISCUSSION

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**W**hat are some of the key human rights provisions of the Iraqi constitution? Do you think these rights can be protected in the foreseeable future in Iraq?

**W**hat is a “theocracy”? Which countries might be classified as theocracies?

**W**hat role should religion play in a democracy? Are there different models for how a democratic form of government could accommodate religious beliefs and practices?

# P E R S P E

## Yes, but Recent Supreme Court Rulings Jeopardize That Freedom

by Barry W. Lynn



America has a dizzying level of religious freedom compared to many other nations. If you are a member of today's Christian majority, you enjoy

perhaps the most religious freedom, and acceptance, of any religious group in the world. Even if you are a member of a minority faith or of no faith at all, chances are good that you will neither be harassed nor officially shunned by the local, state, or federal government. This is such a fertile ground for religion that over 1,500 identifiable religious movements exist here, alongside of nearly twenty million nonbelievers, atheists, humanists, and freethinkers. This diversity exists in part because the United States government is constitutionally mandated to protect each individual's rights. If you happen to be one of the relatively few Americans who become the subject of government-promoted bigotry or discrimination, you also have the right to expect that the courts, all the way up to the Supreme Court, will protect your interests. This is where I worry about the ultimate safety of the religious freedom principles that have

served us so well from the founding of the country.

The trend in federal courts, which are increasingly stacked with right-of-center judges by the Bush Administration, has been to cut back on freedoms that seemed firmly established. More courts are trying instead to find ways to allow taxpayer-funded religious activities, to permit government displays of religious symbols and messages, and even to make it more difficult to get a foot in the courthouse door.

If this trend continues, the answer to the question "Do we have enough religious freedom in this country" could turn sharply in the direction of the "No" arrow.

One strange thing is that some of the same people who claim they are the victims of government hostility and discrimination are, through my lens, really just folks who want governments to promote their faith and deny other Americans equal rights. Let's look at a few examples.

Back in 1925, the Supreme Court properly held that a state could not bar a religious group from establishing a private school system to coexist with the public school system. It would have been inconceivable then for anyone to think that the private schools would start demanding state funding for religious instruction. Indeed, for decades

the Supreme Court rebuffed attempts to force taxpayers to reimburse parents for parochial school tuition or send public school teachers into religious schools to teach "secular" topics. (The Court did uphold certain narrowly constrained financial support like school busing from the child's home directly to the school and back under a theory of benefit to the safety of young people without any possibility of religious indoctrination.)

Then, beginning in the 1970s, the same court began finding ways to fudge the support question by putting more and more eggs in the "child benefit" basket. In one case the Supreme Court upheld the loan of computers to religious schools, even while acknowledging that the devices could be used to have young people spend the day surfing the internet for religious training, "creationist" material, or scriptural interpretation. In an even more outrageous decision, by a 5-4 majority, the Court upheld the use of school vouchers to pay for religious school education in Cleveland, Ohio. The majority ignored the obvious fact that these vouchers were a direct subsidy to religious activities (that's the principal reason religious groups set up schools after all) and that parents receiving vouchers were mere conduits for tax dollars to flow into the coffers of religious educational mis-

*continued on page 17*

# C T I V E S

## Not Quite; More Protections Are Needed

By Anthony R. Picarello Jr.



Nowhere on earth is religious freedom as well protected as in the United States. At the same time, there is room for substantial improvement. So

when asked whether we have enough religious freedom in the United States, I would answer “Not quite.”

Religious freedom is our first freedom, codified in the very first clause in the First Amendment of the Bill of Rights, even before the cherished rights of free speech and press: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press. ...”

And religious freedom is not just first in order of appearance, but of importance—it is a fundamental human right, one that proceeds from the inherent dignity of every human person. As such, it deserves the highest level of protection, as high as any other right in the Constitution. The protection should apply to all three branches of government (legislative, executive, and judicial) and at all levels (federal, state, and local); it should cover every aspect of

religion (status, belief, speech, and conduct) and all types of religious actors (individuals and groups).

This is a lofty goal, and governments in the United States generally do well in satisfying it. But they still fall short in some important respects.

Consider the protection against religious discrimination by government. The U.S. Supreme Court’s most recent decisions under the Free Exercise Clause have emphasized that government may not target one, some, or all religions for official disfavor. This is, of course, an indispensable protection, but its strength and scope remain in doubt.

For example, in *Church of the Lukumi Babalu Aye v. City of Hialeah* (1993), the Court found a free exercise violation where the law allowed the killing of animals for a wide variety of secular purposes (for food, hunting, or eradicating pests) but prohibited the killing of animals for religious purposes. But in *Locke v. Davey* (2004), the Court found no violation where the law provided a scholarship that college students could apply toward studies in any secular major, but not toward a theology major. Lower courts have struggled to reconcile these apparently inconsistent cases and, in the process, have threatened to severely limit the scope of the anti-discrimination protection.

Some courts have explained the different outcomes on the theory that, in *Lukumi*, government officials manifested a subjective intent of hostility to religion, but in *Locke*, they did not. But if free exercise plaintiffs must prove the subjective hostility of government agents to prevail, they would lose almost every case. Government officials usually know better than to make their religious bias explicit, and the special immunities they enjoy in the discovery process make it virtually impossible for plaintiffs to ferret out any hidden bias.

Other courts have emphasized that *Lukumi* involved discrimination in government regulation, while *Locke* involved discrimination in government funding. But if this were the distinguishing principle, then the government would remain free to exclude citizens from social security or welfare (or any other monetary government benefit) based on religion. So this explanation also falls short.

It seems to me the best way to reconcile these decisions is to view *Lukumi* as articulating the general rule, and *Locke* as carving out a narrow, historically unique exception. *Lukumi* declares that, in general, government is forbidden to treat religiously motivated conduct differently and worse than comparable conduct that is not so motivated. *Locke* simply declines to extend that general principle to the special case of the funding of

clergy training—government may single out that particular activity for special exclusion from an otherwise available benefit program.

Although the exclusion does involve funding and does not involve subjective hostility, those are not the features that make the exclusion permissible. Instead, it's because the principle that government should not pay for the training of clergy has a long, historic pedigree. As the Court explained in *Locke*, “[s]ince the founding of our country, there have been popular uprisings against procuring taxpayer funds to support church leaders, which was one of the hallmarks of an ‘established’ religion.” Because there are “few areas in which a State’s antiestablishment interests come more into play,” the Court concluded that such “religious instruction is of a different ilk.” But until the Court takes up this question again, governments will continue to press for a broader reading of *Locke*, testing the limits of their ability to engage in religious discrimination.

While this controversy over the anti-discrimination principle rages on, another looms in the background: if a law does not involve religious discrimination, but still imposes heavy burdens on religious exercise, does the Free Exercise Clause afford any protection? For example, if a county generally bans the use of alcohol, does the Constitution still protect the religious use of wine at a Passover Seder or Catholic Mass?

Since the Supreme Court’s decision in *Employment Division v. Smith* (1990), the answer to this question has generally been “no” (subject to some very important exceptions). In this respect, the United States lags behind other western democracies, which often provide stronger constitutional protec-

tions for conscientious objectors to general laws.

It is important to note that, although the *judiciary* will not usually make exceptions to general laws to accommodate religious exercise, the *legislative* and *executive* branches often will. Indeed, as Justice Douglas once famously put it, such accommodations “follow the best of our traditions,” because they “respect the religious nature of our people and accommodate the public service to their spiritual needs” (*Zorach v. Clauson*, 1952).

*“Unlike the judiciary, legislative and executive branches often will make exceptions to accommodate religious exercise.”*

Although the Court has repeatedly affirmed and specifically invited these legislative and executive accommodations of religion, they are still challenged occasionally on the theory that any special benefit to religion violates the Establishment Clause. But those challenges overwhelmingly fail, including recently, in dramatic fashion, by a 9-0 vote of the Supreme Court in *Cutter v. Wilkinson* (2005).

The ability of citizens to secure religious accommodations through the political branches thus remains secure and continues to serve as an indispensable bulwark of religious freedom in

the United States. But once again, this is not a complete solution to the problem. By definition, only those religious accommodations that earn the support of a majority will be enacted by the political branches. So in practice, the substantial withdrawal of the judiciary from the business of religious accommodation operates to the disadvantage of religious minorities, i.e., those who are both more likely to have idiosyncratic needs and less likely to have the political muscle necessary to secure a legislative or executive accommodation.

Moreover, the minorities that suffer for lack of judicial intervention are not only national minorities, but local ones. Of course, religious groups that are minorities both nationally and locally are worst off of all under *Smith*. But religious groups that are well represented nationally routinely find themselves unable to secure political exceptions to religiously burdensome state or local laws, because they are politically weak in those particular places. In this way, *Smith* hurts religious minorities all of the time and hurts larger groups some of the time.

In sum, although the protection of religious exercise in the United States remains strong, it still falls short of the mark in important respects, regarding both laws that discriminate based on religion, and laws that don’t discriminate but still burden religion heavily.

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*Anthony R. Picarello Jr. (apicarello@becketfund.org) is vice president & general counsel of the Becket Fund for Religious Liberty (www.becketfund.org). Anthony was recently named to The American Lawyer magazine’s list of the top 50 most promising litigators under age 45.*

sions. The same proponents of vouchers are now trying to do two things to add insult to injury. They have claimed that states should be allowed to ignore their state constitutions, many of which explicitly prohibit taxpayer funding to churches, ministries, and religious schools. In a few cases they have argued that if the state supports a public school system, then it is also obligated to provide assistance to private religious alternatives. These arguments make a mockery of the idea that government should not tax all the people to pay for the religious interests of some of the people. Many people don't like everything the government expends money to support (whether that is the National Endowment for the Arts or the war in Iraq), but the only constitutional prohibition is that governments not spend money to promote religion.

In the area of religious belief and iconography promotion, the Court also seems headed in the wrong direction. In two recent cases involving the placement of the Ten Commandments in or around government buildings, the Court issued two different decisions. One rejected as unconstitutional a contemporary placement of a poster of the Decalogue in a Kentucky courthouse, while the other upheld a Ten Commandments monument near the Austin, Texas, courthouse. The major distinctions seemed to be that the Texas monument was on the same grounds as numerous other monuments and thus didn't imply governmental endorsement of the message and that nobody had complained about the stone's placement for forty years. Some of us thought these were thin reeds upon which to distinguish the

instances and would have preferred a blanket prohibition on the festooning of government property with anybody's religious message.

To me, governments violate the Constitution when they add their imprimatur, their secular "blessing" to religious instruction or the promulgation of religious ideas of any kind. Government should not be hostile to religion; it

*"Government should  
not be hostile  
to religion; it  
should be  
strictly neutral."*

should be strictly neutral though. It is not discriminatory to allow private religious organizations to define their own message and mission and even to excuse them from paying taxes, but also to refuse to aid their religious mission. The very heart of religious activity and activism has been to persuade people that the work of a church is good enough to be supported by the advocates of that religion digging deeper into their own pockets if necessary, rather than expecting a government bailout when moral or theological suasion fails. One could even say that with the broad religious freedom we have in America comes the moral responsibility to derive funds voluntarily. Indeed, I'd argue that if a religious group needs tax dollars to prop it up, it is on a withering vine that a few dollars is unlikely to nurture back to health.

This backward slide will have, if it has not already had, a negative impact on our religious freedom. Justice Hugo Black once wrote in a school prayer case, "When the power, prestige and financial support of government are placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." We know that there is nothing more coveted than government support for your side and nothing more valuable than money. Once taxpayers are forced to fund the mission of any religious group, limitations on every sacred religious freedom are inevitable.

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*Barry W. Lynn is executive director of the nonprofit organization, Americans United for Separation of Church and State (www.au.org), a position he has held for the past fifteen years. He is an ordained minister in the United Church of Christ as well as an attorney. His latest book is Piety and Politics (Harmony Books, 2006).*

### Watch *Hein v. Freedom from Religion Foundation*

On February 28, 2007, the U.S. Supreme Court heard oral arguments in a case challenging the constitutionality of expenditures by the White House Office of Faith-Based and Community Initiatives (FBCI), created by executive order of President Bush in 2001. The Freedom from Religion Foundation argued that the FBCI sponsored conferences and awarded federal grants to promote religion. As of press time, a decision—on whether taxpayers can challenge this type of federal expenditure as a violation of the First Amendment's establishment clause—has not yet been issued.



## Students Form After-School Religious Clubs

by John Paul Ryan

One of the most interesting trends in extracurricular school activities over the past twenty-five years has been the growth of student religious clubs. While there are different kinds of religious clubs, the large majority are Christian bible clubs. One estimate places the number of such clubs at 15,000 nationally, having risen from a mere 100 clubs back in 1980.

A number of cultural and social factors help explain this sharp increase, as do some new federal laws and U.S. Supreme Court decisions. A strong evangelical movement developed in the United States during this period; equally important, this movement became highly visible in national politics and discussions about public policies such as abortion, homosexuality, and end-of-life decisions. But young people in public schools found fewer outlets to talk about or express their religious faith and beliefs, as schools removed displays of religion, classroom prayer, and the like in response to Supreme Court decisions, guidelines from the U.S. Department of Education, and community sentiment. Even the *study about* different religions within the United States

and/or around the globe became problematic, as history and social studies curricula and textbooks sought to avoid controversy.

Against this background, Congress enacted the Equal Access Act (EAA) in 1984. Though strongly favored by a Republican President (Ronald Reagan) and GOP-controlled Congress, the EAA drew strong bipartisan support, passing the Senate by an overwhelming 88-11 margin and the House by a 337-77 margin. The Act sought to eliminate discrimination against student religious clubs, which most public schools banned prior to 1984. It also mandated that high schools that received federal funding and permitted the formation of “non-curriculum” clubs—such as a Chess Club or a political club—also allow religious clubs. But there are some key conditions: the club must be student-initiated and student-led, attendance must be voluntary, the club must not be sponsored by the school, and people from the community must not lead, control, or regularly attend the club or its activities. The EAA provided the legal foundation for student-led religious groups and clubs, whose numbers grew rapidly thereafter.

In 1985, a school district in Omaha, Nebraska, denied permission to a group of students who wanted to form a Christian club in their high school. School officials felt that the presence of a faculty sponsor for the club (required for all after-school clubs) would have the appearance of promoting and endorsing a particular religion. The students believed that the school’s decision violated the Equal Access Act. This conflict ended up before the U.S. Supreme Court, where Justice Sandra Day O’Connor (writing for the Court majority) agreed with the students. The Court held that the EAA was indeed constitutional. Moreover, the Court ruled that so long as a school allows non-curriculum student clubs and the religious clubs in question are student-led and don’t risk “excessive entanglement” of school and religion, clubs such as the Christian club must be permitted (*Board of Education of Westside Community Schools v. Mergens*, 1990).

After the Supreme Court decision, more schools permitted students to form religious clubs. This is the key finding of a research study by Dena Davis, who surveyed every public high school district in Ohio in the mid-1990s. She found that 39 percent

of the high schools had religious clubs for students that met on school premises; 61 percent had no religious clubs, although all but one school allowed noncurriculum clubs of all kinds. All of the student clubs were Christian—some called themselves “nondenominational,” others “Protestant.” Of the 93 religious clubs, most were started by students, although some schools (17 percent) reported that clubs were started by faculty members, ministers, athletic coaches, or in one case the PTO.

The results from these Ohio public schools—which suggest mixed practices and views about student religious clubs—are generally consistent with the findings of a 2001 national survey of teachers and administrators, commissioned by the First Amendment Center and the Association for Supervision and Curriculum Development. More than 80 percent of the surveyed teachers and administrators said that religious clubs should be permitted in the high school, if the school allows a variety of clubs; only a small minority of about 15 percent disagreed. The survey also found support among both teachers and administrators for a variety of student religious activities in the schools—student expression of religious views in class, if relevant (about 80 percent), student-led prayer at school-sponsored events (about 40–45 percent), and the right of students to distribute religious materials at school (about 35–40 percent). As the survey points out, the general public is substantially more supportive of the appropriateness of

these student religious activities than school officials.

The story about after-school clubs does not end here, however. Schools also play civic roles in the life of their communities. One of the most important and visible ways public schools do this is by allowing various community groups to use school facilities when school is not in session—in the afternoon or evening. It might be a boy scout or girl scout group, a community theater, or a park district sports program. In 2001, the Supreme Court heard a case involving one such community group—the Good News Club, a private Christian organization for children ages 6–12, which sought to use an elementary school in Milford, New York, for bible lessons, reading scripture, and prayer. The school district believed that a club of this type—meeting at an elementary school just after the school day ended for the purpose of worship and with young children as its members—essentially constituted an endorsement of (Christian) religion. But the Supreme Court instead found that the denial of the use of school grounds to this religious group “discriminated against the club because of its religious viewpoint in violation of the free speech clause of the First Amendment” (*Good News Club v. Milford Central School*, 2001).

Balancing the First Amendment rights to free speech and the free exercise of religion with the Amendment’s prohibition of the establishment of religion is a delicate challenge. Over the past twenty-

## Resources

The Anti-Defamation League: Religion in the Public Schools. [www.adl.org/religion\\_ps\\_2004/clubs.asp](http://www.adl.org/religion_ps_2004/clubs.asp)

Davis, Dena S. “Religious Clubs in the Public Schools: What Happened after *Mergens*?” 64 *Albany Law Review* 1: 225 (September, 2000).

The Freedom Forum: The First Amendment in Public Schools. [www.freedomforum.org/templates/document.asp?documentID=13390](http://www.freedomforum.org/templates/document.asp?documentID=13390) (March 1, 2001).

The Pew Forum on Religion & Public Life. [www.pewforum.org](http://www.pewforum.org)

Religious Tolerance: The Federal Equal Access Act. [www.religioustolerance.org/equ\\_acce.htm](http://www.religioustolerance.org/equ_acce.htm)

five years, there has been a coalescence of Supreme Court decisions, evangelical Christian movements, public opinion, and young people’s yearning to express their faith and religious views. The result has been a discernible shift in the social equilibrium of the First Amendment, where our society now values religious freedom more highly and views the potential entanglements of church and state to be of less concern. This is not, of course, a final shift, as each generation of Americans grapples anew with this basic question that also confronted our Constitution’s framers and the founding generation.

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*John Paul Ryan (johnpryan@ameritech.net) is a consulting editor for Insights. He previously served as director of school programs for the ABA Division for Public Education.*

by Sam Chaltain

## The First Amendment & Student Religious Expression

The following article describes an interactive case study through which students can gain a deeper appreciation of the dynamic tensions of the First Amendment, in particular the meaning of the free exercise of religion and establishment clauses. This classroom activity is part of a series of 1Voice lessons, created by a partnership between the Knight Foundation and Channel One.

### Objectives & Materials

For this and each 1Voice lesson plan, the goals are to achieve the following:

- Help students understand what is and isn't allowed in public schools according to First Amendment law.
- Provide a forum in which a number of possible solutions to a problem exist and can be respectfully debated.
- Reinforce the idea that First Amendment rights are not absolute.
- Allow students to discover the challenges associated with striking the proper balance between individual rights and civic responsibilities.
- Engage students in a thoughtful consideration of how to solve problems and resolve conflicts peacefully.

**Handout 1—First Principles**

**Handout 2—1Voice Case Study: Student Religious Expression**

### Target Group: Students in Grades 9–12

These activities and resources are suitable for high school students in a variety of social studies classes. They address several national government and social studies standards (see the *Insights* Web site). The activities can be adapted and integrated into one or several class periods, and they provide the basis for challenging out-of-class assignments and research.

As usual, *The Onion* was ahead of the curve. “Federal officials unveiled the newly updated Bill Of Rights 2.0 at last weekend’s GovWorld Expo ’99,” reported the satirical newspaper nearly eight years ago. “Bill Of Rights 2.0 is much less complicated than its predecessor,

reducing the risk of user error, as well as such glitches as dissent and civil unrest. There should be a lot less trouble now,” said an Expo spokesperson, “particularly of the sort that nearly caused the entire country to break down in the late 1960s.” “The First Amendment bug,”

the author explained, “had been causing problems ever since the much-hyped 1791 launch of Bill Of Rights 1.0.”

Of course, since that piece appeared the world has changed in frightening, fundamental ways, and Americans have been engaged in an ongoing debate about what constitutes the proper balance between freedom and order in the post-9/11 world.

Central to that debate are the five freedoms—religion, speech, press, assembly, and petition—of the First Amendment to the U.S. Constitution. Indeed, properly understood and applied, First Amendment freedoms are our most essential tools as citizens in a democracy. Yet in January 2005, a national study, “The Future of the First Amendment,” suggested that America’s schools are leaving the First Amendment behind. Researchers funded by the John S. and James L. Knight Foundation interviewed over 100,000 students, 8,000 teachers, and 500 administrators at 544 high schools over the course of two years. Their purpose was “to determine whether relationships exist—and, if so, the nature of those relationships—between what teachers and administrators think, and what students know about the First Amendment.”

As the editors of *The Onion* might have guessed, the news is not good. In fact, wrote the study’s investigators, “it appears that our nation’s high schools are failing their students when it comes to instilling in them an appreciation for the First Amendment.” And in a 2006 follow-up survey, Knight reports that even more students today think the

First Amendment, as a whole, goes too far in the rights it guarantees.

Overall, the data suggest that a gap is widening between those who support this fundamental law and those who don't. "We see progress," said Eric Newton, Knight's director of Journalism Initiatives, "but there are still serious problems" (for the full results of both surveys, visit [www.firstamendmentfuture.org](http://www.firstamendmentfuture.org)). The Knight Foundation's surveys provide an important wake-up call, and we must be willing to answer it. Otherwise, our tendency to take the First Amendment for granted will not just endanger the quality of our nation's schools; it will threaten the security of our commitment to an open society.

For this reason, Knight joined forces with Channel One—the leading source of news and information for more than seven million teens across the country—to launch "1Voice," a multimedia national campaign aimed at raising teens' understanding and appreciation of the personal freedoms guaranteed them by the First Amendment. 1Voice provides lesson plans for teachers interested in exploring new ways to engage their students in a thoughtful consideration of our First Amendment rights and responsibilities in 21st century American society.

Try the following interactive 1Voice case study on student religious expression and see for yourself. And remember, you can access the full range of 1Voice teaching materials by visiting [www.channelonenetwork.com/teacher/articles/2007/01/02/1\\_voice/](http://www.channelonenetwork.com/teacher/articles/2007/01/02/1_voice/).

### Teacher Guide

*Founding Principles.* Please take a moment to read the "First Principles" (Handout 1), which explain in everyday terms what the First Amendment does and does not mean. Use these principles to provide both a context and a set

## Handout 1

### First Principles

*First Principles was originally developed and published by the First Amendment Center. The Center works to preserve and protect First Amendment freedoms through information and education. For more information, visit [www.firstamendmentcenter.org](http://www.firstamendmentcenter.org).*

The First Amendment applies to all Americans. Our nation affirms the truth of inalienable rights for all, working for more than 200 years to make the ideals expressed in the First Amendment a reality in the lives of all Americans. These rights were so important to early citizens and their leaders that many states refused to ratify the Constitution of the United States without the promise of amendments that would protect individual rights.

of conversational ground rules for the students and the discussion that will take place.

*Opening Move.* Distribute copies of the case study (Handout 2) to each student, and have students either read individually or review the information as a class. Ask them to be on the lookout for key ideas or clues. Ultimately, they will be the judges in this case, so the more facts they have to support their argument, the better.

*Procedures.* Give the class a few minutes to react to what they've read. At first blush, which side appears to have the stronger argument? Which facts do they feel are most important to the case? Does their personal opinion stand in contrast to what they feel the legal outcome should be? Why or why not?

Here are some key principles to help you and your students interpret the First Amendment's 45 words and understand how they influence our daily lives:

- The First Amendment affirms the freedom of the individual.
- Free expression is the foundation—the cornerstone of democracy.
- The First Amendment tells the government to keep its "hands off" our religion, our ideas, our ability to express ourselves.
- Other people have rights, too.
- When rights collide, government must balance them.
- The First Amendment helps us make choices.

Next, move on to the key legal questions. Lead the class through the Power Point slides (available at [www.channelonenetwork.com/teacher/articles/2007/01/02/1\\_voice/lessons.html](http://www.channelonenetwork.com/teacher/articles/2007/01/02/1_voice/lessons.html)), and help them understand the applicable legal standards. Make clear that these standards should be their primary guide when they are asked again how they would decide the case, and point out that these are the same standards the judges in the actual case would have used.

Once the legal questions have been answered, ask the students if they see any other key issues to consider. Then, facilitate the class through a second round of discussing how they would decide the case. Has anyone's vote changed? Why or why not? Do you feel the law has provided you with enough guidance to decide the case? If

## 1Voice Case Study: Student Religious Expression\*

### The Facts

Justin “Poppy” Anderson is a good student and a star athlete who has never been in trouble at school. He is also a Christian who believes homosexuality is wrong, and he’s suing the Springfield Unified School District over a T-shirt proclaiming his beliefs.

“I was appalled that my school would take such a controversial issue and only allow one side to be heard,” said Anderson, after local and national press crews converged on his school campus. “I presented a message that was based on what the scripture has taught me. I feel like my rights were violated and I had no freedom of speech.” Anderson was given a one-day, in-school suspension for refusing to take off a T-shirt that stated “Homosexuality is Shameful” during the school’s annual Day of Silence. The national event is held on high school and college campuses to recognize and protest discrimination and harassment against gays, lesbians, bisexuals and transgender students.

Anderson wore the T-shirt in response to the event, which he believes endorses, promotes, and encourages homosexual activity. When a teacher told Anderson he was in violation of the school’s dress code and had to remove the T-shirt or be sent to the office, Anderson refused to take off the

shirt. To do so, he explained, would have forced him to compromise his belief that homosexuality is wrong. “The district is asking students to be politically correct, but I’m asking that the district be constitutionally correct,” said Anderson, who claims district administrators violated his rights to free speech and freedom to exercise his religion.

District officials, who declined to comment on specifics of the case while it is being reviewed by legal counsel, provided copies of the district’s policies on hate behavior, freedom of speech, and student dress code. Springfield High’s dress code, which is given to each student at the beginning of the year, states that unacceptable dress includes clothing that promotes or portrays “violence or hate behavior including derogatory connotations directed toward sexual identity.”

The district’s policy on freedom of speech and expression recognizes students’ rights to express ideas and opinions through their speech, writing and clothing, but cautions against anything that would “incite students so as to create a clear and present danger of unlawful acts or of the substantial disruption (of school).”

Amy Wolfrum, legal director for the local affiliate of the American Civil Lib-

erties Union, said Anderson’s case may have merit. “The school district is not empowered to censor based on what they deem inflammatory, it has to be based on a constitutional standard. In their words, as long as Anderson’s T-shirt did not substantially disrupt activities, he had a right to express his political or religious beliefs. Besides, she explained, “the T-shirt could not be construed as harassment because harassment has to be directed against a particular individual.”

### Legal Questions

1. What are the free expression rights of students in public schools under the First Amendment?
2. When does student speech become “harassment?”
3. May schools prohibit students from wearing clothing that contains a political and/or religious message?

(answers available at [www.channelone.com/teacher/articles/2007/01/02/1\\_voice/religion.pdf](http://www.channelone.com/teacher/articles/2007/01/02/1_voice/religion.pdf))

### Other Key Issues to Consider

#### Who will Win the Case?

\*This case study is based on a news article that originally appeared in the San Diego Union Tribune on June 4, 2004 ([www.signonsandiego.com/news/education/20040604-9999-1mi4powkul.html](http://www.signonsandiego.com/news/education/20040604-9999-1mi4powkul.html)).

not, in what areas do you wish you had greater clarity?

When ten minutes of the class remain, take a final vote. Conclude the lesson by asking students if they can imagine a scenario that would have

avoided a lawsuit and resolved this conflict more effectively. What should have been done differently? And what lessons for their own school—and their own lives—are there to gain from this example?

*Sam Chaltain (schaltain@gmail.com) is an education consultant. A former history teacher, he is a co-author of First Freedoms: A Documentary History of First Amendment Rights in America (Oxford University Press, 2006).*

**Patterns of Religious Freedom:  
A Global View**  
*continued from page 6*

**The Mobilization of Religion**

One major reason for deteriorating religious freedom is the increasing political influence of authoritarian religion. But why does religion in some contexts appear to be taking this turn now? One reason is that “globalization,” “Westernization,” or “capitalism” (however defined) is penetrating deeply into traditional cultures. Traditional believers in Japan or Java did not in the past wonder about who they were and how to maintain their pattern of life. But now, through new communications and commodities, local identity and tradition become only one option. Hence, in order to be maintained, traditional beliefs now need to be asserted, not just assumed. This trend has been exacerbated by the collapse of communism, ending the only major alternative to globalization. Consequently, those distressed by the dominant directions of the world now look to their own country’s and area’s history and traditions, which of course are religious history and traditions.

One result is religious nationalism, whether heartfelt or contrived, wherein countries are defined increasingly by their religious inheritance. This typified conflict between Serbs, Croats, and

Bosnian Muslims. It is endemic in India, Sri Lanka, and Nepal. The Chinese government inveighs against “foreign” religions, while the debates over so-called “Asian values” carry its faint echo. Within the Islamic world, this religious nationalism is now often being replaced by pan-Islamic motifs: loyalty to the Muslim world, the ummah, is growing.

Despite the claims of their proponents, these trends are not a reinstitution of previous religious patterns. In traditional societies there was little need to assert a religious identity, which is one reason that some of the more religiously free Muslim societies such as Jordan and Morocco are monarchies. But, in the modern world, religious identities are challenged and, hence, protagonists must rally their supporters. The result is that belief becomes more like ideology, and the faithful become more like a movement. Religious differences are heightened and mobilized, resulting in greater conflict and persecutions.

**Conclusion**

These trends that I have briefly traced suggest that, worldwide, religious freedom will decrease in the short term, as will human rights in general. But history is not pre-determined. Political and other action can, at the least, alleviate some of these consequences. This

**Resources**

Here are some resources for learning more about religious freedom around the globe. Explore the vast amount of information on the Web sites of these private organizations and government agencies.

The Hudson Institute/Center for Religious Freedom: [www.hudson.org](http://www.hudson.org)

Human Rights Watch: <http://hrw.org/doc/?t=religion>

U.S. Commission on International Religious Freedom: [www.uscirf.gov](http://www.uscirf.gov)

U.S. Department of State/Bureau of Democracy, Human Rights and Labor: [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/)

will not happen, however, unless we—our governments and international organizations—take religious freedom and religion itself seriously in the international world.

Overt religious elements make conflicts more difficult to resolve, since compromises over religion are much harder than deals over land or water. All too often, this leads to silence about religious conflict even among those who recognize its influence. It is not named, for fear that its mention will conjure its existence. However, religious conflict and religious repression will not go away simply because we are reluctant to speak of it: we must clearly and un sentimentally acknowledge it. This is a vital matter. Historically, religious freedom is the first freedom in the growth of human rights, and it often has more to do with the growth of democracy than does a direct focus on political activity.

**FOR DISCUSSION**

**W**hy are threats to religious freedom on the rise around the globe? What are some of the contributing factors?

**C**an you identify two or three countries where there are serious and recurring forms of religious persecution? Which groups are being persecuted in each country? Why?

**A**mong the many important human rights, where would you rank religious freedom? How important is religious freedom to democracy?

# Teaching with the News

by Pamela Constable

## For Afghans, Allies, a Clash of Values

Abdul Rahman was charged by the government of Afghanistan with conversion from Muslim to Christianity, a punishable offense. This article explores the history of the case against Rahman, as well as the pressures on the United States to protect Rahman's human rights and religious freedom in a post-Taliban, democratic Afghanistan.

Written by *Washington Post* Foreign Service reporter Pamela Constable, this news article first appeared on March 23, 2006. Staff writer Jim VandeHei in Wheeling, West Virginia, contributed to this report. Copyright 2006, *The Washington Post*. Reprinted with permission.

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The reprinted article in this section of the magazine, "For Afghans, Allies, a Clash of Values," by Pamela Constable is not available for downloading. However, you may find a copy online on the Washington Post web site at: <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/22/AR2006032201113.html>

## In the Classroom

Use these discussion questions and Web resources to help students extend their understanding of the news article and promote classroom discussion..

### Discussion Questions

1. Is this a good example of a clash of values between the West and Islamic law? What do such clashes portend for the future of Iraq?
2. Why did the government of Afghanistan apparently allow Rahman to leave the country? Should they have? How influential, do you think, were the views of the United States or other NATO countries?

### Web Resources

“The World FactBook: Afghanistan” [www.cia.gov], a listing from the U.S. CIA of key political, economic, and cultural information about the country.

“Islamic Republic of Afghanistan” [www.af], the official site of the government of Afghanistan with useful links to the president’s office and cabinet departments.

“Human Rights Watch: Asia—Afghanistan” <http://hrw.org/doc/?t=asia&c=afghan>] provides reports, briefings, and commentary on the human rights situation in the country.

by John Paul Ryan

## Political Asylum in the United States and Around the Globe

In this article, *Insights* editor John Paul Ryan explores the law and politics of asylum in the United States and around the world. He examines the legal bases for asylum-seeking including religious persecution, the adjudicative procedures by which asylum is granted or denied, and a recent U.S. Court of Appeals decision that clarifies asylum claims based upon religion.

People who experience or fear persecution, torture, or death threats in their native country because of their politics, religious beliefs, or ethnicity may seek political asylum in another country. Asylum was granted in early times by the Egyptians. In the Western tradition, the practice extends back to the Middle Ages. A famous example of an asylum-seeker from the 17th century was political philosopher Thomas Hobbes who fled England for asylum in France. In modern times, asylum-seekers typically wish to escape from the personal traumas of political or religious violence in their own countries to more stable and safe countries, usually democracies committed to protecting the human rights reflected in the international conventions of the United Nations.

In the United States, political asylum may be granted to an individual because of persecution, or a well-founded fear of persecution, in his or her home country, based upon race, religion, nationality, membership in a particular social group, or political opinion. These five grounds

for asylum reflect the commonly accepted definition of a refugee according to United Nations conventions. Asylum may be sought by an individual from another country (i.e., a refugee) who is already in the United States or who is seeking to enter the country at a port, such as an airport or harbor. Once an individual makes a claim for asylum, there will be a hearing before an administrative officer within the Department of Homeland Security who is empowered to decide, based upon the credibility of the person seeking asylum and conditions in his or her home country, whether or not to grant asylum. More than 80 percent of asylum-seekers are represented by lawyers, often on a pro bono basis. All decisions to deny asylum are automatically referred to an immigration court judge for review. The decisions of these judges may then be appealed first to a Board of Immigration Appeals and, if unsuccessful, to the federal courts. Unsuccessful applicants are typically deported back to their home countries or, on occasion, to a safe third country.

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*John Paul Ryan (johnpryan@ameritech.net) is a consulting editor for Insights. A social studies consultant, he previously served as director of school programs for the ABA Division for Public Education.*

## Who Gets Asylum?

In FY2005, the U.S. Justice Department reported that more than 50,000 asylum applications were received in the United States, a number that has remained stable since immigration reforms of the mid-1990s. This figure is roughly comparable to the number of asylum applications in Britain and Germany and higher than most other European countries (for some recent stories about well-publicized asylum cases in Europe and Asia, see the sidebar box on page 28).

In the United States, about 20 percent of asylum applications were granted in FY2005; most of the remaining cases were denied, abandoned or withdrawn. Applications were received from individuals coming from virtually every country in the world to the United States. Applicants from China were the most numerous, accounting for more than 7,000 claims (involving a variety of issues, such as political persecution from Communists and forced sterilization, abortions, and other forms of birth control for women). The next largest number of asylum applications was received from Haiti, followed by Colombia, El Salvador, Guatemala, Mexico, India, Venezuela, and Indonesia.

Interestingly, the proportion of asylum claims granted varied widely from country to country. Approximately 20 percent of Chinese applicants were granted asylum—the national average. By contrast, fully 75 percent of applicants from Albania received asylum, where the claims of political repression, police abuse, and the trafficking of women and girls for prostitution and child labor were frequent. Almost half of all applicants (48 percent) from Ethiopia, where political repression is high and freedom of speech/press is low, received asylum. And 40 percent from Russia received asylum, including Russian

Jews fleeing discrimination and persecution. At the other end of the spectrum, only 1 percent of applicants from Mexico—where economic hardships run high but there is little political or religious repression—received asylum. In general, asylum-seekers from Africa and Eastern Europe fared much better than those from Central and South America, reflecting regional political violence, the nature and intensity of persecutions, and the presence or absence of democracies.

### Religion and Asylum

Religious persecution is one of five grounds for seeking asylum. Given the state of religious-based conflict and violence in several regions of the world, it has become an increasingly common basis for asylum claims.

*Two Acebnese asylum-seekers flash the victory sign at the Finnish Embassy in Jakarta.*

In a 2002 survey of asylum lawyers in the United States and abroad, the U.S.-based Lawyers' Committee for Human Rights sought to illuminate issues and problems in the adjudication of asylum claims involving religion and make recommendations for improvements. The Lawyers' Committee found numerous

problems that asylum-seekers encountered in talking about their religion-based claims with hearing officers and immigration judges. Among the most troublesome approaches by these adjudicators was a simplistic "quizzing and looking for the correct answer"—e.g., asking a Shiite Muslim from Iraq the names of the 12 imams, or a Chinese Evangelical Christian the names of all of Jesus' disciples, or a Tibetan Buddhist monk the name of the founder of his order, or a Russian Evangelical Christian to describe the differences between an Evangelical and Orthodox bible.

In other cases, the hearing officer or judge used his or her own knowledge about the religion of the asylum-seeker to assess credibility, but this knowledge was sometimes wrong or involved a branch of the religion different from the asylum-seeker. Sometimes, the adjudicators failed to take into account how religious persecution might have limited the knowledge about one's faith that an applicant could reasonably have learned in such an environment. In a few instances, the asylum-seeker was asked to demonstrate or recite prayers. Lawyers representing asylum-seekers were occasionally able to correct such mistakes, misconceptions, or inappropriate requests so that asylum was granted, but many times this was not the case. These problems weren't limited to the United States, either. The Lawyers' Committee found similar problems in the adjudication of asylum claims based on religion in Canada and several European countries.

### Review by the Federal Courts

Although the U.S. Supreme Court has not recently decided an asylum case, an important ruling was issued in March 2006 by the U.S. Court of Appeals for the Second Circuit. The case involved

## Resources

Human Rights Watch: Country Reports/Overview of Human Rights Developments, 2006. [www.hrw.org](http://www.hrw.org)

Lawyers' Committee for Human Rights, "Testing the Faithful: Religion and Asylum—Summary Results of Survey." November, 2002.

Schrag, Philip G. *A Well-Founded Fear: The Congressional Battle to Save Political Asylum in America*. New York: Routledge, 2000.

Transactional Records Access Clearinghouse/Syracuse University. Asylum Law, Asylum Seekers, and Refugees. [www.trac.syr.edu/immigration/reports/161/](http://www.trac.syr.edu/immigration/reports/161/)

United States Department of Justice, Executive Office for Immigration Review. Immigration Courts, FY 2005 Asylum Statistics.

"*Well-Founded Fear*," a documentary film by Shari Robertson and Michael Camerini, P.O.V., June 5, 2000. [www.pbs.org/pov/pov1999/well-foundedfear/](http://www.pbs.org/pov/pov1999/well-foundedfear/)

an Indonesian citizen, Yose Rizal, who entered the United States in 1999 and filed an application for asylum in 2000. At the hearing, Rizal stated that he had attended a Christian high school in Indonesia where he was baptized a Christian, and that his conversion to Christianity brought ridicule and torture in his homeland; indeed, his Christian church was burned down. When asked by the government lawyer and the immigration judge such questions as where Jesus was crucified, which apostles wrote the New Testament, and who prepared the Ten Commandments, Rizal

answered incorrectly. The immigration judge denied the request for asylum, because Rizal failed to demonstrate “basic knowledge of Christianity.” In *Rizal v. Gonzales* (2d Cir., No. 03-40750, 3/21/06), the appellate court held that eligibility for asylum based on religious persecution does not depend on, or require, a detailed knowledge of the doctrines of the religion being claimed. Rather, the Second Circuit said that it is the credibility of the claim, based upon public identification as a member of the religious group and/or evidence of religious persecution, which matters. And Rizal had presented clear and compelling evidence that he was a Christian, who was subjected to physical violence and persecution in a country where Christians regularly faced similar problems.

### Conclusion

Asylum applications present some of the most poignant stories of human suffering, testing the resolve of hearing officers and judges as well as a country’s depth of commitment to human rights and refugee protection. While some of these stories reflect poverty and economic hardships (which are not grounds for political asylum), most involve the horrors of political, ethnic, racial, and religious persecution that are all too frequent in many parts of the world. Like most established democracies, the United States is a safe and attractive haven for the victims of violence and individual persecution. As a result, political asylum forces the United States and other democracies to test their humanitarian beliefs one person at a time on a daily basis.

## Asylum Stories: An International View

A number of stories about asylum-seekers in various regions of the world made the news during the past several years. Youth Out Loud, a news service capturing young peoples’ stories, reports on a 26-year old Pakistani, Aftab Hassan Khan, who joined a non-governmental organization supporting democracy in Pakistan and served as the editor of a monthly magazine “Democracy News.” In response to his activities in support of human rights, including freedom of religion, Khan and other family members were arrested, beaten, and tortured by law enforcement agencies in Pakistan. He ultimately escaped and was granted political asylum in Sweden. In an interview, he stated that he favored banning the Jihads and other religious fanatics but supported all religious groups in the right to “advocate their ideas in a democratic and peaceful manner.”

The organization, Freemuse, which supports the freedom of musical expression worldwide, reports on two young Afghan producers of a television music show featuring “Western” music and youth programs. One, 24-year old Shaima Rezayee, was killed in Kabul in 2005. Her co-producer, Shakeb Isaar, a young journalist who was born in Kabul and whose parents lived in Afghanistan but often fled to neighboring countries during the Taliban regime, feared for his life and escaped to Sweden, where he was granted political asylum.

WorldWide Religious News, a non-profit organization that provides religious news for the international academic and legal communities, reports on the case of Gregorian Bivolaru, a 53-year-old yoga instructor and founder of the

Movement for the Spiritual Integration into the Absolute, who was placed on trial in Romania in 2006 on various charges including anti-Semite statements. The case raised international eyebrows because Romania was on the path to membership in the European Union (EU). Mr. Bivolaru was granted asylum in Sweden, and Romania joined the EU at the beginning of 2007.

But not all, or even most, asylum-seekers succeed. Human Rights Watch (HRW) reports that Cambodia closed its border with Vietnam in January 2005 in order to halt the flow of Montagnard Christians from Vietnam, many of whom were arrested and detained during celebrations of Christmas in their home provinces. HRW urged Cambodia, which has signed the United Nations (UN) Refugee Convention prohibiting the return of individuals facing a “well-founded fear of persecution on political, religious, or ethnic grounds,” to work with the UN to provide sanctuary for these Vietnamese Christians.

Finally, a recent *New York Times* article reports on the status of international victims of domestic violence. Consider the case of an Indian woman Aruna Vallabhaneni who was regularly beaten by her husband, whom she wed in an arranged marriage. She entered the United States on a tourist visa in 1997 and sought asylum. But her claim was denied, largely because domestic abuse is not one of the bases for political asylum specified by international conventions or domestic U.S. laws. In light of how widespread domestic abuse appears to be in many countries, this issue is certain to be revisited here and around the world.

## Managing Religious Diversity in Africa Today

*continued from page 11*

created by extraterrestrial beings who had mastered genetic engineering) irked the Burkina Faso government with their purportedly aggressive proselytizing techniques. The government of Togo has not viewed favorably the multiplication of sects within its boundaries and, in 2000, established an interministerial commission to investigate the activities of all non-mainstream religious groups in the country. States can limit the activities of unpopular groups by restricting meeting and building permits, as for the Baha'i Faith in Egypt.

But it is the Eritrean government which has consistently grabbed the headlines for its relentless persecution of minority religious groups, notably Pentecostals and evangelicals. Beginning in 2002, it started harassing these groups and closed all religious facilities not belonging to the country's four principal religious institutions: the Eritrean Orthodox Church, the Roman Catholic Church, the Evangelical (Lutheran) Church of Eritrea, and Islam. Several pastors and members have been imprisoned and tortured. Amnesty International, which works on a wide range of human rights issues, devoted a large section on the plight of Eritrean minority churches in its 2005 report on the country. One explanation for the targeting of

these groups is their refusal or reluctance to join the national army.

As I was writing this article, news came of major clashes between a "religious sect" and government forces in the Democratic Republic of Congo. At least 90 people were reported killed. I hurriedly looked up the movement, Bundu dia Kongo (the Kongo Church), and discovered that it had aggravated the authorities on several previous occasions, often because of its accusations of government corruption and bias. It is described by several sources as a "politico-religious movement" or an "ethnically based spiritual and political movement" that advocates political self-determination for the Bas-Congo province and the positive aspects of Kongo ancestral traditions. The leader and founder of the group, Ne Muanda Msemi, articulates a message of liberation that draws on previous movements of cultural and religious resistance in the region, dating back to the early eighteenth century, when Dona Beatrice, or Kimpa Vita as she was known, was burned at the stake for her anti-Catholic, secessionist claims.

*Public Order Issues.* It is not uncommon to read in the popular media of women impregnated by independent church leaders, children kidnapped, sick people deprived of expert medical attention, and men duped by fake prophets. A classic example of this would be Wilson Bushara,

leader of the World Message Last Warning Church in Uganda, who had offered space in heaven after death in return for cash; men were supposed to surrender their wives, and the latter then declared themselves unmarried. Journalists are also fond of pointing to disparities between the comfortable, if not flamboyant, lifestyles of some church leaders and their desperate and impoverished followers. In comparison to the United States and Europe, there is not so much focus in Africa on the "brainwashing" capacities of sects as on their tendency to dupe the vulnerable and break up families. More recently, the issue of noise pollution by exuberant Pentecostal and charismatic churches and the "right to sleep" for neighboring residents has become highly contentious. Local authorities or campus officials usually point to the loss of productivity and security risks of all-night services. In the early 1990s, when stationed at Obafemi Awolowo University in Ile-Ife, Nigeria, I remember how the sports stadium was popularly renamed the "Jesus Stadium" because of all the nocturnal, evangelistic activity there!

Loss of sleep is not in the same league as loss of life. In March 2000, following the deaths, predominantly murder by the leaders of the group (who remain missing or presumed dead), as well as some suicides, of nearly a thousand members of a (post-)Catholic apocalyptic group called the Movement for the Restoration of the Ten Commandments of God, the Ugandan government announced a clampdown on "religious extremism." Fears of this movement, compared in the press to Waco and Jonestown, spreading over the borders into neighboring countries led several governments to step up their vigilance of "sects" and "cults." More research needs to be done

### FOR DISCUSSION

What or who defines a religion? A cult? A sect? What difference, do you think, results from naming or labeling a particular set of religious beliefs or practices? Is belief the problem, or is it practice?

Which African countries seem to have a greater degree of religious freedom? Why? Are these the countries with the oldest or strongest democracies?

on how African governments may be influenced in their treatment of minority religions by their former colonial powers (consider France's draconian response to sects in recent times).

The excesses of a few miscreant religious leaders or their followers get magnified by the media in their lust for sensationalism. This can negatively predispose the government and the general populace to tar all such movements with the same brush. So blanket bans are not uncommon, with the authorities claiming that they do not have the means to pursue individual movements for their anti-social activities. Apostates may play a role in demonizing their former religious communities. For example, former members of the Universal Church of the Kingdom of God in Zambia publicly alleged that ritual murderers operated from within the church.

*Disputes about Religious Authority.* While one might expect that modern African governments might keep their distance on disputes over religious authority and authenticity and not be drawn into curtailing a group's right to exist based on its "occult" or "unbiblical" practices, there are a number of instances of government interventions on such matters. One of the most striking has been the Kenyan government's Presidential Commission of Inquiry into Devil Worship established in 1994 at the behest of mainstream Christian leaders concerned about the infiltration by "Satanists" of nonindigenous groups, such as Jehovah's Witnesses, Mormons, Christian Scientists, and Freemasons. Uganda has gone a step further than most by announcing plans in February 2007 to set up an autonomous body to regulate all religious institutions in the country (and "to ensure that cults are denied existence," the draft policy stated).

The religious preferences of government leaders (not forgetting influential spouses) may also affect the recognition and functioning of religious communities. We should not underestimate how civic officials may be influenced by mainstream religious leaders in deciding which religions are "orthodox" or "good" enough to merit access to public media. Even in this new phase of deregulation, governments can still pull strings behind the scenes in their power to constitute broadcasting commissions and the like. Christian-dominated boards, as in Zimbabwe, can succeed in denying airtime to minority groups such as Muslims. In the northern region of Nigeria, which is predominantly Muslim, Christians are often heavily restricted in terms of religious broadcasting. There are few defenders anywhere in Africa, it seems, of public airtime being granted to traditional religious groups, although post-apartheid South Africa has a much more enlightened policy in this regard.

### Concluding Thoughts

I do not wish to paint a picture of Africa as a region characterized by high levels of religious persecution, as in China or Russia, for example. I have wanted to show that, despite the new phase of rights talk and free markets, many public officials are inconsistent in their treatment of minority and unconventional religious organizations—whether benign or dangerous. This can be a source of long-term resentment or even a catalyst for violence; it may also be a significant litmus test for rights protection more generally. African governments are faced with negotiating a range of particular challenges, which could be summarized as follows: the popular view that religion is integral to African social life, and for many, necessary for survival; religion, if unchecked, can be a tool of

### For Further Reading

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Hackett, Rosalind I. J. "Prophets, 'False Prophets,' and the African State: Current Issues of Religious Freedom and Conflict" in Philip C. Lucas and Thomas Robbins, eds. *New Religious Movements in the 21st Century*. New York: Routledge, 2004, pp. 151–178.

Hackett, Rosalind I. J. "Religious Freedom and Conflict in Africa," in Mark Silk, ed. *Religion on the International News Agenda*. Hartford, CT: Center for the Study of Religion in Public Life, 2000, [www.trincoll.edu/depts/csrpl/religint.pdf](http://www.trincoll.edu/depts/csrpl/religint.pdf).

Van der Vyver, Johan D. "Religious Freedom in African Constitutions," in Abdullahi Ahmed An-Na'im ed. *Proselytization and Communal Self-Determination in Africa*. Maryknoll, NY: Orbis, 1999, pp. 109–43.

exploitation; secularism is believed to be too Western; the lack of basic education about religious tolerance and diversity; the resistance of religious leaders to accountability; and the heightened attention to religious freedom issues from both local and international actors (see the U.S. State Department's Annual Report on International Religious Freedom at [www.state.gov/g/drl/rls/irf/2006](http://www.state.gov/g/drl/rls/irf/2006)).

If, as some scholars now say, it is religious pluralism, and not secularization, which is the defining feature and pressing issue of our times, then Africa, with its ever-burgeoning religious scene, will continue to be an important place to watch.



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The ABA is a not-for-profit corporation.

Funding for this issue has been provided by the American Bar Association Fund for Justice and Education; we are grateful for its support.

*Insights on Law & Society* is published three times each year (fall, winter, spring) by the American Bar Association Division for Public Education. Chair, Standing Committee for Public Education, Dwight L. Smith; Director, Division for Public Education, Mabel C. McKinney-Browning; Consulting Editor, John Paul Ryan; Managing Editor, Michelle Parrini; Contributing Editor, Katie Fraser; Webmaster, Eric Halvorsen.

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# INSIGHTS

Spring 2007  
Vol. 7, No. 3

ON LAW & SOCIETY®

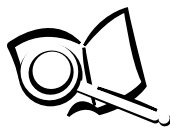
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