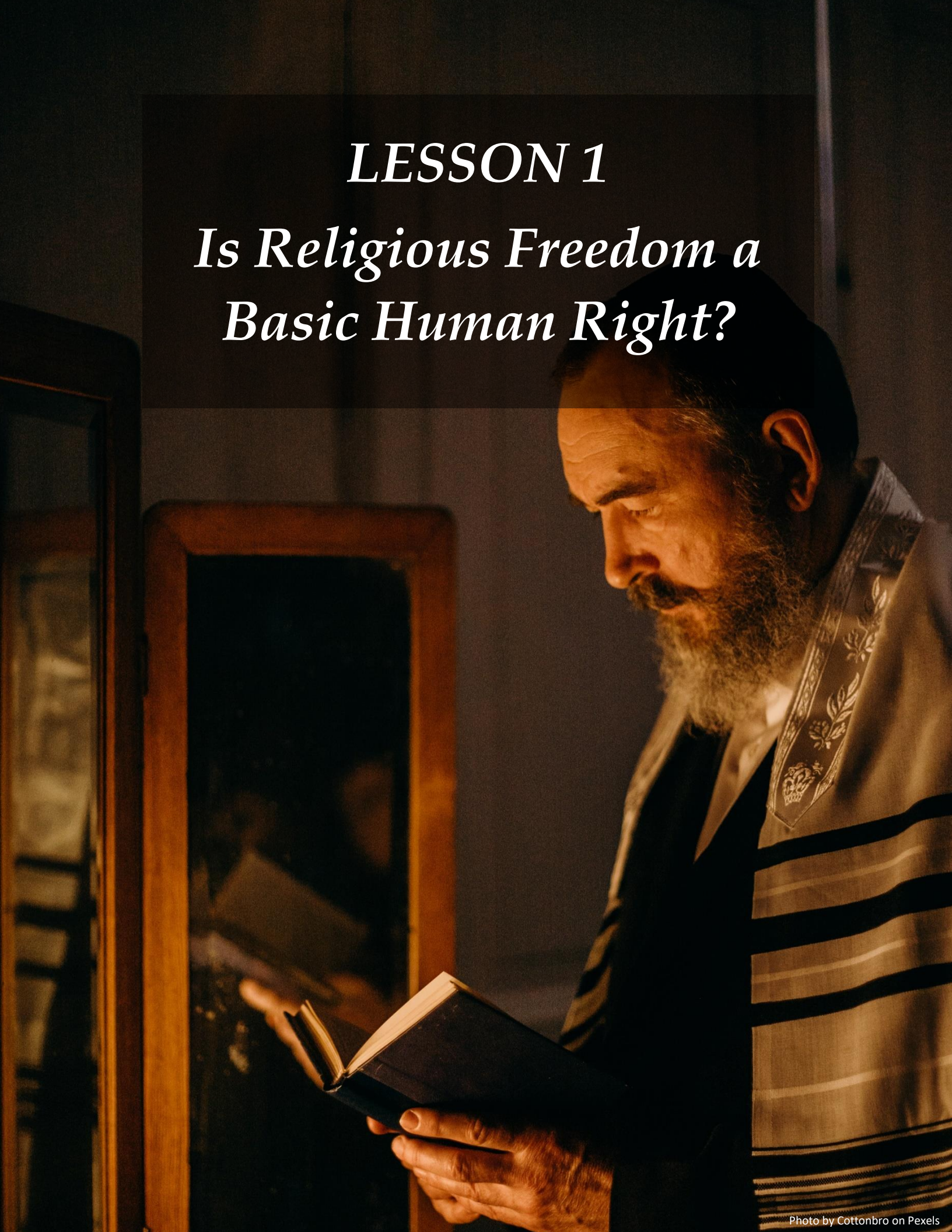


LESSON 1

Is Religious Freedom a Basic Human Right?



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INTRODUCTION

This Lesson explores key questions that are foundational to the other lessons in this unit. First, what is religion? Second, why is the freedom to exercise religion so important, not only to Americans and our country, but to everyone else? What reasons do we have for concluding that the right to exercise religion is a core part of the dignity of every human being and therefore a fundamental human right – or, as the American founders labeled it, an *inalienable* right? Further, how is this right under threat in today’s society and what is an appropriate response?

LEARNING OBJECTIVES

- 1.1 Define key terms including religion and religious freedom
- 1.2 Use evidence to explain how religion is foundational to human identity
- 1.3 Summarize the ways religious freedom is vital for protecting human dignity
- 1.4 Contrast the nature of natural rights and legal rights
- 1.5 Explain the limitations of religious freedom
- 1.6 Apply religious freedom’s four dimensions to answer modern questions

KEY TERMS AND CONCEPTS

As you read through the lesson, give particular attention to making sure you understand the following key terms and concepts.

<i>Anthropology</i>	<i>Human dignity</i>	<i>Religion</i>
<i>Cognitive science</i>	<i>Human (natural) rights</i>	<i>Religious freedom</i>
<i>Conscience</i>	<i>Inalienable rights</i>	<i>Transcendent reality</i>
<i>Human being</i>	<i>Legal (civil) rights</i>	

Lesson 1: Is Religious Freedom a Basic Human Right?










ENGAGE

In 5 minutes, generate as many questions as possible in response to the statement “religion is an important part of being human.” Examples: *Do all humans believe in God or a higher power? Aren’t some countries becoming less religious?* Your teacher will give additional instructions what to do with your list once finished.

What is Religion? The Social Sciences

How do you define religion? That may seem like an easy question at first since most of us tend to understand religion through the lens of our own experience. However, social scientists have identified hundreds, some would say thousands, of different faith traditions that have been practiced throughout history. With that much diversity, coming up with a simple definition that accurately describes all these traditions can be challenging. But there are certain things that are common to most, if not all, of the world’s religions.

William Alston was a major philosopher of religion in the 20th century who constructed a list of “religion-making” characteristics.¹ Alston’s work is a good example of a concept often used by anthropologists (people that study past and present human societies) called the “family resemblance approach.” This approach suggests that for defining complex things, like religion, it is often just as helpful to identify common characteristics as it is to search for a single characteristic. The chart below captures key elements of Alston’s list.

COMMON CHARACTERISTICS OF RELIGION		
THE SUPERNATURAL  Belief in supernatural being or beings (God or gods)	SACRED OBJECTS  A distinction between sacred and profane objects	RITUALS  Ritual acts focused on sacred objects
MORALITY  A moral code believed to be sanctioned by God or gods	EMOTION  Feelings like awe, guilt, or love that connect to God or gods	COMMUNICATION  Prayer and other forms of communication with God or gods
PURPOSE  A world view that contains a purpose or point of the world	PRAXIS  An organization of one’s life based on that world view	FELLOWSHIP  A social group bound together by the other characteristics

In particular, notice how this chart captures a key characteristic of religion, its transcendent or supernatural (greater-than-human) nature. That specific feature helps explain why so

many people pray, and why they think and write so much about religion. Alston’s summary helps identify the distinction people make between material, physical realities they

can see or touch or measure, and non-physical realities that they cannot access with their senses alone but are nonetheless “real.” It helps to understand how people develop religious worldviews and moral standards

(codes of conduct about what is right and wrong). It also shows how religion is practiced both by individuals and entire communities that embrace its sacred teachings and believe it important to live according to its morality.

Defining Religion: American Legal Perspectives

Attempts to define religion have not been limited to philosophers and anthropologists. For instance, the United States Supreme Court has taken several opportunities to give *legal* meaning to the term religion. In *Davis v. Beason* (1890), the Court declared that



religion has “reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will.” Decades later, the court wrote in *United States*

v. Seeger (1965) that “religious training and belief” can be adequately thought of as a “[sincere and meaningful] belief in an individual's relation to a Supreme Being involving duties beyond a human relationship.” Similarly, in *Wisconsin v. Yoder* (1972), the Court sided with an Amish community citing “the interrelationship of belief with their mode of life, [and] . . . daily conduct” as evidence that their claim was *religious* in nature. Notice the words the Court used—*Supreme Being, reverence, obedience, belief, duties*—and how similar they sound to the observations made by social science.

So, while it remains a challenge to define religion in a way that satisfies everyone, perhaps the combined perspectives of anthropology, law, philosophy, developmental psychology and other disciplines, will allow us to develop a workable definition for religion. We offer the following:

Re-li-gion

The human search for truths about a greater-than-human source of being and ultimate meaning, and the ordering of one's life in accord with those truths

Is Religion “Natural” to Human Societies?

Now that we have a working definition of religion, let's explore whether religion is as natural to societies as it is to human beings. In other words, is there evidence that *religion*—the search for truths about a greater-than-

human source of being (existence) and ultimate meaning and the ordering of one's life in accord with those truths – is common to all cultures and therefore universal? Do some cultures exist that are inherently non-

religious? It seems reasonable that if we can identify a society that has no religious tradition of any kind, then perhaps there are more.

Let's begin with the part of our definition that deals with a greater-than-human source of being, which is to say a supernatural source. This refers to the distinction between the material and immaterial, or the natural and supernatural. Could it be that there are global cultures that do not make that distinction? On this point, the anthropologist Robert Winzeler notes that "to my knowledge, no anthropologist or other reliable observer has ever described such a people."ⁱⁱ In other words, every culture seems to have independently arrived at the conclusion that



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there is something "real" that is beyond the normal cause and effect observable by the physical senses and that humans should consider this supernatural reality for their own well-being.

Interestingly, many early anthropologists and sociologists (experts on societies and the social causes of human behavior) believed that religion was a "primitive form of human behavior" that would soon fade into the shadow of modern science.ⁱⁱⁱ Not only has that idea been largely rejected by contemporary scholars, but many have embraced the opposite view.^{iv} Religion is now understood to be deeply embedded in human behavior no matter how "advanced" or "scientific" the culture and is rightly understood as a vital part of the human experience.

In fact, a 2012 study by the Pew organization found that approximately 84% of the world's population affiliated with a specific religion, while presumably many others considered themselves spiritual seekers even if not associated with a particular faith tradition. The Pew-Templeton Religious Futures Project estimates that by 2050, the global population of religiously affiliated people will remain at 83%.^v

Religion and Human Dignity

So, religion is clearly natural to human beings and to societies, but is it good for both? Some attributes that are natural to humans, such as selfishness or greed, obviously should not be seen as human "goods." However, religion—the natural pursuit of the source of being and ultimate meaning—can lead humans to a deep fulfillment and sense of well-being. It can also lead to habits of virtue, such as putting others before ourselves or acting morally even when it is difficult to do so. Such religion-encouraged virtues are not only good for the person, but

also for the community in which he or she lives.



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On the other hand, when someone is denied the right to search and discover the truth about being and ultimate meaning or is forced to accept what someone else, especially the state, insists to be true, that action is an assault on a human good. It is an assault on human dignity, on what it means to be human. Notice that we are not talking about the physical traits that characterize human beings, such as brain size or ability to walk on two feet. We are referring to an internal trait that appears common to most people—a powerful, innate drive to know the truth about a greater-than-human source of our being and ultimate meaning for our lives here on earth and, perhaps, after death. To deny a person the right to act upon what he or she concludes is true and necessary—the right to free exercise of religion—is also an assault on human dignity. Unfortunately, that assault occurs with alarming frequency in the world today and is increasing in intensity.

This connection between religion and universal human dignity is critically important—for America and the world. Human dignity is not the result of social status or personal merit. In other words, you don't earn human dignity. Each person is worthy of respect simply by virtue of being (existing).

Further, human dignity is not granted by government or any other human authority. Like religious freedom itself, it stems from an understanding of human nature and the connections most humans make to the transcendent source of life and meaning. In other words, human dignity is rooted in and inseparable from religion. If there is no transcendent, greater-than-human source from which all humanity can draw a common dignity, then concepts like equality and justice quickly break down and lose meaning.

For example, it is impossible to define equality or justice under a microscope, in a particle accelerator, or through any other purely materialistic means. These are moral virtues



that demand transcendent or immaterial evidence. A philosophy of life that draws inspiration from a purely materialistic point of view would find it difficult to justify, much less defend, the concept of universal human dignity and what the American founders called the natural, inalienable rights that flow from human dignity.

This does not mean that the physical sciences have no role to play in our exploration of religion. There is growing evidence from the field of *cognitive science* (the study of how we think and learn) that suggests that both the human desire and capacity to seek an unseen order—particularly a transcendent or divine agent—is deeply rooted in our nature as human beings. It also appears quite early in human development. There is a growing awareness that it is natural for children not only to seek design in the physical world, but also purpose.

In other words, religion, as we have defined it, belongs to a set of human cognitive capacities that, among other things, seem to be part of the physical maturing process.^{vi} As developmental psychologist Justin Barrett has written, “because of the nature of human minds, religious expression in beliefs and

practices is nearly inevitable in most people.^{vii} This is good news for those who advocate for human dignity and individual rights.

To summarize, the evidence from different academic disciplines suggests that religious beliefs and practices are natural to individuals and to societies. Religion is central to human identity, interwoven in human experience, and

vital for human flourishing. The vast majority of people across the world, are part of a religious tradition that flows from their belief and gives meaning to their lives. Therefore, repressing the ability to search for ultimate truth and to order one's life accordingly is the same as repressing a person's humanity. It is the denial of the very essence of who they are and what it means to be human.

CHALLENGE YOURSELF

"FLOURISHING: WHY WE NEED RELIGION IN A GLOBALIZED WORLD"

Augustine's *Confessions*, one of the most influential secondary texts of any religion, opens with the following famous line, addressed to God: "You move us to delight in praising you; you have formed us for yourself, and our hearts are restless till they find rest in you." Whether the world religions speak of God (like Judaism, Christianity, and Islam) or not (like Buddhism and Confucianism), they hold a formal position more or less like Augustine's. With their feet firmly planted in ordinary realities, human beings always extend their hand beyond the stars into the transcendent realm. Explicitly or implicitly, world religions insist that stretching out to the divine realm isn't something human beings do or don't do depending on whether they are religiously inclined or not. Reference to transcendence isn't an add-on to humanity; rather, it defines human beings. . . . For world religions, life lived only on the flat plane of this-worldliness is too caged, too hollow, and too "light; to be free, full, and flourishing, life must be lived in relationship to the divine, which gives meaning, orientation, and unique pleasure to all our mundane experiences and endeavors. That's a disputed claim, of course. But that's also the claim on which debates between religions and a-religion should center as it is the main claim world religions make. (*Miroslav Volf (An Excerpt)*. New Haven: Yale University Press, 2015, 81-83.)

Comprehension Questions:

1. According to the ancient writer Augustine, what keeps human beings restless?
2. Does the author believe that the world's religions agree with Augustine?
3. All world religions seek a connection to the divine. What does this suggest about humans?

Legal vs Natural Rights

We now need to make an important distinction about rights. *Legal* or *civil rights* are privileges and powers created by governments and given to all, or some, people through law. Legal rights are essential to maintaining social order and incentivizing productive habits, but they may not necessarily flow from an individual's intrinsic dignity. For example, the right to operate a motorized vehicle on a public road at age 16

after passing a state-designed test may be a cherished legal right in most of the United States, but it is certainly not a universal right that stems from the nature of the human race.

By contrast, *human* or *natural rights* are rights intrinsic to human beings. In other words, every human being possesses these rights and possesses them equally by the fact that they exist. They are not rights created by governments, but they must be protected by a

just government. We shall see in upcoming lessons how important this legal/natural

distinction is for modern critical debates about religion and religious freedom.

LEGAL (CIVIL) RIGHTS



Legal or civil rights are privileges and powers created by governments and conferred upon all, or some, persons through law.

NATURAL (HUMAN) RIGHTS



Natural or human rights are intrinsic to all people by virtue of being human. They are neither given nor taken away by governments.

America's First Freedom

Since *human rights* are rightly understood as rights that are intrinsic to every human being and not created by governments, the Founding Fathers of the United States recognized that they were not *giving* rights in the nation's founding documents but merely *recognizing* them as any just government would. In the Declaration of Independence, the American Founders called these rights "unalienable rights" because they are rights that cannot be justly "alienated," or taken away, from any human being by governments or anyone else. While the Founding Fathers typically used the 18th century term "unalienable" in their

writings, this curriculum will use the more modern term "inalienable" except when preserving the original language of the Founders. The Declaration specifically mentions three inalienable rights: life, liberty, and the pursuit of happiness. The Founders also recognized certain inalienable rights in the Constitution's Bill of Rights including the First Amendment right to free exercise of religion. They believed religion to be critically important to the new Republic and viewed religious freedom as foundational to other rights. That's why they considered it "the first freedom."

Applying their belief in the inalienable rights of human beings, the right of free exercise of religion was recognized by the Founders as our *first freedom*.

Why Religious Freedom?

This brings us to the question asked in this lesson's title—is religious freedom a human right? To answer this question, let's return to another question we asked earlier in the lesson—what constitutes religion? The very fact that we struggle, and at times agonize, over the definition and characteristics of

religion highlights the importance of religious freedom. To deny human beings the ability to investigate ultimate things for themselves and act upon their conclusions is to deny, in large part, what it means to be human. We have no evidence that other creatures have this type of curiosity. We certainly have no evidence that

they create symbols to express their beliefs or physical buildings to hold their sacred objects or conduct their rites and rituals. Importantly, no creatures other than human beings strive to live in accord with moral teachings that are difficult to achieve but essential for their happiness. These characteristics belong exclusively to humans. In other words,

religious freedom allows every person to live a fully human life. It empowers each of us to search for truths about a greater-than-human source of being and ultimate meaning and to act on those conclusions free from the coercion of others. In essence, the right to believe or not to believe is fundamental to human identity.

Does Religious Freedom Have Limits?

Some critics wrongly claim that religious freedom is merely a front for prejudice, inequality, or injustice. In fact, the opposite is actually true. Religious freedom is society's best chance to protect human dignity, promote human equality, and achieve social justice. This doesn't mean that the right to act on the basis of one's religious beliefs is absolute.

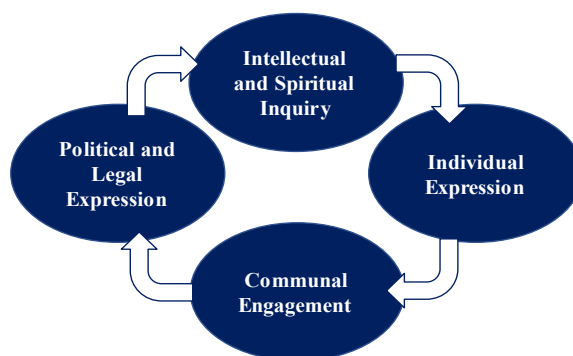
Without true religious freedom, religion can actually be a source of discord or even violence in the hands of some individuals or groups. In other words, religious freedom prevents potential abuses of the otherwise positive quality of religion by people looking to serve only their own goals or ambitions. Thus, true religious freedom has at least 3 distinct limits.

(1) *Religious freedom does not create a legal monopoly for one religion.* This is not to say that a society of individuals could not collectively decide to follow the same religion. It does mean that those decisions cannot be coerced and that the right to change one's religion must be allowed.

(2) *Religious freedom does not provide a legal or moral right to repress the natural rights of other human beings.* Religious freedom can never be used to violate another's inalienable human rights.

(3) *Religious freedom does not provide a legal or moral right to act in ways that are violent or cause physical harm to others.* Religious freedom encourages open debate and the free exchange of ideas, even if it makes someone uncomfortable. However, no one can use their religion to promote physical harm to another or engage in actions that are physically violent toward another.

The Dimensions of Religious Freedom



In summary, religion is natural to humans and religious freedom is an important part of ensuring human flourishing. Only an unjust government shows a callous disregard for the inalienable right of free exercise of religion. By contrast, a just government and the culture on which it rests embraces religious freedom as expressed in at least four distinct yet interrelated ways:

❖ Intellectual and Spiritual Inquiry

The freedom of every person to use his or her reason, conscience, and imagination to seek the truth about an unseen order of reality is critical. A purely materialist perspective is unable to define, much less defend, concepts like compassion, justice, equality, and virtue. These qualities are spiritual by their nature. Promoting religion is therefore an important part of producing a society that is compassionate, virtuous and just, in which all its citizens are equal to each other.

❖ Individual Expression

The freedom to reason about the truths one has discovered and to decide whether and

how to act upon them is vital to human justice. The search for truth is a deeply personal matter and can never be justly coerced by another.

❖ Communal Engagement

The freedom to live publicly according to religious truth and join others of like mind and spirit in living that way is foundational to human personhood.

❖ Political and Legal Expression

The freedom to express religious beliefs freely in civil society and political life, including in debates over laws and public policies, is an important part of achieving justice and the common good.

REFLECT

Now that you have explored how religious freedom is a human right, use your impressions to answer the following questions. The free-response nature of the questions is designed to promote critical thinking. In other words, there isn't one right answer. Once complete, your teacher may ask you to explain your answers or compare them with responses from other students.

I did not know that _____

I never thought about _____ being a religious freedom issue

I agree with _____ because _____

I disagree with _____ because _____

One question I still have about _____ is _____

Another example of _____ is _____

Does anyone else think that _____

So, if I understand correctly, _____

If I could change one thing in this area, it would be _____

KEY QUESTIONS

Now that you completed the lesson, can you answer the following key questions?

1. What is a good definition of religion?
2. How is religion foundational to human identity?
3. Why is defending religious freedom necessary for protecting human dignity?
4. Why is it important to distinguish between natural rights and legal rights?
5. Is religious freedom absolute?
6. What are ways the four dimensions of religious freedom are threatened in modern society?

ADDITIONAL READING

Bennett, Andrew and Aaron Neil. [“Who Are You? Reaffirming Human Dignity.”](#) (2019).

Dell Turco, Arielle and Mary Szoch. [“Religious Freedom is a Matter of Human Dignity.”](#) (2021).

Farr, Tom. [“What in the World is Religious Freedom?”](#) (2019).

Moore, Russell D. [“Freedom to Believe and Act: Why We All Need Religious Freedom.”](#) (2016).

ⁱ Edwards, Paul ed., Encyclopedia of Philosophy: Religion (New York: Macmillan, 1967), vol. 7, p. 141-142

ⁱⁱ Winzeler, Robert. L. Anthropology and Religion. (Lanham, MD: Rowman & Littlefield Publishers, 2012) p. 7

ⁱⁱⁱ Anthropology, edited by Nicholas Croce, Rosen Publishing Group, 2015. ProQuest Ebook Central accessed on 2020-11-18

^{iv} Peter Berger, Jose Casanova (1994)

^v <http://www.globalreligiousfutures.org/>

^{vi} Green, Adam. Cognitive Science and the Natural Knowledge of God. The Monist, July 2013, Vol 96, No. 3, Naturalizing Belief (July 2013). pp. 399-419

^{vii} Justin L. Barrett, “The Naturalness and Freedom of Religion” (paper prepared for Witherspoon Institute Consultation on International Religious Freedom, May 6, 2011); See also Justin L. Barrett, Why Would Anyone Believe in God? (Lanham, MD: AltaMira Press, 2004).

