

Religious Liberty: A Heritage at Stake

Americans take justifiable pride in celebrating the religious liberties assured by the First Amendment. Such freedoms should not be taken for granted. They were a long time in being fashioned but are under constant assault from ideological opponents and opportunists. A brief history of religious liberty is a reminder of its tortured story.

On October 15, 1573 in Antwerp, Belgium, the Inquisition is in full swing. A woman named Maeyken Wens was arrested and tortured. Her tongue was then screwed to her upper palate so she could not witness to her faith while she was hauled in a cart to the place where the sentence was carried out. She was burned at the stake.

What was her crime? What violation of law had she committed for which she was now suffering the ultimate punishment? She preached the Gospel as she understood it from her personal readings of the New Testament.

The Inquisitor had found her guilty of heresy, impiety, and disobedience to Mother Church. And for that, the government put her to death. There was no separation of church and state. "God" was directly related to the affairs of government. Doctrine was imposed by law.

Religious liberty was only a dream. It was put to the torch as they burned Maeyken Wens, an Anabaptist mother of nine.

A century later (1672) in Bedford, England, a gentle woman pled her case before the judge. Her request is simply that her husband be released from jail. He was now in his twelfth year without a trial.

Her husband was John Bunyan. His crime? He disobeyed the Queen's orders to stop preaching Baptist doctrines and beliefs. There was no room

for dissent from orthodox doctrine in England. Bunyan served a total of 14 years in prison for insisting on freedom of conscience in religious matters. His imprisonment was interrupted for a time when his wife appealed to the sympathetic judge.

The fires of religious intolerance still burned in England. An official church and its "Act of Intolerance" forbade any religious witness not approved by the Crown. Bunyan died in 1688.

A century later, in the Commonwealth of Virginia, a dramatic conversation took place between neighbors in Orange County. They were James Madison and John Leland. The subject was the established church of Virginia. The Baptists felt it unjust that they should be taxed to pay the salaries of Anglican priests and support the work of a church with whom they had strong religious differences.

A political consensus was apparently reached. Leland would withdraw his opposition to Madison and Baptists would support the Jefferson-Madison efforts to disestablish religion in Virginia and to ensure religious liberty in the Constitutional Congress. Virginia approved a declaration of religious liberty in January 1786, and the Constitutional Congress followed suit under the leadership of Madison and Jefferson, who later spoke eloquently of a "wall of separation" that should exist between church and state.

A Free Church in a Free State

Maeyken Wens had not died in vain. John Bunyan's imprisonment had been redeemed. From the blood, tears, ashes, and prayers of those

Dr. Paul D. Simmons

A new vision had been born—a free church in a free state. An amendment was added to the Constitution of this new land: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

who had suffered so brutally for insisting on liberties of the mind and conscience, a new era came into being. A new relation between church and state without parallel in other countries of the world was being implemented.

States slowly but wisely adopted the new amendment. Connecticut dropped its established church in 1818 and Massachusetts followed in 1833. A new vision was taking hold in the community of states that was to ensure ancient patterns of oppression and false alliances would not be repeated in America. Three patterns were clearly rejected.

First, in this new republic there would be no dominant church over state. The Holy Roman Empire was dead. It would not extend its evil collusion of church and government into this "kingdom by the sea."

Second, gone were the days when the king could control a subservient church. King Henry VIII had only reversed the political alliance he saw in Rome. With Thomas Hobbes, he felt the state should control the church.

Third, the theocratic vision of Puritan New England was also rejected. In America, citizenship would in no way be linked to orthodox religious believers.

A new vision had been born—a free church in a free state. An amendment was added to the Constitution of this new and different land: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This simple but profoundly important amendment was intended to guarantee that:

- Congress would not make any religious group or church the established, favored, or official church for the nation;
- Citizens would not be required to pay taxes to support any religious establishment; religions would be free to support themselves by their own constituents, but government funds would not be used to support religious causes or institutions;
- Congress or government officials would not interfere in doctrinal disputes; no one group's religious dogma would be made law for everyone nor would anyone be forced to live by any particular doctrine;
- Dissent on religious opinion could not be used as the basis of criminal prosecution;
- Government would not interfere with religious exercises; it would occupy itself with maintaining domestic tranquility and defending the country against enemies, both domestic and foreign;
- The people would be free to be religious or not religious; the power of government could not be used to force religious practice or doctrine upon anyone. Religion was to be purely

voluntary. Government could use its coercive powers only for the interests of state; it is not a religious body, and prayer and doctrine are not in its jurisdiction.

This amendment fashioned a new relation between religion and politics. The task of government was to preserve and protect this arrangement of religious and secular affairs. The courts were appointed guardians to ensure strict adherence to the "wall of separation" that should exist between the powers of church and those of the state. Congress was carefully restricted in the types of law that could be imposed on the citizenry—no dogma could be camouflaged as law, even under the guise of majority opinion.

Religious liberty was given birth. A glad and glorious era was conceived and brought forth in this new land. A witness was raised to all the world that drawing a firm line between the interests of government and those of institutional religion would best protect the uniqueness and value of each. Religious groups such as the Baptists and Methodists and free-thinkers such as Madison and Jefferson believed that liberty in religion would better ensure the freedoms of government and civil co-existence in a pluralist society.

FREEDOM OF RELIGION meant that government could not coerce people of faith to conform to regulations in doctrine, morals, or polity not of their church's own making.

FREEDOM FOR RELIGION meant that religious leaders were free to speak their mind, even criticizing policies and practices of government without fear of punishment or retribution.

FREEDOM FROM RELIGION candidly recognized that even atheists have rights of conscience in a free and pluralistic society. Government would also protect the rights of those who preferred no religion at all.

Religious Freedom—A Fragile Possession

A social contract of toleration, respect, and acceptance of various religious traditions and doctrinal persuasions was fashioned and accepted by all groups consenting to the new Constitution.

The covenant was dearly won. But religious liberty and the tolerance it requires between and among the various faith traditions was and is a fragile possession. Its protections lie in the First Amendment, an informed Supreme Court and judicial system, a friendly and supportive Congress and Executive branch of government, and the mutual agreements of the various sects and denominations in America.

More than 200 years after that precarious agreement, we are testing whether it can survive a new assault and ensure our children the liberties thus far enjoyed but too often simply taken for granted. New alliances have emerged that threaten the guarantees at the heart of the First Amendment. Religious liberty is under fire.

The "free church in a free state" idea has always been a minority opinion in America. Now the church-over-staters, the state-over-churchers, Puritan theocrats, and a variety of politicians who care little for religion but a great deal about power are working fervently to erase the protections and privileges of separating church from state.

Fundamentalist (Evangelical) Christians whose roots are in Puritan New England are trying to exploit newly-organized political power in Washington. Pat Robertson with his Christian Coalition intends to name the next president of the United States and to influence the appointment of Supreme Court judges. The religious right wants America to be a theocracy with civil and religious morality intertwined. They are trying to impose their moral and doctrinal opinions on everyone. They would make us all free to believe just as they do! The Puritan preacher was a stern moralist who believed that mere mortals could never decide rightly before God. Only the clergy had such authority from God. For the Puritan preacher, playing God, judging the laity, and ordering the magistrate to pass laws to serve righteousness and ensure doctrinal fidelity was God's will.

Religious Liberty Under Fire

The long line from Cotton Mather and Jonathan Edwards now includes Jerry Falwell, Pat Robertson, James Dobson, and other fundamentalists who seek political power "in the name of God." Falwell once said: "I have a divine mandate to go right into the halls of Congress and fight for laws that will save America. He has called me to this action."

The mentality that blended religion and politics is precisely what drove Roger Williams out of Massachusetts and into the wilderness with the Indians during the frigid winter of 1635. The land he purchased became the Colony of Rhode Island, which became a bastion of religious freedom. No matter whether one was Catholic, Jew, Protestant, Muslim, or an atheist, one was free to follow the dictates of one's own conscience. The First Amendment to the Constitution followed the Rhode Island example.

The Puritans among us would still suppress dissent, control our thoughts and freedom of expression, muzzle our minds, and ban our books. They still insist on doctrinal creeds and conformity to moralistic codes. We always have Puritanism with us; it lives to kill the freedom of the human spirit in the name of "Christian orthodoxy." Soul competence and freedom of conscience have never been tenets of Puritan theology. The fundamentalists are putting religious liberty under fire.

Politically, they are organized into a powerful rightwing movement, supporting ultra-conservative causes and political leaders. The coalition is broad enough to include certain Protestants, the National Council of Catholic Bishops, and others

who share their radical socio-religious agenda. The fiery rhetoric of "culture wars" and the belligerence of an absolutist mindset characterize the religious right. Politicians such as Pat Buchanan, Steve Forbes, Lamar Alexander, and Gary Bauer openly solicit the favor of this reactionary movement by supporting policies that are inimical to the First Amendment:

- Tuition tax credits and school vouchers are sought under the guise of "choice" and quality education but would in effect provide public funding for religious groups.
- The traditional Roman Catholic approach to family planning has shaped federal regulations domestically and in foreign policy.
- A ban on abortion still has wide support in Congress and state legislatures based on a doctrine of personhood (that one is a person "from the moment of conception") that is odious to many Protestants, American Catholics, and Jews.
- Barriers to abortion are imposed by many states, which penalize women whose faith tradition and religious convictions support their decision to terminate a problem pregnancy.
- Requirements for mandated prayer in the public schools continue to be proposed at both state and national levels.
- Efforts continue to pass an amendment to the Constitution declaring that America is a Christian nation.

The Constitution assures us that Congress should make no law governing religious matters. Prayer is the business of the church; it is entirely voluntary and should not be used to badger or harass people with different religious perspectives. The coercive arm of government does not belong in the religious arena.

William Bennett, former secretary of education and now active in the religious right, argues that "freedom of religion is being destroyed" by those who oppose government-mandated prayers and tuition tax credits. His "values in education" agenda is strongly committed to breaking the wall of separation between church and state. He believes religion will not survive if government does not subsidize the educational and missionary enterprises of various churches.

To the contrary, religion in America has never, does not now, and will not in the future depend upon government subsidies to survive. Only those theocrats and church-over-staters who believe government should finance religious affairs believe otherwise. Their ideology, self-interest, and tradition seem clearly evident. Those who say that separation of church and state is supported only by secularists are sadly mistaken. It was given birth and is strongly supported by those of the free church tradition.

More than 200 years after that precarious agreement, we are testing whether it can survive a new assault and ensure our children the liberties thus far enjoyed but too often simply taken for granted.

The time has come to say "no" to further assaults on the wall of separation between church and state.

Bennett and others are right to say that the Judeo-Christian tradition has made a vital contribution to American government. But that contribution is best seen and experienced in one word—freedom. That means freedom from coercion by government in religious matters, freedom from doctrinal orthodoxy imposed by legislative fiat, and freedom from state financial support for religious enterprises.

Speaking Up for the First Amendment

All political leaders need a good course in American history taught by Thomas Jefferson and James Madison. The text could be *The Federalist Papers*. And if they are genuinely interested in religious liberty, let them learn from those who suffered, bled, and died to win that First Amendment guarantee. Let them learn from the horrible mistakes of the Inquisition and Puritan New England. Let them listen to the moans and prayers of those who cried for liberty from prison cells.

Those who suffered for religious liberty did not need and we do not want kings or parliaments, presidents, or Congress to tell us we must pray. When politicians learn the stern lesson of voluntarism in religion, they will begin to understand the First Amendment.

Thomas Jefferson once vowed to keep eternal vigilance and wage constant war against every tyranny over the human mind. Our spirits, our consciences, and our minds are in jeopardy of an

old tyranny in a new disguise. It seems clear that those politicians and religious charlatans speaking most about the danger to religious liberty are the biggest threat to that precious freedom. Let not the misguided, the ignorant, and the demagogues rule the day.

The time has come to say "no" to further assaults on the wall of separation between church and state. With our cards and letters, our telephone calls, our personal influence, and the process of the ballot box, we will cast our vote for religious liberty.

And there is Scripture for this. Hear the word of God proclaimed by Baptists and others who died for the right to be heard by presidents and parishioners alike:

"For freedom Christ has set us free: stand fast therefore, and do not submit again to a yoke of slavery." (Gal. 5:1)

Paul D. Simmons is clinical professor in the Department of Family and Community Medicine, University of Louisville School of Medicine. He is also adjunct professor at the Louisville Presbyterian Seminary. He served as professor of Christian Ethics at the Southern Baptist Theological Seminary, Louisville, Kentucky, for 23 years. He has been pastor of churches in Kentucky, North Carolina, and Tennessee and leads conferences on issues in medical ethics, sexuality and the family, and human rights. He is author of Birth and Death: Bioethical Decision Making (Westminster, 1983) and Freedom of Conscience (Prometheus, 2000).

The Religious Coalition for Reproductive Choice, founded in 1973, is the national organization of pro-choice people of faith in the United States. The Religious Coalition—comprising Protestant, Jewish, and other denominations and faith groups, the Clergy for Choice Network, and state affiliates throughout the country—works to ensure reproductive choice through the moral power of religious communities. In all programs, the Religious Coalition seeks to give clear voice to the reproductive health issues of people of color, those living in poverty, and other underserved populations.

Religious Coalition for Reproductive Choice

1025 Vermont Avenue NW, Suite 1130 • Washington, DC 20005

phone: 202-628-7700 • fax: 202-628-7716

email: info@rccr.org • website www.rccr.org