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Mother of all Rights: Making the World Safe for Religion

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Guest Comment

On **NRO**

The Mother of All Rights

Making the world safe for religion.

By David F. Forte, professor of law at Cleveland State University. He is the author of [*Studies in Islamic Law: Classical and Contemporary Applications*](#).

December 6, 2001 8:30 a.m.

Heather Mercer and Dayna Curry are safely home. But though the faces of those two dedicated young women have passed from the nightly news shows, their cause and their plight should not be forgotten. They had gone to Afghanistan as part of a Christian charitable organization. They were called by their faith to assist others no matter their race, creed, or sex. But the Taliban charged them with the heinous offense of trying to inform people about Christianity. The charge was a capital one. And when the Taliban said that a crime was capital, they meant it.

The Taliban's threats against these Christian aid workers, however, were benign compared to their treatment of any religious expression — Islam included — that did not fit their own wretchedly intolerant model. They required Hindus to wear yellow turbans, and Sikhs a yellow garment, which, like the imposed yellow star of an earlier totalitarian regime, branded a people as unworthy of any human respect. They destroyed ancient Buddhist monuments, with a cynical disdain for the sensibilities of the followers of that gentle faith. They forbade holy images of any sort. They beat, imprisoned, and murdered Muslims who did not dress or pray as commanded. They persecuted Ismailis. They massacred Shiites.

That contemptible regime has been defeated, and there are hopeful signs. Muslims in Kabul shave off their beards. Hindu women wear saris again. Muslim women change out of the burqa. Shiites assert that they seek no vengeance. The Northern Alliance Religious Affairs Minister in Kabul has declared to Hindus, "The dark years are gone. We are ready to give all rights to every religion."

But will the new interim government being formed in

Bonn "give all rights to every religion"? The question is central to the cause we have undertaken.

Freedom of religion is not just one right among many. It is, in the words of the Islamic scholar John Kelsay, "the mother of all rights." When a state recognizes religious liberty, it ipso facto allows people the right to worship an authority higher than the state. Religious liberty allows every individual to seek meaning for life outside of politics. Every totalitarian regime makes war on religion precisely because it cannot abide any god besides itself. That is why the greatest guarantee of limited government is freedom of religion.

Moreover, freedom of religion is the surest guarantee for all other rights. As the Heritage Foundation's Joe Loconte recently [pointed out](#), the framers of the American experiment understood the centrality of freedom of religion. If the government can restrict religion, Madison declared, it "may sweep away all our other rights." In his Farewell Address, George Washington grounded security for property, reputation, and life on the individual's sense of religious obligation. From de Tocqueville on, it's been held as a given that liberty to practice one's faith allows religion to flourish to a far greater degree than any sectarian state could accomplish. When the state tolerates religious freedom, it sets the standard for people to learn to tolerate one another's beliefs. And that brings civil peace and order to a society.

Sad to say, during the 1990s, when the cruel persecution of religious minorities — particularly Christians — was growing apace in the Muslim and Communist world, the Clinton administration did little or nothing to oppose the brutality. The United States preferred to appease autocratic regimes as they sought legitimacy on the backs of believers — with the result that both the extremists' power and hatred for the United States were increased. It took an insistent and dedicated Congress to pass the International Religious Freedom Act in 1998. The act established the United States Commission on International Religious Freedom, and an office of Ambassador-at-Large for Religious Freedom in the State Department. Countries that violate religious liberty will no longer have politics to hide behind. In fact, on November 1, the Commission wrote to Secretary of State Colin Powell, "The Commission believes strongly that the United States needs to be laying the groundwork now for a future Afghanistan that respects the rights of all persons, including the right to freedom of religion and belief, and strengthens elements of religious tolerance."

At the apparent moment of victory in Afghanistan, we must not allow this opportunity to slip away. A new, multi-party government is being formed. Short-term objectives should not distract us from the moral content of our cause. Yes, there are obstacles. Islam in Afghanistan is heavily influenced by the conservative Deobandi madrassas in India. Some fundamentalists in the Northern Alliance want to keep the *sharia* as the law of Pakistan. But Nazism, Communism, and imperial Shinto practice were obstacles too. Yet German, Soviet, and Japanese totalitarianism were replaced by respect for human rights. Do the people of Afghanistan deserve any less?

Let us not repeat the omissions of the past decade. It is time for Congress to speak again. Congress should insist that before any reconstruction aid is approved for Afghanistan, the new government there should affirm legal protection for basic human rights, including most importantly, freedom of religion.

Since the United Nations is superintending the formation of the Afghan government, the United Nations Universal Declaration of Human Rights is a good place to start. It is not an American document. It is not a Western document. It is a document of all peoples and of all nations. Article 18 of the Declaration states, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." This principle needs to be given legal status in the new Afghanistan.

Real victory does not reside in just bringing Heather Mercer and Dayna Curry safely home. Victory is guaranteeing them a right to go back. It is guaranteeing every Afghan — whether Sunni, Shiite, Ismaili, Hindu, Sikh, Buddhist, or Christian — the right to worship, in his own way, the God of us all.