

**RELIGION'S UNEASY PLACE:
RELIGIOUS ENGAGEMENT VS. RELIGIOUS FREEDOM
IN AMERICAN PUBLIC AFFAIRS AND PUBLIC DIPLOMACY**

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ABSTRACT

Religious freedom, a hallmark American value afforded by the First Amendment of the United States Constitution, is the basis of much of the nation's stance toward religion both domestically and also at the international level. Over and above religious freedom, the U.S. domestically has accommodated and engaged with religion—and religious institutions—with increased interest. This increased engagement has not gone uncontested. With the advent of the “Religious Right,” Charitable Choice, the President Bush Faith Based Initiative, and President Obama’s Office of Faith Based and Neighborhood Partnerships, new and ambiguous space has been opened up domestically around government engagement of and partnership with religion. Indeed, the U.S. has a conflicted relationship with religion as a public actor. On one hand, Americans are highly religious, yet on the other they believe that religious leaders should have less direct involvement in politics. Initially, religious groups and others opposed Charitable Choice legislation, over fears that government bodies would dictate religious doctrine, but this initial resistance has largely faded.

As the U.S. grapples with the proper place for religious engagement within its borders, it also faces similar issues abroad. For example, agencies like the U.S. Department of State must continually wrestle with a shifting idea of what American religious engagement look like with international and transnational publics. Its attempts to engage with religion have had minimal success and generally falter. The U.S.’s inability to fully conceptualize how to engage religion domestically has led to confusion about the limits and permissions for religious engagement internationally. Moreover, diplomats have not been trained about religion in the fields where they will operate and religious engagement is seen as less of a priority than religious freedom. Thus, international engagement work by government agencies leaves much to be desired. In fact, much of the best work in this area is actually done not by official government bodies, but by non-governmental organizations (NGOs), which operate with greater latitude. Thus, the First Amendment, America’s greatest asset to preserve religious freedom, also functions as a stumbling block when considering religious engagement both at home and abroad.

Thank you for the opportunity to speak today.

My talk is entitled “Religion’s Uneasy Place: Religious Engagement vs. Religious Freedom in American Public Affairs and Public Diplomacy.” I have decided to explore this topic in light of the following factors:

1. First, the increasing interest in religion, public life in the United States, and in public diplomacy and foreign affairs;
2. Second, the very complex set of ideas around religion and the public square that are at the heart of the construction of the idea of “America”
3. And third, because I happen to spend a good portion of my time dealing with the public engagement of religion domestically and to a lesser degree internationally.

What I will today is briefly talk about the First Amendment of the United States Constitution, which guarantees and protects freedom of religion, then discuss the roles religion plays within the U.S., review the complicated nature of increased religious engagement in the United States, and postulate that while religious freedom is a hallmark American value, religious engagement is a stickier issue that we have yet to work out domestically. Our inability to do this within our own country hampers our ability to create a successful program for religious engagement internationally. Thus, the focus on freedoms that gives birth to the religiously pluralistic American public

square simultaneously diminishes the effectiveness of U.S. government efforts to tap the power of religious values, institutions, and actors in international affairs precisely because they do not want to violate the Establishment Clause of the First Amendment.

The First Amendment of the United States Constitution states:

Congress shall make no law respecting an establishment of religion [the Establishment Clause], or prohibiting the free exercise thereof [Free Exercise]; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Together, the two ideas—the Establishment Clause and Free Exercise—along with the long history of the interpretation of these ideas, and the state and federal statutes that have been enacted to give legal parameters to them, form the basis of American understanding of the place of religion in society. I am by no means an expert in this area of law, but I want to use these two principles as a starting point for this discussion.

America has evolved a system of state noninterference with religion—the so-called neutrality principle. There is no official state run religious body. Religious organizations can freely operate without state permission, and groups are even free to develop new religious movements with outlandish

theologies or truth claims that may be seen as hostile to the state interests, at least in theory. The courts have protected religious groups from state interference in religious matters, though a current case before the United States Supreme Court, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, will test the way that the court construes the “ministerial exception.” The government stance toward religious bodies has been to ensure that they avoid entanglements in cases that require judgments to be made on matters of theology or doctrine.

Religion for individuals is protected from discrimination and undue burdens. Laws about religious accommodation in religious dress, observance, and even the ability to object to certain work or civil duties, though occasionally contentious, are well established. Individual freedom of conscience has been protected beginning with conscientious objector status for pacifists during the American Revolution. Today, the right remains protected to the extent that pharmacists can refuse to fulfill prescriptions for contraception based on their religious objection.

This posture against establishing religion and protecting religious freedom by the state has helped to create, either by default or design, an enabling environment for religion to flourish in American society. Americans are more religious than other members of western industrialized nations. In Los Angeles alone, there are over 8,500 faith-based institutions (mainly congregations and nonprofit organizations.) This number does

include less formal groups that do not have their own permanent physical space. There is a marketplace of religious life in the United States that is attractive to many immigrant groups, especially those fleeing religious persecution in their countries of origin.

But religion in the U.S. is not entirely a private affair, nor is this a new phenomenon. There has always been a role for religion in the U.S. that is neither entirely private, nor entirely political: the so-called third space—the public square or civil society. This space and religion's role in it, is still being worked out, especially as civil society in the U.S. is increasingly politicized and some scholars argue religion is being deprivatized in light of the failure of secularization.

America is permeated by religious vocabulary and appeal to values in public and even overtly political discourse. Religious institutions, leaders, and followers have played roles in every major political movement in the United States, and been on every side of those issues.

Yet, Americans are skeptical of religious leaders taking explicit roles in politics. Still, many religious leaders have had failed or short-lived political careers. Tax codes that enable religious institutions to be exempt from taxes also bar congregations and leaders from endorsing candidates from the pulpit. Religious institutions often walk a fine line between advocating based on their religious convictions and explicitly engaging in politics.

That line has been complicated in the last few decades. With the rise of the Religious Right, the 1996 Welfare Reform Act with its Charitable Choice provisions, and the subsequent creation of the White House Office of Faith Based Initiatives (2001) and the Office of Faith Based and Neighborhood Partnerships (2008), formal associations between religious and government bodies have increasingly become the norm. No longer walking the aforementioned thin line, religious groups have become potential recipients of federal (and state and local) funds, which has led to a more contentious debate. This new role for faith groups, where the state is no longer neutral, (though some claim that the state is still neutral, but now the playing field is level). In 1996, removing the barriers to federal funding for religious groups created a new environment of engagement of religious groups to carry out social services and specific policy aims. This was met with confusion and even hostility. It raised questions regarding what was permissible now that religious bodies could compete for federal dollars.

While the opposition to federal funding for faith-based social services has largely diminished, the nuts and bolts of how exactly religion should engage the state remains a grey area. The recent Illinois court case that barred Catholic Charities from discriminating against same sex couples in adoption services when they take public funds placed Catholic Charities in the position of having to decline public funds if they continued to discriminate based on their theological positions. This is an example where competing interests and these

foundational legal principles find themselves in a tangled web.

Religion in this non-secular, non-private space is still under negotiation in the U.S. in terms of domestic policy. In fact, in a recent conversation with a local county department in Los Angeles, we were discussing their clergy outreach programs. During the course of the meeting, when I suggested that they ask clergy to share a sacred text on the subject at hand, I received horrified responses that such activity would not be allowed in a government building. From the perspective of this local government agency, outreach to religious groups was acceptable, but discussions related to their core interests were off limits. This to me is the definition of mixed signals.

In fact, this situation is not uncommon. Given the new position of the U.S. government provided increased access to public funds to faith organizations, local and state governments have sought to implement the spirit of the faith based initiatives by developing faith outreach and liaison programs and positions in nearly every agency and department. There are countless local faith based liaisons whose job it is to conduct “outreach” to faith groups on every issue from emergency preparedness to working with educational institutions on student performance. Countering violent extremism, to coordinating mental health care. These liaisons have almost no training on faith groups and congregations. They lack cultural competency, and have even less actual power to influence policy or make funding decisions.

Like many experts have noted, domestic constructions and values are the basis for shaping and understanding the international concerns of a state. Not surprisingly, American government work abroad has primarily focused on pushing angles of religious freedom, even creating bodies, enacting laws and issuing reports on the global state of religious freedom.

But religious freedom is just one part and one strength of the United States. The vibrant pluralism of American society is also an asset. Indeed it is the output and outcome of religious freedom (free exercise and the lack of establishment of state sponsored religion). It would make sense for the U.S. to trumpet religious engagement as another hallmark strength by working with religious leaders and religious institutions in public diplomacy and engagement. This would seem like a tremendous opportunity for the exercise of “soft power,” appealing to shared values as way to attract foreign publics and even governments to U.S. interests.

There is a growing awareness that religious engagement is a complimentary strategy employing soft power in trying to achieve U.S. policy aims. In a *Foreign Affairs* article, Peter Peterson noted the need for this work would “create bridges between American society and other societies using common cultural pursuits in every genre of art, music, theater, religion and academic.” Though fully comfortable discussing and pushing for religious freedom, agencies like the Department of State are continually grappling with identifying the precise nature

of American religious engagement looks like with international and transnational publics. Indeed, the United State’s inability to fully conceptualize this domestically has led to confusion about the limits and permissions for religious engagement internationally.

In general, diplomats are ill prepared for public diplomacy, and even less prepared for religious engagement. They receive almost no training in public diplomacy and, I believe, that this year was the first in which foreign service officers received instruction on religion. This lack of instruction combined with the general American religious illiteracy means that the nation is sending representatives out into a very religious world without the tools necessary to operate effectively. In a 2009 article in *Middle East Policy*, Peter Krause and Stephen van Evers noted that “few U.S. officials know enough about Islamic law and theology, or about Muslim-world history and culture to debate relevant issues. As a result they are rarely persuasive on questions that shape Arab/Muslim political opinion”. Part of this is due to the nature of religious engagement.

Like much of public diplomacy, it is harder to assess and benchmark. Religious freedom is easier to measure and there is a vocal body of largely conservative Christians pushing for religious freedom. Engaging with religious leaders, institutions, actors and messages, however, falls into a subcategory of public diplomacy, which itself has to compete for attention, strategic prioritization, and funding against other

approaches. It also requires making some religious judgments. This of course is something that the U.S. cannot and will not do. In fact, when it has done so the success has been mixed.

One example was the world tour of an imam that the U.S. considered friendly to their interests. Like the cases that Professor Michel noted yesterday, this imam was sent around the world to discuss the American Muslim experience with Muslim religious leaders and publics. He was very well known in interfaith circles, but had limited following in the mainstream Muslim community and is not really considered an authority by the mainstream Muslim community. However, he was trumpeted as an ideal leader who bridged both worlds: Muslim and western (as if this dichotomy was real). He was sent on two goodwill trips under the Bush administration and two under the Obama administration, the last of which was in August 2010. This last 15-day trip happened to take place during the height of the Park51 issue, a project that became a lightning rod for protests against developing an Islamic center near Ground Zero in Manhattan. So, the United State's public diplomacy showcasing American religious freedom, flourishing and the social equality of the Muslim community was complicated by a very public and very hostile debate about mosques in America. It was further complicated by the fact that the imam on the tour was Imam Faisal Abdul Rauf, who was at the time the spiritual leader of Park51.

Perhaps it is better than that much of the best work in this area is actually done not by

official government bodies or at the invitation of departments, like the State department, but by NGOs, since they operate with greater latitude than does the State department or other federal agencies. Doug Johnston's International Center for Religion and Diplomacy (www.icrd.org) and Chris Seiple's Institute for Global Engagement (www.globalengage.org) are two outstanding examples of track two diplomacy efforts that operate out of their own faith commitments. These groups are able to fully embody religious engagement and work across religious divides. This work has led to some tremendously valuable outcomes, including advancing the Sudanese peace process and diminishing anti-Americanism in central Asian *madrassas*. They may in fact serve as heat shield that allows the U.S. to have representation on difficult issues without the negative exposure or repercussions that come from official involvement.

This work is not being done by official diplomats, which is a missed opportunity to showcase the tangible social benefits of a religiously free society and a religiously neutral, yet accommodating state by official representatives. Doing so would strengthen the "attractiveness" of the U.S. by leveraging the strong position of the U.S. as a beacon of religious flourishing and religious freedom in a highly religious world.

Unfortunately, that seems unlikely to happen. It is clear that America's greatest asset in terms of securing religious freedom in the U.S. (the First Amendment) becomes

a stumbling block when we think about religious engagement both at home and abroad. Our greatest tool that lays the groundwork for America's religious pluralism because of state non-interference with religion, ironically makes fully engaging with religious institutions, actors and beliefs internationally very, to use a technical term, too messy to undertake with real seriousness.

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