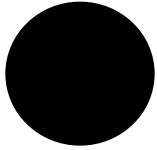


REFLECTIONS

Nikolas Gvosdev is executive editor of The National Interest and a senior policy fellow at the Institute for Religion and Public Policy in Washington, D.C.



Managing Pluralism

The Human Rights Challenge of the New Century

Nikolas Gvosdev

The end of the Cold War, the collapse of totalitarian states, and the various “waves” of democratization that have occurred in different regions of the world for the last 30 years (in Latin America, Southern Europe, Eastern Europe, Eurasia, Africa, and East Asia) have fundamentally changed the international dialogue about human rights. “Pluralism” is in vogue, as the Bangladeshi newspaper *Dainik Janakantha* recently editorialized: “It is the age of achieving freedom.... It is the age of singing songs of triumph...of pluralism over authoritarianism. It is the age of exception, the age of difference, and the age of proclaiming the victory of mankind and diversifying the sources of creativity.”¹

Most people, whether in Germany, Singapore, Venezuela, Egypt, or Uzbekistan, now live under systems that uphold the principle of pluralism, that citizens have freedom of choice in matters of thought, religion, belief, and lifestyle. “Totalitarian” states are few and far between. The Chinese journalist Ren Zhongping’s exaltation of Marxism—“Marxism is our guiding ideology on building our party and state, the guide to action in all our work.... Only by upholding and consolidating Marxism’s guidance position will the entire party and the people of the entire country be able to always advance in the correct direction”²—sounds increasingly archaic in the contemporary world.

We are much more comfortable with the rhetoric espoused by a Ugandan minister and a leading figure in his country’s ruling National Resistance Movement, who said that the task now facing the state is to

transform political life “where the culture of tolerance is paramount and change of guard is determined by the people.... Others who do not share in this view will eventually realize it is the wisest way to go.... To say ‘no’ to the president augurs well for the politics of this country. It shows that Ugandans have matured politically and do not want the idea of *alagidde* [he has ordered].... It is obvious, it is a natural process....”³

The debate is no longer over whether citizens have a right to choose—but how many options should be made available to them. The path of political pluralism in Russia over the last decade reflects this shift. Eleven years ago, Mikhail Gorbachev ended the Communist Party’s legal monopoly on power, setting the stage for the emergence of a multiparty system. By 1993, some 43 different parties and electoral blocs had been registered to compete for seats in parliamentary elections. Recent legislation passed by the Russian State Duma and signed into law by President Vladimir Putin, now places limits on the number of political movements that may nominate candidates and contest elections. To be considered a national political party, an organization must register at least 10,000 members, have local organizations in half of Russia’s 89 regions (each with a minimum membership of 100), and have a presence in every region of no fewer than 50 members. This measure was touted as a necessary step to encourage dozens of small, competing groups to consolidate themselves into large, well-organized parties. Limiting the *quantity* of choices has been justified on the grounds

of improving the *quality* of the options being proffered to the citizenry.⁴

How big (or how small) must the menu be in order for an outside, neutral observer to be reasonably satisfied that an individual's right to freedom of choice is being respected? Consider the question of religious pluralism. In the constitutions both of the United States and of the Republic of Turkmenistan, the principle of freedom of conscience is guaranteed. Both states recognize and protect the right of the individual to profess no religion. However, whereas over two thousand religious organizations compete for the spiritual allegiance of Americans, in Turkmenistan only two faiths (Sunni Islam and Eastern Orthodox Christianity) are legally permitted to open and maintain houses of worship, distribute religious literature, and engage in religious education. Citizens of Turkmenistan, therefore, have a very limited menu of religions from which to choose, a fact that has led to severe criticism of the country by non-governmental human rights organizations as well as by such official bodies as the U.S. Department of State and the European Parliament.⁵ The issue is not that Turkmenistan does not permit freedom of choice in religious matters, but that it allows for too few choices.

At what point, however, between two and two thousand, should and would criticism of Turkmenistan abate? Romania has 15 recognized religious communities, while in Austria, 12 "recognized" religious societies and 9 "confessional communities" are able to function as "public corporations."⁶ Are these numbers, or the differences in types of faiths recognized, sufficient to ensure that most citizens in each case have freedom of choice in religious matters? Is pluralism to be measured solely by quantity, or is diversity also a legitimate yardstick?

Of course, absolute pluralism—in any society—is an impossibility. For the sake of civic peace and societal cohesion, certain beliefs or practices may be either mandated or

proscribed, even at the cost of interfering with an individual's freedom of choice. In 1878, the U.S. Supreme Court, in the case of *Reynolds v. United States*, declared that "laws are made for the government of actions, and while they cannot interfere with...belief and opinions, they may with practices... Can a man excuse his practices to the contrary because of...belief? To permit this would be to make the professed doctrines...superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."⁷ Echoing the court a century later, Ali Khosh Goftar, an Iranian scholar attached to the Qom Theological Seminary's Center for Cultural Studies, points out that every regime is constructed on a "series of solid and immovable foundations, constant tenets, and unfaltering principles"; for the sake of its own survival, no regime can allow a public challenge which might undermine those guiding principles.⁸

Finding the Balance

Every society "manages" pluralism to some degree. International law permits limitations deemed "necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others" (article 18.3, International Covenant on Civil and Political Rights). Different societies use different mechanisms to regulate pluralism. In Iran's "religious democracy," "the public domain is governed and regulated by laws which are either copied from or inspired from religious tenets."⁹ In the United States, market forces determine the makeup of the public square; the "separation of church and state" mandated by the First Amendment to the Constitution prohibits direct state funding of religious and philosophical movements; therefore, groups and ideologies must attract adherents and sponsors to survive as public institutions.

There is no consensus, however, as to when the line is crossed. When are restric-

tions on an individual's freedom of choice or a group's freedom of action justified by "public expediency," to borrow Jean-Jacques Rousseau's phrase,¹⁰ and when do they constitute an unacceptable violation of human rights? Finding the balance has been the source of much friction in recent years. Consider the resolutions adopted in 2000 by the European Parliament concerning international human rights.¹¹ These European statesmen urged a number of states in Eastern Europe, Eurasia, the Middle East, and the Far East to "end repression and discrimination against peaceful religious and philosophical minorities." They also called for the full implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women, asking that governments "refrain from invoking religious or cultural considerations to avoid obligations in this respect."

However, Europeans need look no further than their own backyards to discover the gap that exists between advocating these principles and implementing them. France, Britain, Switzerland, Germany, and Italy, among other European countries, monitor and restrict the activities of groups that, although nonviolent, threaten to undermine social stability. Individuals or groups can be censured if they deny the fundamental legitimacy of the government, refuse to pay taxes, forbid children to attend school or opt out of parts of the curriculum, preach against medicine and health care, engage in practices deemed to be "unsafe" by the majority, or prevent people from discharging their obligations of compulsory state service. The cultural and religious traditions of the European nations cannot be so neatly separated from state policies, whether this is manifested in compulsory religious education in state schools, prohibitions against polygamy, or designating Sunday and Christian holidays as official days of rest.

Take the question of pacifism, whether advocated on religious or humanitarian

grounds. The European Parliament, for example, encourages the member states of the European Union "to observe strictly the right to conscientious objection, without reference to any religious criteria, and...[to] offer an alternative to military service of equal duration, which should not be turned into a punitive form of civilian service..."¹² Are all states in the world, however, equally capable of implementing such a charge, without endangering national security?

To the United States, a nuclear superpower comprising 280 million individuals, with a large, all-volunteer armed force and the most sophisticated military technology in the world, the existence of a relatively small number of pacifists in no way undermines national security.

In contrast, in a state like Azerbaijan, with a population of 7.5 million, 20 percent of its territory occupied by Armenian separatists in Nagorno-Karabakh, and surrounded by powerful neighbors who have in the past backed rebellions against the constituted authority, does not the pacifist, no matter how honorable his intentions may be, threaten the ability of the state to defend itself? Should a state in that position not have the right to prevent its citizens from opting out of military service? Such conditions are a major reason why Azerbaijan, although recognizing in theory the pacifist objection to military service, has not, in practice, set up a legal mechanism for dealing with conscientious objection.¹³ (A similar observation could be made with regard to Armenia, where Jehovah's Witnesses, in part because of their antigovernment, antimilitary stance, have faced governmental and social harassment.)

No competent international authority has defined the precise limits of pluralism, or whether those limits are dependent upon social and political conditions in each specific country. Jordan, for example, was highly critical of a recent U.S. State Department report on human rights conditions in the kingdom, particularly the "failure to incor-

porate information about economic and regional conditions the country is witnessing.” It charged that the United States was “confusing human rights concepts with maintaining public rights and law and order.”¹⁴ In the absence of a single international standard, each state puts forth its own criteria for judging compliance. Because the United States is the world’s preeminent power, it is frequently charged with using international human rights standards as an “engine of domination” in its attempts to impose American values on other states.¹⁵ American foreign policy observers themselves observe that the United States, while invoking “international standards,” often measures the behavior and policies of other states by its own domestic criteria.¹⁶

Differences in understanding how pluralistic principles should be applied in actual practice have begun to have an impact on American bilateral relations with key allies that are themselves democracies. Differences with respect to religious freedom, for example, have strained Washington’s relations with two key European partners, France and Germany.

In December 1999, French foreign minister Hubert Vedrine, himself an advocate of expanding pluralism,¹⁷ complained to Secretary of State Madeleine Albright about American criticism of French policy toward “sectarian” religious movements: “This baseless questioning of French public action by your administration at the same time as the dialog between our senior officials is continuing has cast a shadow over the very productivity of this dialog.”¹⁸ In response to U.S. congressional criticism in 1997 of Germany’s treatment of Scientologists and other “new religious movements,” a German commentator noted: “There has been a dramatic loss of foreign policy competence in the Congress, whose most absurd result to date has been the resolution on freedom of religion in Germany. The loss of knowledge and interest can prove dangerous when there is an important issue at stake. As a

friend and ally of the United States, the Federal Republic has every reason to be concerned.”¹⁹ These disagreements were reflected in part in the reallocation of seats on the United Nations Commission on Human Rights in May 2001, when the United States was voted off the commission for the first time in its history.

In addressing this issue, University of Chicago political scientist Nathan Tarcov counsels: “The need to distinguish universal principles from American particularities and to respect the particularities of others is present in any foreign policy concerned with human rights.”²⁰ All too often, human rights standards have been projected in a social and cultural vacuum. This is a grave mistake, for pluralistic systems evolve within the context of specific cultures and adapt to existing economic, educational, and political conditions.

“Indigenous” Pluralism

Given that the world is moving in the direction of pluralism, one of the first steps needed to ensure a smooth transition is a “cultural audit” to identify the core values and indigenous elements in each society. Homogenization is not the answer, for pluralism itself recognizes a plurality of means to achieve the same ends. It is not people’s choices that need to change, but rather the ability of the institutions within societies (government, law, the educational system) to reflect and process those choices.²¹ The chairwoman of the Commission on Gender Equality in South Africa, Thenjiwe Mtintso, in discussing how South Africa should deal with religious, cultural, traditional, and customary practices that might conflict with women’s rights, agrees: “Of course you can’t simply legislate against these things. The challenge is how to change some of these cultures and some practices which are supposedly our culture.”²² The U.S. State Department’s practice of including a discussion of “societal attitudes” in every country report in its annual assessment of

international religious freedom, is a useful first step.

“Indigenous” pluralism must first be encouraged to thrive. Too often, Western advocates of human rights interpret pluralism to mean openness to foreign ideas and groups. One of the great mistakes in recent years in trying to promote greater religious freedom in the countries of the former Soviet Union, for example, was to focus almost exclusively on the trials and tribulations of foreign missionaries, as if this was the *sine qua non* of the acceptance of pluralism. Often, local religious groups that lack foreign sponsors have been ignored. Too often, pluralism has been reduced to a model of “the one native, indigenous group” coexisting with foreign imports. Ironically, while most of the debate about Russia’s 1997 law on religious freedom focused on its potentially negative impact on the ability of American Protestant groups to function in Russia, among the first groups targeted under the new legislation were dissident or breakaway Russian Orthodox congregations and indigenous sectarians.²³

We should draw a clear distinction between promoting pluralism and encouraging the development of “open” societies. Both, in the end, reinforce each other, but the proper sequencing is essential. The necessary first step, acceptance of diversity, must come from within a society; it cannot be imposed by outsiders. In this regard, such religious pluralism as exists in Syria, where various Muslim and Christian communities coexist, or the attempts by reformists in Iran to encourage limited pluralism in the media, the political system, and cultural life within an Islamic framework, are positive developments that ought to be encouraged.

Greater attention must also be paid to the relationship between pluralism and tolerance. Without a broad-ranging societal acceptance of diversity, artificially encouraging the expansion of pluralism is doomed to failure. Some countries may need to place

certain limits on pluralism in order to promote tolerance. For example, in Kazakhstan ethnically based political parties and movements are banned—they can neither field electoral candidates nor publish information about themselves—a policy justified by the delicate nature of interethnic relations in the republic. (The majority ethnic Russian and ethnic Kazakh communities are nearly equal. But there are also ethnic minorities—Germans and Koreans, for example—whose ancestors were deported to Kazakhstan by Stalin. Moreover, the Russian population is concentrated in the industrialized northern areas, where there are significant resources.) One wonders how the course of history might have been changed if a similar ban had been enforced in Bosnia during the 1990 elections.

In a number of multiconfessional societies such as Albania, Azerbaijan, or Tatarstan (in the Russian Federation), long-standing arrangements that facilitated peaceful coexistence between Christians and Muslims are being threatened by the arrival of Western Protestant missionaries and Islamic activists from the Persian Gulf and Pakistan. Restrictions on proselytizing by foreign citizens—measures already in place in Tatarstan and Azerbaijan—have been justified on the grounds of preserving intergroup harmony. Indeed, bombing attacks directed against two Christian churches (one Adventist and one Russian Orthodox) on New Year’s Eve 2000 in the Tajik capital of Dushanbe (and an earlier attack against a Korean Christian mission) have been linked to Muslim students who had taken offense at anti-Islamic propaganda distributed by foreign missionaries who had no connection to the local congregations that were attacked. Many states—Canada, the Russian Federation, Germany, and Romania among them—have constitutional provisions limiting freedom of expression and organization for groups espousing intolerance or national or religious hatred. The question of limiting and managing pluralism in order to preserve

a tolerant society is rarely addressed by human rights advocates, however.

A Healthy Dose of Pragmatism

This leads one to conclude that, in the coming years, a healthy degree of pragmatism will be required in dealing with human rights issues. Many of the main rallying cries heard during the Cold War—that governments permit “free and fair elections,” or that basic guarantees for the freedom of the press and religion be put in place—have been or are now being achieved. The challenge now is how to assess whether the standard chosen by a country—especially if ratified at the ballot box by the population—is too restrictive of individual rights.

Iran defines its policies through the prism of Islam. Mongolia has declared that the state must respect the “dominating position of Buddhism” and give “priority to the unity of the Mongolian people and historic traditions of our civilization” in formulating policy.²⁴ France resolutely maintains secularism as the defining characteristic of French (and European) society, which overrides private religious concerns in the public sphere.

Increasingly, human rights concerns focus on the rights of minorities who seek to deviate from the social mainstream—in religion, political philosophy, attitude toward medicine, or lifestyle. In the end, not all individuals will be completely satisfied with the society in which they live. Polygamists in Utah and Arizona, for example, who believe that multiple wives are necessary to their well-being might find it necessary to relocate to the Russian republic of Ingushetiya, whose president, Ruslan Aushev, promulgated a decree allowing male citizens the right to enter into marriage with up to four females who are not already married and who consent to enter into such a relationship. Gays and lesbians in committed relationships, however, may not find Ingushetiya a welcoming place. In responding to vocal Western criticism of his polygamy decree as “uncivilized” and “barbaric,”

Aushev shot back, “I too am against the kind of civilization typical of the West where homosexuality and lesbianism are legalized.”²⁵

The United States is heir to a dual missionary tradition. The tradition manifests itself in a strain of political idealism that desires the world to be remade in its own image. But it also has a practical side: thousands of American citizens live and work overseas, trying to convert people to their religious, political, or philosophical point of view—from Mormon missionaries in India to Southern Baptists in France to Scientologists in Germany to Hare Krishna in Ukraine. The challenge before policymakers today is not to fall into the trap of identifying international human rights with the success of American missionary groups. ●

Notes

1. “Call to Resist Fundamentalism,” *Dainik Janakantha*, June 5, 2001, p. 16, cited in *World News Connection: Near East and South Asia*, FBIS-NES-2001-0608, June 8, 2001.

2. Ren Zhongping, “Consolidate and Strengthen Marxism’s Guidance Position,” *Renmin Ribao* (internet version), June 7, 2001, cited in *World News Connection: China*, FBIS-CHI-2001-0607, June 7, 2001.

3. “Movement Official Hints at Future National Political Structural Changes,” *The New Vision* (internet version), June 29, 2001, cited in *World News Connection: Sub-Saharan Africa*, FBIS-AT-2001-0629, June 29, 2001.

4. “Putin Signs Bill on Parties Into Law,” *Interfax Presidential Bulletin Report*, July 12, 2001; and “Putin Welcomes New Political Alliance,” *Interfax*, July 12, 2001. Both reprinted in *World News Connection: Central Eurasia*, FBIS-SOV-2001-0712, July 12, 2001.

5. For more on the situation in Turkmenistan, see Felix Corley, “Atakov’s Family Pressured to Convert to Islam,” *Keston News Service*, March 26, 2001, available at www.keston.org/010326TK.html; *U.S. Department of State Annual Report on International Religious Freedom for 1999: Turkmenistan*, released by the Bureau for Democracy, Human Rights, and Labor, Washington, D.C., September 9, 1999, and available

at www.state.gov/www/global/human_rights/irf/irf_rtp/1999/irf_turkmenit99.html.

6. The 15 recognized faiths in Romania are: Eastern Orthodox, Greek Catholic, Roman Catholic, Reformed (Calvinist), Evangelical-Lutheran, Lutheran-Presbyterian, Unitarian, Armenian Apostolic, Old Believer, Muslim, Jewish, Baptist, Seventh-day Adventist, Pentecostal, and the “Gospel Christian” (Evangelical). In Austria, faiths enjoying a recognized status are: Roman Catholic, Lutheran, Muslim, Old Catholic, Jewish, Eastern Orthodox, Mormon, New Apostolic, Syrian Orthodox, Armenian Apostolic, Methodist, and Buddhist; the “confessional communities” include Jehovah’s Witnesses, Baha’i, Baptists, the Evangelical Alliance, the Movement for Religious Renewal, Pentecostals, Seventh-day Adventists, the Coptic Orthodox Church, and the Hindu Religious Community.

7. *Reynolds v. United States*, 98 U. S. 145 (1878), quoted in *American Constitutional Law*, 4th ed., ed. Martin Shapiro and Rocco J. Tresolini (New York: Macmillan, 1975), 450–51.

8. “Reaction or Realism?” *Resalat*, March 17, 2001, p. 16, cited in *World News Connection: Near East and South Asia*, FBIS-NES-2001-0430, April 30, 2001.

9. Interview with reformer Ali Reza Alavi-Tebar, “Distinctions Between the Two Notions of Religious Democracy and Liberalism,” *Dowran-e Emruz*, December 10, 2000, p. 9, cited in *World News Connection: Near East and South Asia*, FBIS-NES-2001-0214, February 14, 2001.

10. Jean-Jacques Rousseau, *The Social Contract*, book 4, chap. 8 (Geneva, 1762), trans. G. D. H. Cole.

11. Resolutions 11317/2000–C5-0536/2000 and C5-0628/2000–2000/2105 (INI).

12. See the European Parliament resolution on the situation as regards fundamental rights in the European Union, 2000/2231 (INI).

13. Based on statements of government officials who participated in the Conference on Freedom of Religion or Belief, sponsored by the Constitutional Court of the Republic of Azerbaijan, Baku, October 26–27, 2000.

14. Alia Shukri Hamzah, “Jordan Asks for ‘Objectivity, Accuracy’ in US Human Rights Report,” *Jordan Times* (internet version), April 27, 2001, cited

in *World News Connection: Near East and South Asia*, FBIS-NES-2001-0427, April 27, 2001.

15. Bruno Fouchereau, “Sects, The Trojan Horse of the United States in Europe—In the Name of Religious Freedom,” *Le Monde Diplomatique*, May 1, 2001, cited in *World News Connection: West Europe*, FBIS-WEU-2001-0504, May 4, 2001.

16. Leo P. Ribuffo, “Religion in the History of U.S. Foreign Policy,” in *The Influence of Faith: Religious Groups and U.S. Foreign Policy*, ed. Elliott Abrams (Lanham, Md.: Rowman and Littlefield, 2001), p. 22.

17. In April 2001, for example, Vedrine counseled Vladimir Putin: “The pluralism of information and the independence of the media are essential components of a state based on the rule of law.... I hope that the Russian authorities fully realize what we expect from a democratic state in this field” (“French Foreign Minister Concerned Over Media Freedom in Russia,” *AFP*, April 19, 2001, cited in *World News Connection: West Europe*, FBIS-WEU-2001-0419, April 19, 2001).

18. Fouchereau, “Sects,” p. 26.

19. “Transatlantic Rudeness,” *Frankfurter Rundschau*, November 3, 1997, reprinted in *World News Connection: West Europe*, FBIS-WEU-97-308, November 4, 1997.

20. Nathan Tarcov, “Comments,” Abrams, ed., *Influence of Faith*, p. 31.

21. I am indebted to Nicolai N. Petro for the ideas he expressed in his keynote address to the Conference on Civil Society and the Search for Justice in Russia, Baylor University, February 1, 2001.

22. “Mandela Urges Implementation of Gender Equality,” *SAPA*, March 25, 1998, cited in *World News Connection: Sub-Saharan Africa*, FBIS-AFR-98-084, March 25, 1998.

23. The 1997 law on religious freedom required religious groups that sought to register as public organizations to demonstrate that they had been present in Russia for at least 15 years; religious groups that are not officially registered have fewer rights to organize and own property and must fulfill a series of state-mandated conditions in order eventually to achieve full registration. The trends described in this paragraph have been tracked by Lee Trepanier, Southern Utah University, and Lawrence Uzzell, director of the Keston Institute, Oxford. See, for example,

Lawrence Uzzell, "Current Developments in Russia: Issues in Church and State," presentation, J. M. Dawson Institute of Church-State Studies, Baylor University, September 13, 1999. Trepanier's research will form part of his contribution to *Civil Society and the Search for Justice in Russia*, ed. Chris Marsh and Nikolas Gvosdev (Lanham, Md.: Lexington Press, forthcoming 2002).

24. Article 4.2 of the Law on the Relationship Between the State and the Monastery (1993).

25. "Aushev Defends Decree on Polygamy in Ingushetia," *Interfax*, July 29, 1999, cited in *World News Connection: Central Eurasia*, FBIS-SOV-1999-0729, July 29, 1999.