that legislatures should sometimes stay their hands and forgo applying regulations to conduct that would otherwise be within their jurisdiction. Such accommodations show respect for religious believers and often make life easier for regulators. However, the real reason a secular court cannot tell the First Baptist Church that it unlawfully failed to hire Mr. Smith to be its minister is not because the government has made a concession but because the government is constrained. It might look like the government is generously granting an exception from its generally applicable and valid employment-discrimination laws, but in fact it is acknowledging a limit, imposed by the First Amendment, on the reach of its regulatory authority.

Hosanna-Tabor is not the last word in matters of ministers’ employment, much less in issues of religious freedom. The scope and details of the ministerial exception will have to be worked out in a range of contexts and with respect to a variety of employees. Nor does the unanimity and clarity of the decision guarantee, or even suggest, that the justices’ divisions and disagreements over their role in policing the relation between faith and politics, and between religious and political authority, are behind us. Nevertheless, the ruling affirms a point that is foundational in a free society: There are things that are not Caesar’s. And that is no small thing.

Religious Freedom Abroad
by Thomas F. Farr

Seventy percent of the world’s population lives in countries that severely restrict religious freedom. Though largely ignored by the media, scholars, and policymakers, there is a global crisis in religious liberty, and it is getting worse. Outside the West, religious minorities and disfavored members of majority communities are subject to torture, rape, unjust imprisonment, and murder. Some governments and private actors, secular and religious, seek to control or suppress the religious beliefs and practices of their victims for political reasons. Some pursue what they see as a religious obligation. Both cause vast human suffering, create barriers to stable democracy, and abet religion-based extremism and terrorism.

In Muslim-majority countries, the problem is particularly acute. In Pakistan, the governor of Punjab, Salman Taseer, a Muslim himself, was recently murdered for supporting religious liberty—particularly for defending the rights of a Christian woman sentenced to death for blasphemy—and polls show broad public support for the murderer. Such an atmosphere discourages liberal Muslim voices and encourages Islamist extremism. In much of the Middle East, Christian and other minorities are increasingly at risk of violence and worse. No Muslim-majority state comes anywhere close to protecting religious freedom in full.

In these countries the involvement of religious teachings in political matters is particularly fraught. In struggling democracies like Egypt, Pakistan, Iraq, and Afghanistan, the question is not whether Islam will drive politics, but which Islam, and within what limits. The answers are central to whether democracy is to be stable and peaceful, or unstable and an exporter of religion-based terrorism. The outcome is vital to the national security of the United States and of the West in general.

What is required is a strategy of “religious realism” in American foreign policy. This means recognizing that, unlike other Western populations and many of our own elites, most people around the globe are highly religious. Their ideas and actions are influenced, for better or worse, by religious identity or religious teachings. It also means accepting that, in such a world, religion will play a part in politics, especially democratic politics, whether we like it or not.

In this situation, promoting religious freedom could gain the United States much and would cost little. But American foreign policy has been unable, or unwilling, to grasp the strategic potential of religious liberty: that encouraging it where we can might be a means of countering Islamist extremism by helping struggling democracies take root and inducing illiberal religious actors to compete democratically.
while accepting the limits that come with democracy's benefits.

This diplomatic inertia is the result of political correctness, a lack of imagination, and indifference. Our more secular elites treat religion as little more than a strongly held opinion, a form of therapy, or a purely private matter. It may be important to individuals, but it warrants no distinctive legal protection. The Obama administration recently declared by dictate that Catholic hospitals, colleges, and charitable associations must provide abortion drugs in health-care plans for their employees. Judge Vaughn Walker's decision in overturning the Proposition 8 referendum in California, which had declared marriage to be the union of one man and one woman, rested in part on the preposterous assertion that the religious values underlying the referendum cannot meet rational scrutiny and are therefore unconstitutional. So much for the First Amendment.

Another reason for this inertia is rooted deeply in American culture. Much of the public has come to accept the idea that "the separation of church and state" forbids religious beliefs from influencing public policy, including our foreign policy.

With religion politically and culturally marginalized in America, religious freedom in America is at risk of becoming simply one rights claim among many, with no more, and perhaps less, legal status than any other. If a robust religious liberty is something many Americans hesitate to affirm for this country, it is small wonder that a commitment to the religious liberty of others plays so small a role in our foreign policy.

Religious freedom, in other countries as well as our own, necessarily entails the right to believe (or not), to worship freely, to enter and exit communities of belief, to invite others to accept one's beliefs, and to operate charitable or educational religious associations. These elements of religious freedom must be vigorously protected. But no element will be as important to stemming the erosion of religious liberty, in the United States and elsewhere, as affirming the right to employ religious arguments in democratic political deliberation on a basis no less favorable than that given non-religious arguments—to keep religion in the public square, within due limits.

Barack Obama once asserted that "our deliberative, pluralistic democracy demands...that the religiously motivated translate their concerns into universal, rather than religion-specific, values." But democracy demands no such thing. Democracy is a system that adjudicates contending claims. In America, some claims prevail over others; all are subject to our constitution, including the free exercise clause of the First Amendment. To remove religion-specific contentions from debates over American policies, rather than letting them freely contend for acceptance on their merits, would diminish the character and endanger the success of our democracy.

Although democracies elsewhere will inevitably vary from our own, some traits are universally necessary if democracy is to endure. Among them are free and fair elections and equality under the law. In highly religious societies, especially Muslim-majority nations struggling to establish democracy and reduce religion-based violence, religious freedom is of particular importance because it mandates equality among religious actors, including an equal opportunity to make their claims in civil and political life. Evidence from history and the social sciences confirms that no highly religious society can achieve stable and lasting democracy without this kind of religious freedom.

The sociologists Brian Grim and Roger Finke have demonstrated in their book *The Price of Freedom Denied* that religious extremism flourishes in countries with a closed religious orthodoxy, like Saudi Arabia and Pakistan. When religious actors are excluded from politics and have no way to seek their objectives in the public square, they can become fiercely anti-democratic and all the more radical. Some turn to violent extremism or terrorism, especially if they are already so inclined because of their political theologies. In contrast, when all religious actors and ideas have equal access to democratic public life, they must compete for public allegiance. Illiberal majorities may no longer simply impose their views; they must explain why those views will further justice, apply equally to all citizens, or make the trains run on time.

America's vital national interests are vested in this project. Recognizing the limits of our ability to influence events, American diplomacy should do all it prudently can to assist key nations like Egypt, Pakistan, Iraq, and Afghanistan that are struggling to make democracy work, lest those societies collapse into autocratic or theocratic regimes. One lesson that we should have taken from 9/11 and the Arab Spring is that tyranny cannot any longer yield stability in the lands of Islam. Over the last half century we have subsidized—to the tune of scores of billions of dollars—Middle Eastern despots from the Shah to Hosni Mubarak to Saudi kings. We thought we were buying security, including keeping the lid on radical Islam. What we got was 9/11. The Arab Spring is irrefutable proof that no people with the means to avoid it will continue to acquiesce in their own enslavement.

In order for stable democracy to take root in a Muslim-majority nation, the law must grant full equality of belief, worship, and public expression to non-Muslims, minority Muslims, and
majority-Muslim reformers, and the government will have to protect that equality. Minorities must have full religious freedom, not just freedom from overt persecution. They must be able to safely build churches and schools, run for political office, and make religious arguments about the common good without fear of reprisal. Majority-Muslim groups cannot have privileged access to the civil and police powers of the state. Muslims would have the right to leave Islam, or to criticize illiberal Islam publicly. The latter is of particular importance because it would empower Islamic reformers.

Unfortunately, there are huge obstacles in these nations to the acceptance of religious liberty. As Paul Marshall and Nina Shea demonstrate in their new book, Silenced, anti-blasphemy and anti-apostasy laws and practices are widespread in Muslim-majority countries. Reformers are at risk. In Afghanistan a Muslim journalism student was sentenced to death for writing an article involving women’s rights that was considered blasphemous. Liberal Muslims often are forced to leave their countries. Egypt’s Sheikh Subhy Mansour fled after being persecuted for opposing the death penalty for apostasy.

Some Muslims are making Islamic arguments for religious liberty. The late Indonesian prime minister Abdurrahman Wahid insisted that Pakistani anti-blasphemy laws are un-Islamic. Observing that the Qur’an refers to Allah as “the Truth,” he argued that “If human knowledge is to attain... Truth, religious freedom is vital.” Maldivian scholar Abdullah Saeed and Turkish journalist Mustafa Akyol have written in books, and in the pages of First Things, that Islam can, and should, support religious freedom. Unfortunately, such views have to date had little purchase.

The stakes are sufficiently high, and the costs sufficiently reasonable, for the United States to develop high-priority religious freedom strategies abroad. Despite being required by law since 1998 to promote religious liberty, American diplomacy has in fact achieved little. The current administration, while it has delivered some nice speeches on the subject, has invested its energy and resources in the promotion of “LGBT” interests, not religious liberty. Obama took two and one-half years to get his ambassador at-large for religious freedom, Suzan Johnson Cook, in place, and even then she was buried deep in the bureaucracy, with little authority or resources. Clearly the Obama administration has subordinated religious liberty to the international pursuit of what it believes to be superior rights claims.

A vigorous strategy for increasing religious freedom must encourage powerful religious communities, especially in Muslim-majority countries, to accept the rules and the limits of the democratic game. For example, the Egyptian Muslim Brotherhood, it is generally acknowledged, is split. Possessed of a radical Islamist ideology and heritage, it also has spawned moderates capable of seeing the advantages of abandoning extremist Sharia claims (such as that women and non-Muslims are morally and legally inferior), the drive for a caliphate, and anti-Semitism. What could the Brotherhood gain by foregoing such positions? A democracy that stands a chance of surviving and delivering its benefits to all the people of Egypt, without collapsing under the weight of religious extremism or reverting to the secular tyranny of a regime like Mubarak’s.

With the right resources, commitment, and strategy, U.S. religious freedom policy might convince the Muslim Brotherhood and similar groups that religious liberty is in their interest. How can that be accomplished? The Department of State should give our religious freedom ambassador the authority and resources to succeed. American diplomats should be trained in how to advance religious liberty abroad, both in private and public diplomacy. Regional bureaus at the State Department and United States missions abroad should develop country-specific programs. Religious freedom should be integrated into U.S. counter-terrorism and democracy programs, including those developed at the Department of Defense and the Agency for International Development. One key example: For almost thirty years the National Endowment for Democracy has spent billions of dollars on democracy programs. Virtually none of this money has been used to promote religious liberty.

Skeptics say such a strategy cannot work. They may be right. But the costs of continuing our current policy, such as “dialogue” with the Brotherhood with no systematic emphasis on religious liberty, is likely to be very high. Far better to base our policy on religious realism, that is, on the acknowledgment that most human beings are motivated by sacred texts and powerful spiritual beliefs. To attempt to construct a society that ignores those beliefs in the hope that religion can be separated from politics is not only unrealistic. It is utopian in the worst, most dangerous, sense of the word.