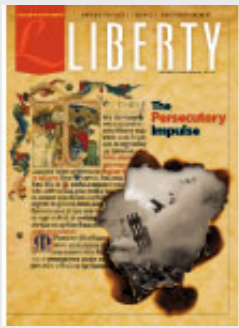


▶ Global Warning



January / February 2011

- ▶ Do Unto Others
- ▶ Europe and the Issue of Rest
- ▶ The Black-Robed Regiment
- ▶ Questions of Liberty
- ▶ Free Will, Predestination, and Religious Liberty
- ▶ The Christian Persecutory Impulse
- ▶ Lawful, But Not Helpful
- ▶ A Mosque Too Close?
- ▶ Integral History



March / April 2011

- ▶ The Fate of the Co-joined Twins
- ▶ The Medieval Not Quite Reformed
- ▶ The Rest of the Story
- ▶ Red Sunday in Washington
- ▶ The Right Thing
- ▶ The Awakening
- ▶ Beware When All Speak Well of You

+ 2010

+ 2009

+ 2008

+ 2007

+ 2006

+ 2005

+ 2004

+ 2003

+ 2002

+ 2001

+ 2000

+ 1999

Integral History

Editorial

BY: LINCOLN E. STEED

Not the catchiest of titles, but I use it for a reason. The historian Will Durant spent nearly 50 years writing *The Story of Civilization*. It put him in the company of such ambitious personal historians as Edward Gibbon and Winston Churchill. Like Churchill, Durant was able to stamp history with a well-reasoned, narrative style. Unlike Gibbon, who at times showed an antagonism to religion, Durant saw it as one of the major forces in history—and he was able to appreciate the best of the religious impulse. His method he called "integral history." For him, no force (such as religion), no person, no country, could be understood apart from the full context of history. He looked at the entire fabric of human events.

Of late it seems that the very fabric of world civilization is at the ripping point. Of late it seems that religion is out of control. Of late it seems that the structures of commerce and investment, so long taken for granted, are about to pancake down into mayhem. We don't hear as much from futurists as we used to; and there is a startlingly flat-earth mentality in the fulminations of those who would go back to a mythical past.

Only two decades on from Francis Fukuyama's *The End of History and the Last Man* we know that his view of finished social development was naive. We seem loath to accept fully Samuel Huntington's premise in *The Clash of Civilizations* that "the fault lines between civilizations will be the battle lines of the future." Of course much of his premise is somewhat self-evident. Where many fear to go is his rather detailed analysis of the obvious and worsening conflict between Islam and Christianity. It is too unthinkable an existential conflict for most to even acknowledge.

Huntington looked at some of the factors leading to conflict between Christianity and Islam. Both are missionary religions that seek to grow by conversion. Both believe that only their faith is the correct one. And both hold that their values and beliefs relate to the purpose of human existence. Generally these points are valid—and have been so for centuries, of course.

Yes, I think it only too obvious that behind the "war on terrorism," behind the religious violence in both the Middle East and the middle West, is a historic retesting of faith communities.

And in some ways most of the world is in the process of regrouping into faith communities. The old isms and ideologies are passing into denatured irrelevance. Imperialism passed on early in the twentieth century. Communism essentially expired as the century came to an end. Democracy has had superficial success, but shown itself incapable of resisting popular mandates for extremism and despotism. Pure capitalism is not held in high esteem, especially after September 2008, and exists most strongly in hybridized forms like that found in China. Nationalism in the West has declined since World War II; died in the Middle East with Nasser; and lives on elsewhere in the rump form of North Korea and Myanmar. What we are left with is a rapidly coalescing world clumping of peoples defined by common "tribe" or religion markers. That does not bode well for religious harmony, but it is not quite the clash of civilizations. In some ways it is rather the redefining of civilizations.

Given that religion is more and more a default setting, we need to keep it in mind. We cannot presume to wage a war on terrorism and pretend that we are dealing with a few bad apples and that religion generally is not at play here. We cannot imagine that extremist stirrings in the desert of the Middle East are somehow a different thing than Christian militias organizing to take back America. And on the plus side, we should know that spiritual revitalization in Latin America and Africa is empowering people to live more humane lives, cope with the rapid changes of the twenty-first century, and build toward community.

In short, we need to see current trends and religious development in particular within the matrix of "integral developments" (to borrow from Will Durant). There are a myriad powerful forces working to push our world on to change and crisis—a myriad interconnecting tendrils of "future shock." We need to recognize that many of them are working in synchronicity.



We in the religious liberty field know that there have been innumerable moments of testing in the past. In fact, there are constant legal tests to even the most settled legal assumptions underlying our liberties. It is not lightly said that eternal vigilance is the price of liberty. However, in the present global flux, religious liberty threats can approach quite near under cover of another issue entirely until it is almost too late.

Europe is wrestling with the demographic shock of mass people movements. This invokes a tribal defense. But many of the newcomers have a different faith as well, and aggressive religious intolerance breaks out on both fronts.

The Middle East is stirred by political aggression and an unwelcome modernity that seems to threaten the very cultural identity of the peoples in the region. It is no accident that the jihad from an age of religious expansion by the sword appeals to this cultural frustration. Religious self-determinism itself is threatened and internal religious feuds reignited.

The United States is itself suffering severe religious angst. There is an admirable attempt to maintain the constitutional mandate of religious freedom for all and a separation of church and state, or at least government neutrality toward religious powers. But that is hard to maintain on every front. Protestant America too easily sidles up to the church-state power that is the Vatican in a fight against the secularism that troubles all true believers—especially those who cherish the misconception that the United States was founded as some sort of religious colony. The net effect of this is a sea-change of thinking among people of faith toward any separation of church and state. And each public debate over things such as mosques in Nashville or prayer in schools or right to life only accelerates the move toward a religious formulation of what it means to be a true American. It may ultimately mean the repudiation of all the constitutional protections of religion other than those defined as "American." It does not at all seem legislatively imminent, but the "integral development" of events worldwide argues that it might be unless we specifically guard against it.

In the preface to Volume VI of his history entitled *The Reformation*, Will Durant wrote, "We begin by considering religion in general, its functions in the soul and the group and the conditions and problems of the Roman Catholic Church in the two centuries before Luther. . . . And, as we proceed, we shall note how social revolution, with communistic aspirations, marched hand-in-hand with religious revolt. We shall weakly echo Gibbon's chapter on the fall of Constantinople and shall perceive how the advance of the Turks to the gates of Vienna made it possible for one man to defy at once an emperor and a pope. We shall consider sympathetically the efforts of Erasmus for the peaceful self-return of the church. We shall study Germany on the eve of Luther and may thereby come to understand how inevitable he was when he came."

History has patterns, even if they do not exactly replicate. We are facing a similar dynamic, and may see a similar inevitability to sea changes in attitudes toward religious freedom—even in a land in which it has been enshrined in culture and law.

Lincoln E. Steed is editor of *Liberty* magazine.

A Mosque Too Close?

BY: REUEL S. AMDUR

The controversy over the so-called Ground Zero mosque in New York City in some ways demonstrates a failure of leadership. But before we identify those failures, let us review the situation more broadly.

Muslims are currently worshipping at a building that formerly housed a coat manufacturer. The facility is a couple of long blocks away from the actual Ground Zero—the site of the World Trade Center, which was destroyed on September 11, 2001. The imam who leads the worship, Feisal Abdul Rauf, plans to build an Islamic community center to replace the old facility. The center, patterned after a Jewish community center, is to contain a prayer area along with various other facilities and meeting rooms, and will be open to Muslims and non-Muslims alike. The plan is that it will have an interfaith board of directors.

Imam Rauf is a Sufi. Sufism is a long-established tendency in Islam that is liberal in its outlook. One of the severe challenges Islam and the Islamic world faces is its encounter with modernity. In Muslim belief, the Koran was dictated to Muhammad by the angel Gabriel, so everything in the Koran is seen as literally true. The Sufis, however, claim that there are hidden meanings, giving them a degree of flexibility.

Rauf relies both on flexibility and on specific Koranic demands for tolerance. "Your religion for you and mine for me," says one passage. Another declares that Allah made different peoples on the earth so that they would know one another. Rauf has dedicated himself to promoting tolerance, mutual respect, and cooperation among religious communities. As well, he promotes the United States as a freedom-loving country that is worthy of appreciation. As I write this he is currently touring the Middle East, sponsored by the State Department, to deliver that message.

What exactly is the neighborhood that surrounds the proposed site? Some critics at a distance, still hurting from the shock of 9/11, call it part of "holy ground." The reality of this area some blocks from the actual site of the long-gone towers is a little more prosaic. There is a store selling knitting yarn, a delicatessen, and a bookshop specializing in mysteries. However, there is also a seedier side: an off-track betting outlet, strip clubs, bars, and an "exotic" lingerie shop.

The stated reasons for opposition to what has been pejoratively termed the Ground Zero mosque vary from the "respectable" to the openly hostile. The "respectable" opposition holds that constructing the Islamic facility so close to the site of the World Trade Center would be insensitive to the relatives of those who lost their lives in that tragedy. After all, they say, not quite accurately characterizing the political as well as religious goals of al-Qaeda, the destruction was done in the name of Islam. These "respectable" opponents would add that they have nothing against Muslims. It is just that the location is too "controversial." Muslims have the right to build there, but couldn't they find another location?

Other opponents are more extreme; for instance, the woman who showed up at the New York City Landmarks Preservation Commission with her placard reading "Don't glorify murders of 3,000. No 9/11 victory mosque." Despite the objections the commission voted that the site of the old factory is not a historical landmark in need of preservation. Zoning regulations have been satisfied, and the Religious Land Use and Institutionalized Persons Act seems vindicated. New York City mayor Michael Bloomberg and President Obama both correctly cited a tradition of religious freedom and a separation of church and state in defense of the right of any group to act on such plans.

A more extensive example of the extremist vitriol that has been poured out on this issue is found on the Bad Eagle blog, in an article headed "The Bloomberg Mosque," referring to Mayor Bloomberg. Says the blogger, "New York City's mayor, Michael Bloomberg, supports the Ground Zero Mosque, the hideous monument to Muslim terror, apparently because of his business ties to the Muslim world." Then, referring to a talk show host, he adds: "Michael Savage says this is the explanation for Bloomberg's pro-terrorist Muslim position. All Bloomberg's rhetoric about religious freedom, American core values, etc., is all insincere, all superfluous, all very dangerous. And it all is a façade for his financial quests." This surely is not just misrepresentation but a type of hate speech.



Then there are those who straddle the line between the "genteel" and the gross. Rick Tyler, a spokesman for Newt Gingrich, exemplified this approach in a reply to an article in the *Economist*. Yes, Gingrich "recognizes the difference between moderate Muslims and radical Islamists and that the guilt of the 9/11 terrorists does not fall on all Muslims." However, while some radical Islamists use terror, "other radical Islamists also use non-violent methods to wage a cultural, economic, political, and legal jihad that seeks the same totalitarian goal of sharia supremacy even while claiming to repudiate violence." The innuendo is that Rauf is one of the latter group.

After all, didn't Rauf once say that "United States policies were an accessory" to 9/11? Indeed he did. But he said more than that. He said that the United States enabled al-Qaeda to perpetrate 9/11 because America once gave aid to Osama bin Laden. That charge would not seem to make him a "radical Islamist" or any kind of sympathizer with those who carried out the attack on the World Trade Center.

The opposition to the Islamic center, expressed in "genteel" terms, gives a cloak of legitimacy to the more extreme bigotry. Opposition to the site was even taken up by the Anti-Defamation League (ADL) on the basis that, while Rauf and his associates have the right to build at the proposed site, it would not be right (correct) for them to exercise that right because of the sensitivities of the families of victims of 9/11. It is a sad reality that a number of the victims on 9/11 were Muslims, and the families of the victims find themselves on both sides of the issue.

The ADL has historically been a leading civil rights-civil liberties organization, engaged in advocacy, research, and interfaith activities. Paradoxically, it has in the past cooperated with Rauf in promoting Jewish-Muslim dialogue. With its background in the field of intergroup relations, it should have been aware of the opening that the position it took gave to people of ill will, both the "genteel" opponents of Muslims and the more openly bigoted.

Because of the stance it took, I believe the ADL made it respectable for anti-Muslim bigots to make their case, from the most genteel to the far less genteel. However, the ADL did face a barrage of criticism from within the Jewish community. One ADL board member, Tom Goldblatt, spoke out against the position of his organization. Other rabbis, including David Ellenson, president of Hebrew Union College-Jewish Institute of Religion, also spoke out against the position.

A number of Christian leaders lined up in defense of the proposed Islamic center, including the president and the general secretary of the National Council of Churches and Jerry Campbell, president of Claremont Theological Seminary.

Faced with the vigorous opposition to the ADL position, especially in the Jewish community, Abe Foxman, the executive director, finally announced that his organization would not pursue the matter further. However, damage had already been done. Islamophobia—indeed generally antireligious views—had been encouraged. A pastor of a minuscule church in Florida took it upon himself to announce a Koran burning and further polarized opinion. A once-leading human rights organization based in the Jewish community had provided a cover for prejudice.

In a meeting with a group of Muslim Democrats, President Obama declared, "I believe that Muslims have the same right to practice their religion as anyone else in this country. That includes the right to build a place of worship and a community center on private property in lower Manhattan, in accordance with local laws and ordinances." What could be clearer? But shortly after, he got cold feet. Yes, he said, they have the right to build the center there, but he would not comment on the "wisdom" of the choice of location. One could almost hear the sigh of relief from the opponents of the center. Sometimes it is better not to elaborate too much.

A recent Pew Research Center poll found that just over half of the respondents opposed building the center at the proposed site. However, 62 percent held that Muslims should have equal rights to build their houses of worship. What these mixed results tell us is that what is needed is forceful leadership in defense of religious freedom in this case. A number of politicians, especially Republicans, have made the location of the center a major electoral issue. Perhaps it is time for President Obama to use his presidency as a bully pulpit in defense of religious freedom for all. Mayor Bloomberg issued a spirited defense of the site for the Muslim center, invoking the history of religious discrimination in New York. We need more public figures to step up and defend religious freedom.

Appearing before the media, Bloomberg, who is Jewish, was accompanied by Jewish and other religious leaders; a reminder that the larger Jewish community knows how important the defense of religious rights is for all. With heartfelt emotion, he declared, "This nation was founded on the principle that the government must never choose between religions or favor one over another. The World Trade Center site will forever hold a special place in our city, in our hearts. But we would be untrue to the best part of ourselves and who we are as New Yorkers and Americans if we said no to a mosque in lower Manhattan."

With reference to the events of September 11,



Tea Party movement arranged a demonstration outside the local Islamic center because of the center's plan to build on a new location. They urged people to bring dogs to the demonstration because dogs are considered by Muslims to be unclean. This is not a polite objection.

Remember the woman with the sign at the meeting of the Landmarks Preservation Commission? It is becoming clearer that unless people of good will everywhere restate persuasively the logic and the laws of religious freedom, she and her kind will not welcome a mosque or Islamic community center anywhere.

Reuel S. Amdur writes from Val-des-Monts, Quebec, Canada.

he observed that "thousands of first responders heroically rushed to the scene and saved tens of thousands of lives. More than 400 of those first responders did not make it out alive. In rushing into those burning buildings, not one of them asked, 'What God do you pray to?' 'What beliefs do you hold?'"

As for Muslims, he urged that they "are as much a part of our city and our country as the people of any faith. And they are as welcome to worship in lower Manhattan as any other group. In fact, they have been worshipping at the site for the better part of a year, as is their right"

He ended his remarks with this flourish: "Political controversies come and go, but our values and our traditions endure, and there is no neighborhood in this city that is off-limits to God's love and mercy, as the religious leaders here with us can attest."

At this writing, it is not clear if the Muslim center will go ahead with construction at the site. Yet, if they yield to pressure and move to another location there is no guarantee that they will be welcomed with open arms. Currently, opposition to building local mosques has arisen in Temecula, California; Murfreesboro, Tennessee; and Florence, Kentucky.

In Temecula a group apparently related to the

STARTS FEBRUARY 2011

Lawful, But Not Helpful: On The Koran Burning That (Thank God) Never Happened

Opinion

BY: CLIFFORD GOLDSTEIN



As of this writing anyway—though the so-called “Ground Zero” mosque controversy is still unresolved—at least the Gainesville, Florida, pastor who threatened to burn the Koran as a public protest against the mosque has backed off.

No Koran burnings by Christian clergy, at least for now.

However much as many Americans could understand his frustration, and anger, most no doubt breathed a sigh of relief with the announced cancellation of the “International Burn a Koran Day.”

If a few cartoons in a Scandinavian newspaper could lead to violence, one doesn’t need to be a prophet of any religion in order to imagine the outrage that an in-your-face Koran burning would have sparked among Muslims. It already had started protests in Afghanistan, where thousands of United States and other NATO troops are located. No wonder that before the pastor finally relented, everyone from Barack Obama to Hillary Clinton to General David Petraeus—not to mention religious leaders from around the world—condemned the proposed action. With tensions running high, the last thing anyone needed, or wanted, was this (with maybe the exception of the jihadists, who would have surely found many more disaffected and outraged young men willing to blow themselves up in response).

It all started when Pastor Terry Jones, senior pastor of the tiny 50-member Dove World Outreach Center in Gainesville, Florida, announced plans to burn Islamic holy books on Saturday, September 11, 2010, in order to commemorate the terror attacks. Mostly, though, the scheduled book burning was an emotional response to the idea of a mosque—or more accurately an Islamic community center—near the Ground Zero site of the attack.

In a macabre kind of way, both the mosque controversy and the canceled “International Burn a Koran Day” are representations of the clash of rights that a liberal democracy such as the United States—with a strong focus on freedom of religion and free speech—is bound to face.

No doubt, however offensive the mosque might be to some Americans, just as the Koran burning would be, both are legal. Though we don’t have a tradition in America of burning books, our free society allows for it, just as it allows for the building of mosques.

Things that cause offense to others are not deemed illegal merely because they cause offense to others. There’s no right not to be offended in the Constitution (not that such an omission has stopped the courts from finding rights in there that weren’t written down in the document, but that’s another matter completely). Our political and religious freedom would mean nothing if they were curtailed because others found them offensive. People burn American flags on our streets; others carry swastikas down them. Offensive, yes; illegal, no.

In the case of the Koran burning and Ground Zero mosque, the words from the apostle Paul might be worthy of some consideration. Paul wrote to the Corinthians: “All things are lawful for me, but not all things are helpful; all things are lawful for me, but not all things edify” (1 Corinthians 10:23, NKJV).*

However lawful either action would be, neither is particularly helpful. Though some might bristle at the idea of equating the building a house of worship with burning some other faith’s holy book, the point is still the same: our free society allows for both.



We just need to be prepared to live with the consequences of our freedoms. They could lead to actions that might be lawful, but not helpful. And, considering the tensions in the world right now, we need all the help we can get.

Clifford Goldstein writes from Sykesville, Maryland.

*From the New King James Version. Copyright 1979, 1980, 1982 by Thomas Nelson, Inc. Used by permission. All rights reserved.

The Christian Persecutory Impulse

Part One In A Series

BY: DAVID J.B. TRIM



There are many different forms of religious intolerance, and, over the centuries, many faiths have persecuted. In the Western context, however, it is the persecution of Christians, by Christians, especially in the two centuries after the Reformation, that is most important, because it still shapes relationships between peoples of different faiths and confessions today. Yet it is also often misunderstood. This is the first in a series of articles that will explore the history of Christian persecution. I will show in this article that Christians first began to persecute in the late Roman Empire. However, the emergence of a persecutory mentality was not an imposition of emperors, eager to use the church's moral authority for secular ends. Instead, it emerged out of the fervor of Christians to combat error and to spread truth.

It is vital to recognize that even though the early church rejected violence, the persecutory impulse has been present in Christianity from an early time. This does not mean that Christianity inevitably is persecutory, but it does mean it is important to understand why Christians began to persecute and why they—eventually—embraced first religious toleration and then the grander concept of religious freedom. There are lessons to be learned about our own impulse to persecute in the twenty-first century.

Constantine's Sword

It is often alleged that persecution by Christians began with the conversion of Roman emperors: especially Constantine I, "the Great" (c. 306–337). This view was expressed by some of the earliest proponents of religious liberty, including Roger Williams, the celebrated early-seventeenth-century advocate of toleration (who will be considered further later in this series). Williams argued that it was under Constantine that the church first made the fatal misstep of trying to impose personal beliefs by the sword. Constantine's "unknowing zeal" did more damage to the church, he averred, than "the raging fury of the most bloody Neroes," for Constantine made "the Garden of the Church, and the Field of the World to be all one" when by nature they ought to be distinct. Accordingly, Williams concluded, in order for the ecclesial "Garden" to be restored to an Edenic ideal, it was essential (as a recent biographer puts it) first to "undo what Constantine, 1, 300 years before, had done."¹

Williams was not unique in this view and it did not die with him. It persists to this day: several popular twenty-first-century books have endorsed the claim that Constantine's reign witnessed the introduction of a new paradigm in relationships between the Christian church, the state, and other religions.² Constantine, it is claimed, effectively "commandeer[ed] Christianity to bolster his ambitions for the empire," with the result that orthodoxy and heresy became "essentially a matter of power politics."³

Constantine and Freedom of Conscience

The reality is that Constantine himself opposed persecution. Although he personally converted to Christianity, changed the empire's official religion to Christianity, and played a significant role in the theological controversies that characterized and polarized the early church, he was opposed to sanctions against those who did not convert.

Immediately on succeeding to the imperial throne in the Western Roman Empire, in 306, he "unilaterally ended all persecution in his territories, even providing for restitution" to Christians for churches that had been destroyed.⁴ This, though, only halted persecution; it did not actually legalize Christianity.

After Constantine's victory over Maxentius, a rival claimant to the throne, at the Battle of the Milvian Bridge (A.D. 312), which Constantine believed he had won by the power of "the God of the Christians," he wanted to go further. He was initially coemperor with Licinius, who ruled in the Eastern Empire and was a devotee of the sun god. But at a meeting at Milan, in A.D. 313, Constantine persuaded his colleague to issue a joint public declaration, providing that "anyone who chooses to observe the Christian religion may do so freely and openly without being molested."



An illustration from a northern Italian compendium of canon law depicts Constantine I, the Council of Nicea, and the condemnation and burning of Arian books.

However, while the emperors granted “free and unconditional exercise” of the Christian religion, they also explicitly accorded “the same open and free observance” of belief and worship to followers of “other religions.”⁵

There is no doubt that, despite being issued in the name of both emperors, the declaration reflected Constantine’s concerns. What is striking is that these included, in the religious sphere, replacing enforced conformity with individual choice. “Christians *and all others*” were to have an “unrestricted ability to follow whichever religion each of them chose.”⁶ Constantine’s willingness to allow the people of the empire the freedom to choose was unusual, because “both Roman emperors and their subjects assumed it to be both a right and a duty of emperors to ensure proper worship of divinity.”⁷ But the imperial declaration explains the new policy, avowing that one of the most important matters “pertaining to the general welfare and security” of the empire and “the good of mankind in general” was “the reverence of divinity”;⁸ the freedom of choice was conceded to all the emperors’ subjects so that “whatever divinity is seated in heaven might be gracious and propitious to us and to all under our rule.”⁹

In other words, Constantine was asserting that freedom to believe is not merely a prudent choice for a state that has a significant religious minority; it is in accordance with the will of the Almighty. The declaration reiterates the presumption “that the supreme deity” would “accord to all his accustomed favor and benevolence” *only* if “no one whatsoever should be denied the freedom to give his heart to Christian observance, or whatever religion in his own mind he thinks best.”¹⁰ This is one of the most important arguments for religious liberty, for it is itself based on religion, rather than irreligion; all faiths have produced holy men and women who have taught that, in realizing religious freedom, we are honoring the divine. The 313 declaration gives

precedence in the text to Christianity, which reflects Constantine’s own priorities, for Christianity was the faith he himself now professed. Yet the declaration also made clear that *all* people should be able to think through what religion seemed most attractive, and then choose for themselves, and that it was this personal choice, based on individual conscience, that would determine how a person worshipped—not the emperor’s decision.

Constantine and Toleration

Almost 10 years later Licinius and Constantine went to war for sole control of the empire. The former attacked Christianity, as well as Constantine, for the latter had become identified with his faith—and vice versa! Licinius introduced new laws in the East, banning church synods, severely restricting the circumstances in which Christian worship could be conducted, prohibiting the instruction of young girls in the Christian faith, and barring “Christians from imperial service.” Officers in his army were required to “sacrifice to the gods” and those who refused were either dismissed or, in at least 40 well-known cases, put to death.¹¹

Constantine decisively defeated Licinius at the Battle of Chrysopolis (324), in which he and his troops fought under the emblem of the cross, against a foe who claimed the aid of the traditional deities. As one historian notes, “The defeat of the pagan emperor must have appeared to be proof of the impotence of his gods.”¹² Yet this did not change Constantine’s opinion on persecution.

He no longer had to share power with anyone, anywhere in the Roman Empire—a situation he himself believed was due to the favor of the Christian God; yet he did not suddenly prohibit pagan worship. Instead, he proclaimed that the right to practice one’s faith quietly and in peace ought to be “enjoyed by those who err as much as by believers.” He provided that “those who withdraw themselves may keep the temple of their error,” for they would face sufficient punishment from God and thus need not be chastened in this world. Indeed, Constantine averred, allowing them to live in peace was the best way to “bring them to the true faith.”¹³

This proclamation is pejorative about pagan religion: there was nothing worthy in it, according to Constantine—the ancient shrines of traditional religion were not the foundation of Roman virtue and power, but rather were “temples of error.” Constantine also seems to anticipate, or even expect, that pagans will convert; as one scholar puts it, while he permitted paganism to exist alongside Christianity, he “did not think of this coexistence of two different religions as something to last indefinitely.”¹⁴

The emperor thus enacted religious toleration, rather than religious pluralism, for one religion took precedence, culturally and officially, over others, and there was an assumption that religious diversity would eventually become uniformity. As we shall see in

subsequent articles, this was a pattern that was to be repeated: historically it has regularly been easier for Christians to accept religious toleration than pluralism or religious liberty. Crucially, though, under Constantine there was *no provision for forced conversion*. Indeed, the imperial proclamation could not have been clearer: “No one should molest another” on religious grounds. Instead: “Each should live according to his own persuasion.”¹⁵

Constantine’s rejection of coercion was most marked in his attitude toward religious diversity in the army. Victory and defeat could be supernaturally awarded as well as humanly achieved and so the very “security of the state” depended, pagans and Christians generally agreed, on soldiery and deity being in accord. Frequent sacrifices to the gods were an integral part of Roman military life, because generals and soldiers alike believed that they could procure celestial blessing in battle—hence Licinius’s demands during his war against Constantine that his officers sacrifice. Many of the early Christian martyrs were soldiers, for even their presence in the ranks could not be tolerated by imperial officers, “because it imperiled the sacrifices” that brought victory. A century later a Christian emperor, Theodosius II, took the logical step (from the Christian point of view) of banning pagans and heretics from the imperial army, lest their presence offend God and prevent divine intervention.¹⁶

Constantine, who attributed his own rise to the *imperium* to divine intervention, must have felt very keenly the temptation to oblige *all* his soldiers to take part in the Christian worship services that, by his decree, had replaced the system of sacrifices, and were mandatory each Sunday. However, he allowed pagan soldiers to continue in their profession and instead merely encouraged them to use the time “when the Christian soldiers were occupied with their services” to pray and worship in their own way.¹⁷

With insight infrequently matched in subsequent centuries of Christian history the first Christian emperor declared: “No one should injure another in the name of a faith he himself has accepted from conviction.” He encouraged those of his subjects who were already believers to teach and preach, in the hope of effecting conversion: “He who is quickest to understand the truth, let him try as he may to convince his neighbor. But if this is not possible, he must desist.”¹⁸ Constantine’s victory message, written to the former subjects of the defeated Licinius, which pagans might have expected to announce repression, instead concluded: “The battle for deathlessness requires willing recruits. Coercion is of no avail.”¹⁹

An illustration from a northern Italian compendium of canon law depicts Constantine I, the Council of Nicaea, and the condemnation and burning of Arian books.

Future generations of believers have rarely matched the first Christian emperor’s insight that the Gospels present salvation and eternal life (“deathlessness”) only as the product of a personal relationship with Jesus Christ that is itself the fruit of deep inward conviction and what we call conversion. Conversion is not the same thing as conformity.

Constantine: An Overview

There is no doubt that Constantine’s own conversion, and the institutionalization of Christianity in the halls of imperial power, induced many people to convert—particularly those seeking careers in the civil and military bureaucracies. But the first Christian emperor did not compel anyone to convert, or to change the nature of their Christian belief. Instead, there are many examples of prominent civil and military officials who either maintained pagan faith, or whose Christianity was heretical (i.e., *not* that approved by the emperor), right until the end of the fourth century.²⁰ Rather than deserving the obloquy that has so often been heaped upon his head, Constantine deserves praise for his clear-sighted and exemplary attitude toward two of the Christian’s cardinal duties—to witness vigorously and enthusiastically, but never to cross the line into pressure or compulsion.

Theodosius and the Persecutory Impulse

Constantine’s policies were continued by his successors for some 50 years after his death. The first emperor to use the power of the state to constrain people’s consciences was Theodosius I (c. 379-395).

Like Constantine, Theodosius desired that his subjects embrace his religion; unlike Constantine, he was willing to use force in pursuit of his desire of religious uniformity. In 380 he decreed “that all the peoples” under his rule “shall practice that religion which the divine Peter the Apostle transmitted to the Romans” and that those who do “shall embrace the name of Catholic Christians.” But all those who followed “heretical dogmas” would “be smitten” by the emperor’s “retribution . . . in accordance with the divine judgment.”²¹ Initially, Theodosius persecuted heretics but allowed pagan worship to continue. Later, however, he imposed severe sanctions against any form of pagan worship whatsoever.²² Even historians sympathetic to Theodosius and the devout Catholic faith that inspired him observe: “It is possible, but difficult, to find greater examples of intolerance and fanaticism than in the spirit” that prompted his laws and persecution.²³

However, the emperor’s use of threatened and real violence to force heretics to abandon their heterodox beliefs and embrace orthodoxy, and compel pagans to convert to Christianity, went in step with

Similar use of violence by ordinary Christians. Beginning in Antioch in 387, then in Alexandria in 391, large mobs of ordinary believers, with the blessing of their bishops, sacked and desecrated pagan places of worship and the homes of those who opposed them, beating those who resisted them. Other Christians copied them and similar outbreaks quickly spread to cities across Egypt and then to cities in Gaul.²⁴ It was these activities that prompted Theodosius to his persecution of pagans. He was himself personally devout, more so than “any previous [Christian] emperor”; when he imposed state persecution he did so because both ordinary Christians and their spiritual leaders “expected the emperor to use the full weight of the law” against those who were not true believers.²⁵

This is a sobering note on which to conclude, because it shows that Roger Williams misunderstood the nature of early persecution. The impulse to persecute is not alien to Christianity and was not imposed on it from without. Instead, it goes back very early in the history of Christianity. It was an impulse felt—and acted on—at all levels, including ordinary believers, rather than being imposed on the church from above by secular-minded emperors. It is important to recognize the actual chronological progression and that the first emperor to legalize persecution by Christians was not Constantine but Theodosius. That emperor’s actions reflected a wider consensus among Christians: that diversity should be done away with, and uniformity imposed, by force.

Nevertheless, if we cannot blame politicians for creating the Christian persecutory society, neither can we charge Christianity with being a natural incubator of persecution. The church of the first, second, and third centuries had steadfastly rejected any use of force in its relations with pagans or officials. Moreover, just as much as Theodosius, Constantine, too, reflected the church of his day. For him, certainty of Christianity’s truth was married to belief that truth could only be spread by persuasion, not persecution—that conversion could never involve compulsion.

However, it is essential to recognize that, for over a thousand years, Christians have often been eager persecutors. Certainty of truth and absolute love for God can lead believers into contempt for those who think differently. This tendency will become especially apparent in the next article in this series, when we look at the medieval paradigm of persecution. But it is important to acknowledge that there has been a persecutory impulse in Christianity since at least the late fourth century, for it is only if we are aware of intolerant tendencies that we can resist them.

This is Part One in a series. [Click here for Part Two, "The Medieval Not Quite Reformed."](#)

David J. B. Trim is a historian, having held professorships in England, as well as membership in the Cromwell Society. He is now an archivist in Silver Spring, Maryland.

1 Williams quoted in Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, N.J.: Princeton University Press, 2003), p. 203; see Edwin S. Gaustad, Roger Williams (Oxford & New York: Oxford University Press, 2005), pp. 98-100 at 99.

2 E.g., see Zagorin, op. cit.; James Carroll, *Constantine’s Sword: The Church and the Jews: A History* (New York: Houghton Mifflin, 2001); Harvey Cox, *The Future of Faith* (New York: HarperOne, 2009).

3 Cox, p. 5; Alister McGrath, *Heresy: A History of Defending the Truth* (New York: HarperOne, 2009), p. 204.

4 Hans A. Pohlsander, “Constantine I (306–337 A.D.),” in *De Imperatoribus Romanis: An Online Encyclopedia of Roman Emperors* (1999, rev. 2009): www.roman-emperors.org/conniei.htm [accessed Aug. 24, 2010].

5 Lactantius, *De mortibus persecutorum*, chap. 48, in J. P. Migne (ed.), *Patrologiae cursus completus*, ser. I, *Patrologia latina*, Vols. VI–VII, *Lucii Caecillii Firmiani Lactantii Opera Omnia*, 2 vols. (Paris: Sirou & Vrayet, 1844), vol. ii, cols. 268-269 (all translations are mine). A full English translation of the imperial declaration (sometimes called the “Edict of Milan”) is in the online *Internet Medieval Sourcebook*: www.fordham.edu/halsall/source/edict-milan.html [accessed Aug. 20, 2010].

6 Lactantius, *De mortibus persecutorum*, chap. 48, in *Opera Omnia*, vol. ii, col. 268 (my italics).

7 H. A. Drake, “The Impact of Constantine on Christianity,” in Noel Lenski, ed., *The Cambridge Companion to the Age of Constantine* (Cambridge & New York: Cambridge University Press, 2006), p. 117.

8 Lactantius, ed. cit., cols. 267, 268.

9 Lactantius, col. 268.

10 *Ibid.* (my italics).

11 Noel Lenski, “The Reign of Constantine,” in his *Cambridge Companion to the Age of Constantine*, p. 75; Michael DiMaio, Jr., “Licinius (308-324 A.D.),” in *De Imperatoribus Romanis: An Online Encyclopedia of Roman Emperors* (1996, rev. 1997): www.roman-emperors.org/licinius.htm [accessed Aug. 17, 2010]. Cf. E. G. Ryan, “Forty Martyrs,” in *New Catholic Encyclopedia* (1967), vol. 5, pp. 1036, 1037.

12 Hermann Doerries, *Constantine and Religious Liberty*, Roland H. Bainton, trans. (New Haven, Conn.: Yale University Press, 1960), p. 25.

13 Quoted in English translation in Doerries, pp. 25, 26.

14 Doerries, p. 28.

15 Quoted in English translation in Doerries, p. 26.



Archbishop Ambrosius prevents Emperor Theodosius I from entering the Cathedral of Milan and orders him to do penance for the murder of the populace of Thessalonica.

16 Doerries, p. 38.

17 *Ibid.*

18 Quoted in English translation in Stephen Williams and Gerard Friell, *Theodosius: The Empire at Bay* (New Haven & London: Yale University Press, 1995), p. 56.

19 Quoted in English translation in Doerries, p. 26.

20 See Williams and Friell, pp. 47-51.

21 Theodosian Code, XVI.1.2, in Edward Peters, ed., *Heresy and Authority in Medieval Europe: Documents in Translation* (Philadelphia: University of Pennsylvania Press, 1980), pp. 44, 45.

22 See Williams and Friell, pp. 52-60, 119-124.

23 Williams and Friell, p. 120.

24 *Ibid.*, pp. 44,45, 122, 123.

25 *Ibid.*, p. 56.

Free Will, Predestination, And Religious Liberty

BY: KEVIN D. PAULSON

Listening to leaders of the Religious Right in the United States, one might well conclude that Christian dominance of civil government is a biblical command. But a careful review of both Scripture and church history soon reveals that, like a number of beliefs and practices in conservative Christian circles, this one entered Christian theology some time after the Bible was written.

When a disciple sought to defend Him by the sword, Jesus commanded, “Put up again thy sword into his place: for all they that take the sword shall perish with the sword” (Matthew 26:52). The following morning, when questioned by the Roman governor, Jesus likewise stated, “My kingdom is not of this world: if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews: but now is my kingdom not from hence” (John 18:36).

Christians held faithfully to these principles so long as the Bible doctrine of free will and personal responsibility for salvation was maintained (see Joshua 24:15; Ezekiel 18:20; Revelation 22:17). But when, in succeeding centuries, a new concept of sin, responsibility, and salvation entered Christian theological thinking, the seed was sown for the future Christian embrace of theocratic intolerance.

Original Sin and the Use of Force

Saint Augustine of Hippo (A.D. 354–430) is usually credited by historians and theologians as the architect of the doctrine called original sin—the theory that, because of Adam’s sin, every human being is a condemned sinner at birth. Before Augustine, Christians generally believed that while physical corruption was inherited by all human beings from Adam, guilt was acquired only by the individual’s choice to sin.¹

Augustine’s doctrine, by contrast, maintained that guilt as well as weakness was every person’s birthright.

Such a concept soon led to the belief that if babies died before baptism, without the chance to have original sin cleansed from their souls, they would go to hell.² It also established the premise that because of man’s incurable depravity, force could rightly be used against heretics and sinners. Augustine, in his treatise titled *The City of God*, more clearly articulated this principle. In the words of historian Will Durant: “The Church would later accept this identification [of itself with the “City of God”] as an ideological weapon of politics, and would logically deduce from Augustine’s philosophy the doctrine of a theocratic state, in which the secular powers, derived from men, would be subordinate to the spiritual power held by the Church and derived from God.”³

Despite their rejection of many Catholic teachings, the magisterial Protestant Reformers, especially John Calvin, adhered strongly to Augustine’s view of human nature.⁴ Thus Calvin, like Augustine and medieval Catholicism, believed in the church’s dominance of civil government and the use of force against dissenters. Calvin’s consent to the burning of Michael Servetus in Geneva, an act praised by Catholics as well as Protestants, offers evidence in this regard.⁵

Predestination

For both Calvin and Augustine, the doctrine of involuntary sin made necessary a doctrine of involuntary salvation. Thus the theory of predestination was born. Certain ones would be predestined to be saved, while the others are predestined to be damned. Such a concept removes salvation entirely from the practical experience of humanity, since that experience is presumably—and inevitably, even for the converted Christian—tainted by original sin. In Calvin’s words: “Until we slough off this mortal body, there remains always in us much imperfection and infirmity, so that we always remain poor and wretched sinners in the presence of God. And, however much we ought day by day to increase and grow in God’s righteousness, there will never be plenitude or perfection while we live here.”⁶



The salvation of men and women is therefore not, according to this theology, a freedom from sin accomplished in this present life, but only a promise of such freedom and eternal bliss in the life to come.

Not all Protestants, of course, accepted the theology of Augustine and the magisterial Reformers. Those of the Arminian-Anabaptist tradition took a very different view of sin, guilt, and the use of force. Rejecting original sin, these groups insisted on adult baptism, and from them arose in time the Wesleyan movement in England, with its stress on victory over sin in this present life.

Commenting on this branch of Protestantism, the historian Will Durant writes: “There is no clear filiation between the Continental Anabaptists and the English Quakers and the American Baptists; but the Quaker rejection of war and oaths, and the Baptist insistence on adult baptism probably stem from the same traditions of creed and conduct that in Switzerland, Germany, and Holland took Anabaptist forms. One quality nearly all these groups had in common—their willingness to bear peaceably with faiths other than their own.”⁷

The American Experience

Conflict between these two strains of Protestantism was inevitable, in the New World as in the Old. The English Puritans, being followers of Calvin,⁸ upheld the enforcement of church decrees by the state. Building on the original sin doctrine, the Puritans refused to grant liberty to the human will, believing it “naturally corrupt.” Speaking of the New England Puritans and their intolerance of dissent, one historian observes: “They contended that there were two types of liberty—natural (or corrupted) liberty and the ‘liberty wherewith Christ hath made us free.’ Liberty to practice error came under the former heading and was not really liberty at all, but license, the ‘liberty for men to destroy themselves.’”⁹

Little wonder that Roger Williams, of the Anabaptist tradition, was led to challenge this theocratic mind-set, which resulted in his banishment from Massachusetts. Williams would later observe that he would “rather live with “Christian savages” than “savage Christians.”¹⁰

As American history progressed, the ideas and methods employed by the Calvinist and Arminian branches of Protestantism grew more distinct one from the other. One recent historian, writing of abolitionist John Brown and the larger antislavery movement, draws this contrast between those influenced by the Second Great Awakening, largely an Arminian movement with its focus on human perfectability, and those (like Brown) from the Calvinist tradition:

“Drawing on the Christian humanitarianism and perfectionism unleashed by the revivalist Second Great Awakening, [William Lloyd] Garrison and the immediatists also renounced violence and stressed the efficacy of moral suasion, in the belief that saving the nation’s soul required transcending all forms of ungodly coercion.

“John Brown was never committed to moral suasion, nonviolence, or redemptive Christian humanitarianism. Born in Torrington, Connecticut, in 1800, and raised chiefly in Ohio, he was trained by his devout parents in the old Congregational Calvinism, with its adherence to predestination.”¹¹

Free Will, Predestination, and Religious Liberty

Today’s Religious Right has followed faithfully in the footsteps of Calvinistic, Augustinian Christianity. In the statement “The Gospel of Jesus Christ: An Evangelical Celebration”¹²—signed by most conservative Christian leaders in America at that time, including Jerry Falwell and Pat Robertson¹³—man’s universal condemnation “by nature” is affirmed,¹⁴ along with man’s salvation presumably being accomplished by divine decrees apart from a transformed life.¹⁵ Philip Yancey, one of the most popular evangelical authors today and a frequent critic of the Religious Right, nevertheless joins his fellow evangelicals in embracing the Calvinist view of sin, grace, and salvation. Regarding the achievement of righteousness by Christians here on earth, Yancey declares: “God’s grace is so great that we do not have to.”¹⁶ Elsewhere he writes: “It is our human destiny on earth to be imperfect, incomplete, weak, and mortal, and only by accepting that destiny can we escape the force of gravity and receive grace.”¹⁷ Though this is hardly the full-fledged predestination taught by Augustine, Calvin, and others, it nevertheless compromises both human freedom and biblical teaching by making people sinners apart from personal choice (see Ezekiel 18:20; Romans 5:12; James 1:14, 15; 4:17), and likewise denies the clear message of Scripture that through the exercise of the will blended with imparted divine strength, men and women can in fact rid their lives of sin (see John 8:11; Romans 8:4, 13; 2 Corinthians 7:1; Philipians 4:13; 1 Thessalonians 5:23; 1 Peter 2:21, 22; 4:1; 1 John 1:9; 3:2, 3, 7; Jude 24; Revelation 3:21; 14:5).

What is clear from church history is that one’s belief about free will and its capacity, in cooperation with God, to choose between righteousness and sin has much to do with how one respects, and allows for, the exercise of the will by others. If men and women are viewed as incapacitated by sin against their will, unable except by divine edict to achieve salvation, the next logical step is to disregard and suppress free will in one’s efforts to cleanse society of evil. If, however, one holds that God’s tolerance of evil throughout history gives evidence of His respect for freedom, and that through the exercise of this freedom one can—through divine aid—obey God and eschew evil, it is equally logical, in matters of private moral and spiritual judgment, to leave the choice between good and evil to the individual.

The Bible clearly upholds obedience to God’s moral law as the condition for receiving eternal life (Matthew 19:17; Luke 10:25-28).

But the same Bible is equally clear that God gave to human beings, in the very beginning, a free choice between righteousness and sin. It was God Himself, according to the Bible story, who placed in Eden both the tree of life and the tree of the knowledge of good and evil (Genesis 2:9). And at the very close of Scripture the invitation is offered: "Whosoever will, let him take the water of life freely" (Revelation 22:17). The record of history is clear that whenever the church divorces free will from sin and salvation, the ultimate casualty is freedom itself.

A sometime editor and author, Kevin D. Paulson pastors a church in the New York City area.

- 1 Louis Berkhof, *Systematic Theology* (Grand Rapids, Mich.: W. B. Eerdmans, 1977), p. 244.
- 2 David Van Biema, "Life After Limbo," *Time*, Jan. 9, 2006, p. 68.
- 3 Will Durant, *The Age of Faith, The Story of Civilization: Part IV* (New York: MJF Books, 1939), p. 73.
- 4 John Calvin, *Institutes of the Christian Religion, Book III*, Chaps. xxi-xxii.
- 5 Will Durant, *The Reformation, The Story of Civilization: Part VI* (New York: Simon & Schuster, 1957), p. 484.
- 6 John Calvin, *The Geneva Confession*, quoted in Lewis W. Spitz, ed., *The Protestant Reformation*, p. 117.
- 7 Durant, *The Reformation*, pp. 401,402.
- 8 Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986), p. 1.
- 9 *Ibid.*, p. 6.
- 10 Charles Longacre, Roger Williams: His Life, Work, and Ideals (Washington, D.C.: Review and Herald Publishing Assn., 1939), p. 80.
- 11 Sean Wilentz, "Homegrown Terrorist," *The New Republic*, Oct. 24, 2005, p. 24.
- 12 "The Gospel of Jesus Christ: An Evangelical Celebration," *Christianity Today*, June 14, 1999, pp. 51-56.
- 13 *Ibid.*, p. 56.
- 14 *Ibid.*, p. 52.
- 15 *Ibid.*, p. 55.
- 16 Philip Yancey, *What's So Amazing About Grace?* (Grand Rapids, Mich.: Zondervan Publishing House, 1997), p. 210.
- 17 *Ibid.*, p. 273.

Questions Of Liberty: A Liberty Dialogue With Constitutional Scholar Erwin Chemerinsky

BY: DAVID PENDLETON



Erwin Chemerinsky (J.D. Harvard Law School, '78) is Founding Dean of the U.C. Irvine School of Law, an author of numerous legal treatises and more than 100 law review articles, a renowned constitution scholar, and a veteran U.S. court of appeals and U.S. Supreme Court litigator.

Dean Chemerinsky, thank you for graciously agreeing to be interviewed for Liberty magazine on the topic of religious freedom. Our readers know we share a profound commitment to the Constitution and to the principle of separation of church and state.

Religious freedom has been described as one of our nation's first freedoms. In fact, the First Amendment reads in part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." What significance, if any, can we ascribe to the early placement of "religion" in our Constitution's Bill of Rights and its juxtaposition with free speech and freedom of association?

I do not think that their placement in the First Amendment, as opposed to a subsequent amendment, has any significance. I do think that it is important that religion is grouped with freedom of speech, press, assembly, and petitioning government for redress of grievances. All of these are ultimately about freedom of conscience. All are about the ability to have freedom to follow and express this freedom of conscience in various ways.

We nearly did not have a Bill of Rights because at least the early James Madison thought it unnecessary as the national government was of limited and enumerated powers. Is the lesson that structural safeguards require express substantive guarantees to protect our liberties?

The Constitution as drafted did not include a Bill of Rights. The framers thought it unnecessary because they saw the structure of the government—a government of limited powers with checks and balances—sufficient to protect liberties. They feared that they could not list all rights and that enumerating some would be taken to deny the existence of others. But several states insisted on a Bill of Rights. It is difficult to imagine the United States Constitution without an assurance of due process, or protection from unreasonable searches and seizures, or safeguards for speech and religion.

The core protection for religious liberty is found in the free exercise clause and establishment clause. Particularly memorable has been Thomas Jefferson's phrase regarding a "wall of separation of church and state." What should an American know about these two clauses and this phrase of Jefferson's that first appeared in private correspondence but was later cited by the Supreme Court?

The free exercise and establishment clauses are largely complementary. If the government establishes a religion, there is inevitable coercion to participate. If there is no free exercise of religion, it is the state establishing an orthodoxy of faith. I think that Thomas Jefferson got it exactly right. There should be a wall separating church and state: high and impregnable. This means that the government should be secular; the place for religion is in the nongovernment realm, in our homes and places of worship and daily lives. The free exercise clause then protects the ability to practice (or not practice) religion as one chooses.

In 1940 the Supreme Court said in *Cantwell v. Connecticut* that the freedom to believe is absolute. More recently Justice Scalia has written that a ban against casting of statues that are to be used for worship purposes, or to forbid the bowing down to a golden calf, would be unconstitutional. Yet in his *Smith* decision he precluded certain Native Americans from practicing a key

religious belief. If religious liberty must allow some freedom to act—because merely permitting entertaining a belief in the privacy of one's mind is a rather inadequate freedom – what are the limits to religious faith and practice?

Prior to *Employment Division v. Smith* (1990), the government could burden religion only if its actions were necessary to achieve a compelling government interest. Freedom of religion, of course, was not absolute. People could not inflict harm to others based on religion. But the government would need a compelling reason and no less restrictive alternative to significantly burden religion.

Employment Division v. Smith changed this. Now the free exercise clause cannot be used to challenge a neutral law of general applicability no matter how much it burdens religion. The law will be upheld so long as it was not motivated by a desire to interfere with religion and so long as it applied to everyone. This makes it far more difficult to successfully challenge laws as violating the free exercise clause.



Erwin Chemerinsky speaking at the William & Mary School of Law in September 2007.

For those of us who are not constitutional scholars, sometimes it is challenging to discern how a law might apply to faith. Looking back over the past years, we see that the Amish, for example, prevailed when it comes to seeking an exemption for their kids not to have to attend school beyond a certain age, but the Amish lost when it came to exemptions from Social Security. A Seventh-day Adventist woman whose faith precluded her from working on her Saturday Sabbath was entitled to unemployment benefits when fired, but the Court struck down Connecticut's law prohibiting employers from firing workers who refused to work on their Sabbath. An Orthodox Jewish U.S. Air Force officer lost when he sought an exemption to allow him to wear a yarmulke when in uniform. Lumber-hauling trucks are permitted to drive across land sacred to Native Americans. What are the unifying principles that make sense of this?

inevitably, in dealing with free exercise of religion, and other constitutional rights, there has to be a balancing test. How that balancing is done very much depends on the justices. The Court, for example, thought that there

was a sufficient government interest to justify requiring Amish individuals to have Social Security numbers, but not to mandate that Amish 15- and 16-year-olds attend school.

This is not unique to free exercise. Constitutional law frequently involves these kinds of balances to be struck by the justices.

Now, the First Amendment is not the only constitutional provision dealing with religion. Article VI, section 2 expressly prohibits the government from inquiring into a person's religious beliefs as a condition of federal office. How would you answer those who worry that allowing clergy in elective office risks entanglement of church and state?

But to exclude clergy from elective office is impermissible hostility to religion. The protection against impermissible entanglement is a robust establishment clause.

When the establishment and free exercise clauses were ratified they applied only to the federal/national government, and in fact there were state-established churches at the time. Subsequently these clauses were applied to the states through the Fourteenth Amendment per the Incorporation Doctrine, a manifestation of the "living constitution." Some fear this gives too much power to the courts. Are such fears justified?

No, such fears are not justified. When the Bill of Rights was adopted these rights were deemed to apply only to the federal government. It was only after the ratification of the Fourteenth Amendment in 1868 and really only in the twentieth century that the Bill of Rights was applied to the states. But few today question the decisions applying the Bill of Rights to the states. Indeed, it is hard to fathom a Constitution where freedom of speech and free exercise of religion and the prohibition of unreasonable searches and seizures did not apply to state and local governments. This is a powerful reason that a living constitution is essential.

Regarding intelligent design in public school curricula and placement on government property of crèches, menorahs, and the Ten Commandments, some say that the Supreme Court in deciding these cases has forgotten or weakened the free exercise clause. Others say the establishment clause required the outcome. Are the clauses in tension? Is one clause primary and the other secondary?

The free exercise clause does not require government endorsement of religion in the form of teaching of religious theories of the origin of human life or religious symbols on government property. These limits on government support for religion in no way limit or interfere with the ability of people to practice religion in their homes and places of worship however they choose.

You have been known to describe the recent Supreme Court as the Kennedy Court. What do you mean by this—and what does it mean for the future of the free exercise clause and establishment clause?

I think that there now are five justices—Roberts, Scalia, Kennedy, Thomas, and Alito—who want to dramatically change the law of the establishment clause. They want to allow much more government support for religion and much more religious involvement with government. Their view is that the government violates the establishment clause only if it literally creates a church or coerces religious participation. This will be a radical change in the law and we are likely to see it soon.

Interviewer David A. Pendleton (J.D., USC Law School, '93), a former state legislator and former former constitutional law student of Dean Chemerinsky, adjudicates workers' compensation appeals in Honolulu, Hawaii.

The Black-Robed Regiment

BY: GREGORY W. HAMILTON

Glenn Beck made quite an impact with his Washington rally this year. It led many to comment that he seemed to be positioning himself as a leader of the conservative Christian political spectrum. It has been noted that Glenn Beck, Sarah Palin, Newt Gingrich, and David Barton all champion the "Black-Robed Regiment." David Barton, of course, is America's most public historical and constitutional revisionist, and a much-quoted authority for a Christian American republic that many conservatives say once existed.

Who were the so-called "Black-Robed Regiment," and what was their message? They were preachers of the American Revolutionary period. But they were spiritual leaders who had largely strayed from the reform principles of the First Great Awakening.

A goodly number of the preachers who participated and led during that First Great Awakening were influenced by the Scottish, English, and French Enlightenments. They opposed some of their colleagues' fundamentalist approach to Christianity and a brash and brazen involvement in political matters. Some of these Great Awakening preachers—Baptist, Presbyterian, Quaker, and Episcopalian—had some considerable influence on the thinking of many of the constitutional founders, who were "enlightened" thinkers as well. They, along with the founders, wanted to dismantle church establishments and see an increased separation between church and state therefore realized. They wanted a decided move away from the Puritan experiment.

The Black-Robed Preachers, on the other hand, were, for the most part, not supportive of this new wave of so-called "Enlightenment" thinking and wanted a return to Puritan values and the preservation and strengthening of religious and church establishments through state legislative means, including the continued taxation of the public for their support.

The ensuing religio-political clash was inevitable. That great leader of the Awakening, Jonathan Edwards opposed Jonathan Mayhew's radical political sermons that stirred up revolt against Britain. Edwards rebuked him, telling him to preach Christ.

During the prerevolutionary, revolutionary, and constitutional founding periods, Samuel Davies, a Presbyterian stalwart, and a number of persecuted Baptist luminaries, such as Isaac Backus and John Leland, were among many others who sought to right the ship of church and state by promoting true religious liberty, as opposed to mere "tolerance."

The Black-Robed Preachers were indeed successful in helping to stir up the spirit of "Revolution" among the Colonists. However, it is also fortunate that in their decided stand against the Constitution they lost the intellectual and political domestic struggle that mattered most in terms of being able to claim a credible legacy in our collective memories regarding America's founding. They have simply been forgotten and for a good reason.

But Glenn Beck and David Barton would have us believe that these revolutionary preachers need to have revived importance in their struggle to rewrite our country's history, and the Constitution itself, in the minds and hearts of the American people.

Few realize today that these so-called black-robed radicals fought ratification of the Constitution in every state and were one reason, among many other factors, that Jay, Hamilton, and Madison wrote the Federalist Papers—to make sure it was ratified.

They were also largely in league with Patrick Henry, who opposed the Constitution. And finally, and most important, they were the ones who opposed the Constitution because "God" was left out and it contained no mention of our country being a Christian nation.

With Jasper Adams and Timothy Dwight, they continued on into the early national period (1800-1840) by calling for a rewritten Constitution to reflect a legal Christian status and one that favored Christian institutions through federal and state funding



schemes. This was similar to what Patrick Henry sought when fighting against Jefferson's and Madison's Virginia Statute for Religious Freedom. James Madison even wrote a letter in response to Jasper Adams' invitation to support his nationwide campaign, stating: "Experience will be an admitted umpire. . . . In the papal system, government and religion are in a manner consolidated, and that is found to be the worst of governments."

We need to continually remember that the same unthinking and unwise forces seen during the time of America's founding and early national periods are alive and well today.

Gregory W. Hamilton is president of the Northwest Religious Liberty Association, Ridgefield, Washington.

Europe And The Issue Of Rest: A Document Invokes Old Church-State Issue



BY: EDWIN COOK

On May 31, 1998, Pope John Paul II issued the apostolic letter *Dies Domini* (on keeping the Lord's Day holy), in which he attempted to provide a biblical argument for Sunday worship. While both the argumentation used and the appeal to Scripture are questionable, the practical application of the letter is not. In article 67, paragraph 2, Pope John Paul II admonished: "*Therefore, also in the particular circumstances of our own time, Christians will naturally strive to ensure that civil legislation respects their duty to keep Sunday holy. In any case, they are obliged in conscience to arrange their Sunday rest in a way which allows them to take part in the Eucharist, refraining from work and activities which are incompatible with the sanctification of the Lord's Day, with its characteristic joy and necessary rest for spirit and body*" (italics supplied).

Sunday Laws in Europe

Since release of *Dies Domini*, bishops and priests alike have obediently heeded the admonitions contained therein. In Croatia, a country comprised of a predominant Catholic populace (90 percent), efforts to pass a national Sunday law found fruition on January 1, 2009, after the cabinet had spent four years preparing the legislation.¹ The law, making exceptions for bakeries, flower shops, newsstands, and stores located in bus, train, and metro stations, requires all businesses to remain closed on Sundays.² Despite the lack of support from the populace, the highly influential leadership of the church pressured Parliament to pass the law, without consideration of the effects upon minority religious groups who hold as sacred a day other than Sunday.

During the same year, debate on Sunday legislation escalated in Germany. Berlin had passed legislation allowing stores to be open for ten Sundays a year, per contra the national law. Catholic and Lutheran churches had opposed Berlin's law and the case made its way to Germany's Constitutional Court, which ruled against Berlin's law of leniency.³ The court's ruling went into effect on January 1, 2010. Germany's protection for Sundays is found in article 140 of Germany's Basic Law, a holdover from the Weimar Constitution of 1919.

While these steps were being taken in Croatia and Germany, the Commission of Bishops for the European Community (COMECE) had given hearty approval and support to the proposal brought by five ministers of state to the European Parliament, arguing in favor of a Sunday law for all of Europe since Sunday served as a proper "cultural patrimony and social model" for European society.⁴ They argued for recognition of Sunday as a day of rest for the well-being of society. They reasoned that, in light of the current economic crisis, economies continued to function, indicating that the common seven-day workweek is not as essential as believed. They concluded that amid the hectic demands of modern, fast-paced society, families needed time together. Adeptly sidestepping any religious connotations to their appeal, they focused their arguments on the detriment to society's moral tone due to parents who had no time for their children, or for their own health.

Other supporters have included pro-labor and pro-family organizations from numerous European countries such as Germany, Austria, Denmark, Croatia, Spain, France, and Italy. Most recently, debate on the topic was aired on the British Broadcasting Corporation's program *The Big Questions*,⁵ which pitted Dr. Michael Schluter, director of the organization Keep Sunday Special, Alex Goldberg, head of the London Jewish Forum, Jenni Trent Hughes, work-life relations expert, and Cristina Odone, writer and broadcaster, against Richard Haddock, farmer and entrepreneur, and other U.K. citizens who are against Sunday legislation.

All of these Sunday legislation developments in Croatia, Germany, and possibly for all of Europe, due to the European Union's legislative decision, the central issue, beg the big question of motivation. What is the motivation behind calls for Sunday rest? Is it

solely to rest from labor, thus allowing time for families? Or, does it have another facet related to religious overtures? Sunday-rest advocates answer affirmatively the former question, and negatively the latter. The Commission of Bishops for the European Community recognizes that Europe is comprised of a variety of religious groups that do not all share the sanctity for Sunday as the Catholic Church does.⁶ Respecting those differences, the bishops concede that any day could be set aside as a day of rest from labor, but the customary practice in European society is that public institutions and schools are closed on Sundays. Thus, to facilitate family time, a work-free Sunday law should be enacted for all of Europe that contains not a hint of religious terminology or connotations.

As fair-minded as this argument sounds, however, its central weakness is that it does not answer the question *Upon what foundation—religious, or merely social—does the customary practice exist of closing public institutions and schools on Sundays?* When presented in this light, one avoids defending a practice just because it may have the advantage of ages of existence. Therefore, the issue demands further investigation, especially in light of the historic argument. As the eminent historian A. H. Lewis, D.D., stated: "History is an organic whole, a series of reciprocal causes and effects. No period can be separated from that which has gone before, nor be kept distinct from that which follows. . . . Every effort to remodel existing Sunday legislation, or to forecast its future, must be made in the light of the past."⁷ Thus, it is necessary to examine both the theological and the historic rationales surrounding the current Sabbath debate.

Saturday Worship and Sabbatarianism

Sabbatarianism is the belief that the biblical Sabbath should be observed on Saturday. Sabbatarianism is based on the belief that the Sabbath is a memorial both of Creation and of redemption. Sabbatarianism is based on the belief that the Sabbath is a memorial both of Creation and of redemption. Sabbatarianism is based on the belief that the Sabbath is a memorial both of Creation and of redemption. Sabbatarianism is based on the belief that the Sabbath is a memorial both of Creation and of redemption.

God created the world in six literal days and rested on the seventh, thus completing His work of Creation.⁹ Jesus Christ taught that the Sabbath was for humankind, bypassing any reference to the Jewish nature of the Sabbath, when He referred to the Creation week: "The Sabbath was made for man, and not man for the Sabbath. Therefore the Son of Man is also Lord of the Sabbath."¹⁰ The apostle Paul, many decades after Christ's crucifixion, continued this Creation-theme emphasis when he referred to the Sabbath of Creation and its enduring blessings to all who observe it: "For he spake in a certain place of the seventh day on this wise, And God did rest the seventh day from all his works. . . . There remaineth therefore a rest [Greek, *sabbaton*] to the people of God."¹¹

Sabbatarianism also believes the Sabbath serves as a memorial of redemption. During the Passion Week, Jesus was crucified on Friday, rested in the tomb on Sabbath, and was resurrected on the first day of the week, Sunday.¹² On the Friday of His crucifixion, Christ declared, "It is finished!" as He breathed His last breath, indicating that His supreme sacrifice for humankind was a completed act.¹³ During the Sabbath, Christ rested from His completed work of salvation; symbolic of the spiritual "rest" into which His followers enter by observing the Sabbath.¹⁴ Thus, those who observe the Sabbath as a sign of their salvation in Jesus Christ cannot be accused of trying to "work their way to heaven" out of good merit, since they have "ceased from [their] own works, as God did from his" and trust fully upon the merits of a crucified and risen Savior.¹⁵ Although Sunday was the day of Christ's resurrection, there are no scriptural passages supporting the observance of it as a day of worship.¹⁶

In contrast to Sabbatarianism, numerous Christians worship on Sunday. Lacking strong biblical support, Christians who observe Sunday as their sabbath have historically relied upon the tradition of the church and their desire to dissociate themselves from any Jewish overtones that they believe are central to Sabbath (Saturday) observance. The historical record during the Christian Era is replete with numerous periods of struggle between Sabbatarianism and Sunday-observing Christians, which repeatedly resulted in legislatively enacted Sunday laws.

Sunday Laws and the Roman Catholic Church

The history of Sunday legislation clearly indicates that it is integrally related to religious beliefs. History records that Sunday legislation traces as far back as the Roman emperor Constantine, who on March 7, 321, enacted into law a decree to honor the "venerable day of the sun," by which citizens were to abstain from work on Sunday, a day dedicated to the worship of the sun god and to the observance of "its venerable rites."¹⁷ As one Catholic historian transparently acknowledged regarding Constantine's efforts on behalf of the church: "He invested the judicial decisions of the bishop with civil authority. He modified the Roman Law in the direction of Christian values. Sunday, the day when Christians assembled, was made a day of rest. . . . Under Constantine the Church was firmly set on the road to union with the state."¹⁸

Several decades later, in A.D. 364, the Catholic Church convened the Council of Laodicea. One of its decisions related to a practice dating back to the middle of the second century, to roughly A.D. 150. At that time, the church had begun to encourage Christians to observe Sunday instead of the biblical Sabbath in order to distinguish Christians from Jewish believers, a change without scriptural support. By the time of the Council of Laodicea, Christians were observing both days of the week. In order to make a

complete break with the Sabbath, and substitute it with Sunday, the council stated, in Canon 29: "CHRISTIANS must not judaize by resting on the Sabbath [Saturday], but must work on that day, rather honoring the Lord's Day [Sunday]; and, if they can, resting then as Christians. But if any shall be found to be judaizers, let them be anathema from Christ."¹⁹ The church's overtly antagonistic stance toward the biblical Sabbath paved the way for atrocious and grueling torture of "Judaizers" during the Inquisition many centuries later.

A short 16 years after the Council of Laodicea, the church had gained such influence over the masses that emperors Gratian and Theodosius finally established it as the basis of the whole social order. "This is the intent of the epoch-making decree promulgated by Theodosius from Thessalonica on February 27, 380, which began: 'We desire that all peoples who fall beneath the sway of our imperial clemency should profess the faith which we believe has been communicated by the Apostle Peter to the Romans and maintained in its traditional form to the present day. . . .' Paganism was declared illegal, while privileges were granted to the Catholic clergy; they were accorded immunity from trial except in ecclesiastical courts. Roman law was revised in harmony with Christian principles: The Sunday observance laws of Constantine were revived and enlarged, with the banning of public or private secular activities."²⁰

Not even the passage of time has altered the vehement attitude of the church toward Sabbath-observing Christians. A little more than a thousand years after the time of emperors Gratian and Theodosius, the church again thundered its opposition against Sabbathkeeping believers at the Council of Florence (1438-1445).

Catholic theologians failed to see the distinction between the moral Sabbath (Saturday) of God's Ten Commandment law and the ceremonial sabbaths, which required animal sacrifices that symbolized the long-awaited Messiah. The moral Sabbath of the Ten Commandments (Saturday) was to be observed on a weekly basis,²¹ but the ceremonial sabbaths sometimes occurred in the middle of the week, and sometimes on the Sabbath (Saturday) of the Ten Commandments.²² Ceremonial sabbaths were also associated with circumcision, animal sacrifices, and the Jewish covenant.

Although the ceremonial sabbaths were fulfilled by the death of Jesus at Calvary,²³ the moral Sabbath of the Ten Commandments (Saturday) remained in vigor as part of God's moral law for humanity,²⁴ just as the apostle Paul stated, "Circumcision is nothing, and uncircumcision is nothing, but the keeping of the commandments of God."²⁵ Misunderstanding these fine theological nuances, Catholic theologians mistakenly conflated ceremonial sabbath observance with moral Sabbath observance. Thus, at the Council of Florence, they declared that all who observe the Sabbath (Saturday) are "alien to the Christian faith and not in the least fit to participate in eternal salvation, unless someday they recover from these errors."²⁶



The Council of Trent as depicted by the artist Pasquale Cati in 1588.

Within a century later, the Protestant Reformation had occurred and the Catholic Church was already organizing its forces for the Counter-Reformation. Seeking to counteract Protestant advances, the church at the Council of Trent ordered the preparation of the Catechism of the Council of Trent, in which leading theologians formulated responses to the perceived Protestant heresies.²⁷ One of the doctrines reemphasized was the teaching regarding the Sabbath (Sunday) commandment.²⁸ Here again, the Catholic Church acknowledged the (attempted) transference of the sanctity of the biblical Sabbath from Saturday to Sunday, claiming the church's authority to tamper with the divine law of God: "But the Church of God has thought it well to transfer the celebration and observance of the Sabbath to Sunday." Of utmost concern to the discussion of Sunday-rest laws, the Council of Trent not only solemnly admonished all to abstain from work on Sunday, but also continued to expound upon the obligation of all to use the day in "worship of God, which is the great end of the Commandment." Such worship included attendance at church, confession to the priest, performance of the Sacrament of Penance, and participation in the "Holy Sacrifice of the Mass."²⁹

With such mistaken zeal about the moral law of God, the Catholic Church justified itself in the torture and murder of numerous "Judaizers" during the Inquisition. Historical records confirm that not all who observed the biblical Sabbath (Saturday) were Jewish in faith, yet they were classified as "Judaizers" because, in the eyes of the church, they maintained an affinity to the Sabbath of the Ten Commandments.³⁰ Not only was the Catholic Church a persecuting force to Sabbatarians, but also the Reformed faith in Transylvania persecuted and confiscated property of Sabbathkeepers during the Great Persecution of 1638.³¹ Thus, history records that both Catholics and Protestants united in their efforts to suppress other Christians who held convictions about the Sabbath that were contrary to their own.

It becomes evident that any emphasis upon Sunday-rest does not involve the mere abstinence from work, but naturally leads to the observance of religious rites. As recently in the modern era as 1864, the church voiced its authority, declaring that the state does not have the authority to allow servile work on certain holy days and feasts, contrary to the teachings of the church—such men "make the impious pronouncement . . . that the law should be repealed 'by which on some fixed days, because of the worship of God, servile works are prohibited [by the church].'"³² In those countries where governments acquiesce to the demands for Sunday-rest legislation, they will acknowledge by default that the church has the upper hand. This in turn will lead to the church not only obligating citizens to rest on Sunday, but to worship on it as well.

Some may argue that such accounts refer to Roman Catholicism of the past and that Vatican II (1962-1965) introduced dramatic reforms within the church. While there is some veracity to such an argument, one must not overlook the immutable position of the church with respect to Sunday. In *Dies Domini*, article 3, paragraph 1, Pope John Paul II stated: "The fundamental importance of Sunday has been recognized through two thousand years of history and was emphatically restated by the Second Vatican Council: 'Every seven days, the Church celebrates the Easter mystery. This is a tradition going back to the Apostles, taking its origin from the actual day of Christ's Resurrection—a day thus appropriately designated "the Lord's Day.'" Paul VI emphasized this importance once more when he approved the new General Roman Calendar and the Universal Norms which regulate the ordering of the Liturgical Year." The calendar reform—the idea of making calendars with Sunday as the last day of the week, rather than Saturday—has found continual support from the church and is gaining headway in Europe.

Not only was the immutable position of the church regarding Sunday worship evident at Vatican II, but Catholic theologians have written extensively to promote Sunday worship. For example, one of the leading Catholic scholars in the "nouvelle théologie" movement, Henri de Lubac, refers to the periods of world history, the sixth one having begun with the incarnation of Jesus and the seventh one beginning with His resurrection. By using numerology, mystical symbolism, and church tradition, De Lubac attempts to rationalize why Sunday should be considered as a true Sabbath of rest in honor of the Resurrection.³³ Calendars should reflect this teaching, hence, the substitution of God's holy Sabbath (Saturday) with the Sabbath (Sunday) of the church's own creation.

In light of the foregoing efforts of the church to exalt Sunday worship, and especially when one considers the examples of Sunday laws being passed in Croatia and Germany mentioned at the beginning of this article, there remains an immovable shadow of doubt upon the position of the church as a champion of religious freedom for those of other faiths.

Conclusions

Current debate regarding Sunday as a day of rest from labor cannot overlook the direct impact of *Dies Domini* and the centuries-long struggle over the Sabbath (Saturday) as a day of worship. The apostolic church, founded by Christ and under the guidance of the apostles, observed the biblical Sabbath, Saturday. While the Catholic Church does acknowledge this fact, it also has declared in various councils the authority of the church to command the observance of Sunday, not only as a day of rest, but also as a day of worship. Not content with mere didactic efforts, the church has also sought on various occasions to enforce its teachings regarding Sunday observance through legislative enactment.

Through the centuries various Christian groups have rediscovered the truth regarding the biblical Sabbath and have consequently begun worshipping on Saturday instead of Sunday. If one were to apply the specious reasoning and coercive spirit of the Catholic Church as recorded in the history of the Sabbath-Sunday debate and briefly outlined in this article, then such groups in our day as Seventh Day Baptists, Jews who observe the Sabbath, Seventh-day Adventists, members of the Worldwide Church of God (Seventh-day), the Church of God of Prophecy, and various other Pentecostal Christians would be subject to the anathema, execration, and condemnation of the Catholic Church (and possibly subject to that of other Sundaykeeping Christians, too). God forbid, but is it possible that in our enlightened age of civility, religious pluralism, and respect for differing views, we shall see a return to the barbaric and heinous crimes of religious persecution of medieval times?

Edwin Cook, a minister of religion, is currently completing his doctoral studies in church-state relations at Baylor University, Waco, Texas.

1 Accessed on 5/11/2010 from www.topnews.in/croatian-retailers-sack-workers-never-sunday-law-kicks-2106643.

2 Accessed on 5/11/2010 from <http://abcnews.go.com/International/wireStory?id=5378375>.

3 Accessed on 5/11/2010 from www.dw-world.de/dw/article/0,,4953600,00.html.

4 Accessed on 5/11/2010 from www.aciprensa.com/noticia.php?n=24334.

5 Aired on March 24, 2010; www.bbc.co.uk/thebigquestions.

6 Accessed on 5/11/2010 from www.elimparcial.es/contenido/35248.html.

7 A. H. Lewis, *A Critical History of Sunday Legislation From 321 to 1888 A.D.* (New York: D. Appleton and Company, 1888), pp. v, vi.

8 There are several laws mentioned in Scripture: (1) the Ten Commandment law (Exodus 20:1-17), (2) the "law [of sacrifices]", (Hebrews 10:1), (3) the "law of sin and death" (Romans 8:2), and, (4) the "law of faith" (Romans 3:27). Recognizing the multiple laws mentioned in Scripture requires close scrutiny to determine which ones were abolished by Christ's death at Calvary (the law of sacrifices and, partially, the law of sin and death, at least with respect to mankind's condemnation) and which ones were upheld (the Ten Commandment law as identifying sin, the law of sin and death as requiring the death of the sinner, in this case, Christ who bore our sins, and the law of faith, by which we gain access to God's grace).

9 Genesis 2:1-3.

10 Mark 2:27, 28, NKJV. Texts credited to NKJV are from the New King James Version. Copyright © 1979, 1980, 1982 by Thomas Nelson, Inc. Used by permission. All rights reserved.

11 Hebrews 4:4-9.

12 Luke 23:54-24:1.

13 John 19:30, NKJV; Hebrews 4:5, 9-11.

14 Hebrews 4:5, 9-11.

15 Hebrews 4:10: "For he that is entered into his rest, he also hath ceased from his own works, as God did from his."

16 There are only eight references in the New Testament that refer to "the first day of the week" and none of them give the command to worship on that day as the fourth commandment orders the observance of Saturday: Matthew 28:1; Mark 16:2, 9; Luke 24:1; John 20:1, 19; Acts 20:7; 1 Corinthians 16:1-4.

17 Henry Bettenson, ed., *Documents of the Christian Church* (London: Oxford University Press, 1963), pp. 18, 19.

18 Thomas Bokenkotter, *A Concise History of the Catholic Church* (New York: Doubleday, 1990), p. 39.

19 Accessed on 5/9/2010 from <http://reluctant-messenger.com/council-of-laodicea.htm>.

20 Bokenkotter, p. 57.

21 Exodus 20:8-11; Deuteronomy 5:12-15.

22 For example, the observance of the Day of Atonement occurred on the tenth day of the seventh month and was considered as "a sabbath of rest," even though it did not fall on the weekly Sabbath (Saturday) in some given years (Leviticus 23:27-38). Nonetheless, God made a clear distinction between it and the weekly, moral Sabbath when He commanded the observance of these feasts of atonement (verse 37) "besides [or, in addition to] the Sabbaths of the Lord" (verse 38, NKJV).

23 Daniel 9:27; Colossians 2:14-17.

24 Romans 3:31.

25 1 Corinthians 7:19.

26 "A Decree in Behalf of the Jacobites," from the bull "*Cantata Domino*," Feb. 4, Florentine style, 1441, modern, 1442, as cited in Henry Denzinger, *The Sources of Catholic Dogma* (Fitzwilliam, N.H.: Loreto Publications, 2002), p. 229 (par. 712).

27 Originally convened December 13, 1545, it was not until February 26, 1562, when a commission was actually appointed to prepare the catechism. Pope Saint Pius V, xxiii.

28 Pope Saint Pius V, *The Catechism of the Council of Trent* (Rockford, Ill.: Tan Books and Publishers, Inc., 1982), pp. 402-407.

29 *Ibid.*, p. 403.

30 Haim Beinart, ed., *Records of the Trials of the Spanish Inquisition in Ciudad Real* (Jerusalem: The Israel Academy of Arts and Sciences, 1985), vol. 4, pp. 409-525.

This section, Biographical Notes, relates personal information about the 700 citizens of Ciudad Real who were tried, and many of whom were burned at the stake, for observing the Sabbath (Saturday).

31 Daniel Liechty, *Sabbatarianism in the Sixteenth Century: A Page in the History of the Radical Reformation* (Berrien Springs, Mich.: Andrews University Press, 1993), pp. 68-77.

32 Pius IX, from the encyclical *Quanta cura*, Dec. 8, 1864, as cited in Denzinger, p. 431 (par. 1693).

33 Henri de Lubac, *Catholicism: Christ and the Common Destiny of Man* (San Francisco, Calif.: Ignatius Press, 1988), pp. 150-155.

Do Unto Others

BY: ROBERT E. LEE

Is it not strange that the descendents of those Pilgrim Fathers who crossed the Atlantic to preserve their own freedom of opinion have always proved themselves intolerant of the spiritual liberty of others?

General Robert E. Lee in a letter to his wife, December 1856.

