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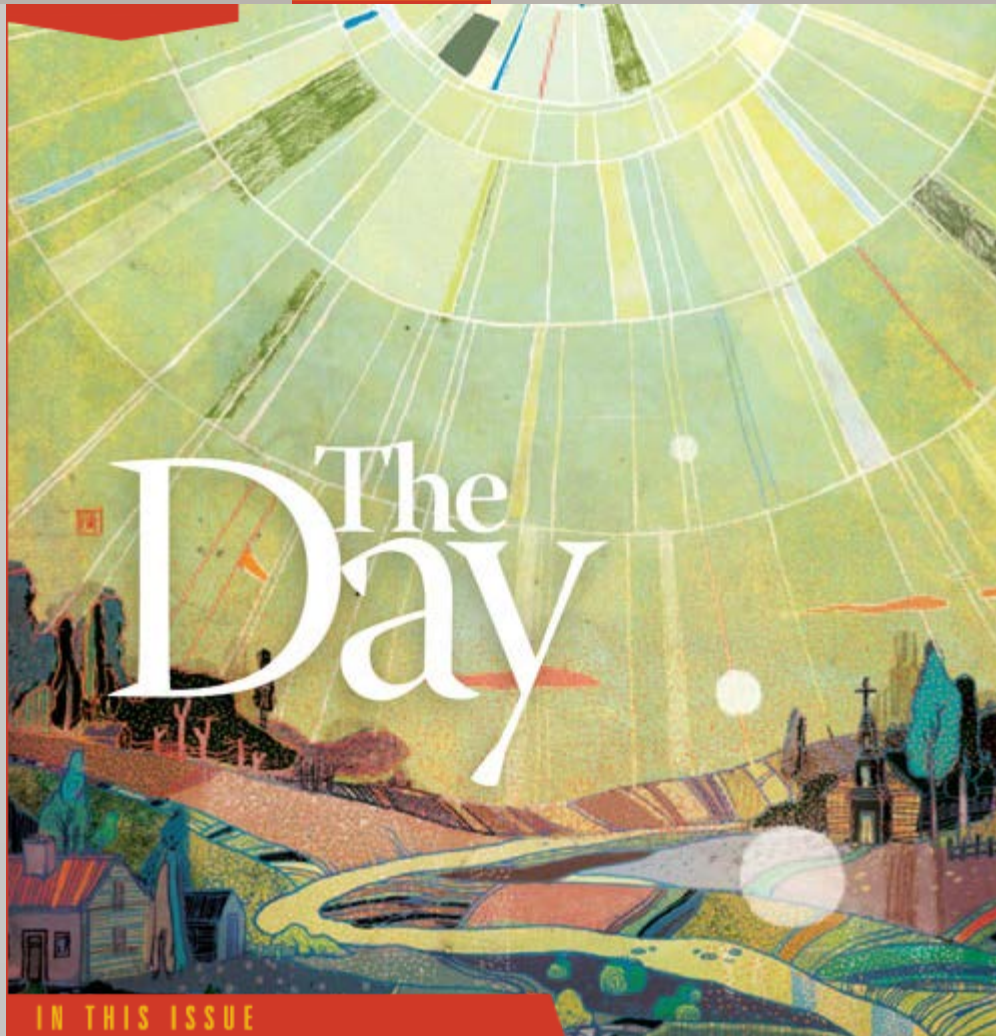
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A Nation Committed To Religious Freedom

Liberty Editor Lincoln Steed Interviewed Canadian Foreign Minister Baird After His Dinner Presentation



BY: LINCOLN E. STEED

Thank you for your speech tonight. We're very impressed by this new Office of International Religious Freedom. Does Canada intend to reach out in a new and unprecedented way for religious freedom?

Baird: Certainly one of my main responsibilities is promoting Canadian values; and the Office of International Religious Freedom will assist all of our missions around the world in promoting key human rights as a priority. We hope to certainly have a loud voice, and we have to follow up words with actions.

What was the genesis of this recent initiative?

Baird: I think that there were a number of things. It comes from the leadership of Prime Minister Stephen Harper on this issue. He has a profound interest and is a strong supporter for life and leadership in religious freedom. Too often, in recent decades, we haven't spoken up as strongly as we could or should, and that is key for this inspiration. We hope the office will do a good job and support all of our missions around the world. We can accomplish a lot if we make this front and center.

You were talking about shared values. I'm originally from Australia. Australia and Canada, like the United States, have been melting pots. But I know in recent years many disparate groups have come into Canada; particularly some of the religious minorities. You seemed to have accommodated them very well. What is Canada's secret to creating religious harmony?

Baird: One of the fundamental Canadian values is pluralism—respect for differences. I don't like the word "tolerate." I tolerate a child screaming behind me on an airplane. When you come to Canada, you've got to respect the fundamental Canadian values—equality and acceptance. That's an important part of our pluralistic society. Sometimes it hasn't been easy, but that's when you need to be committed to those values. And you've got to realize that when you come to Canada, there may be a Hindu living next to a Sikh. There may be a Jew living next to a Muslim. There may be a Christian living next to a Baha'i. But we live in a harmonious society that has a deep and profound respect for differences.

In the United States there's much discussion of the First Amendment and a separation of church and state. You have a different model, don't you?

Baird: We have freedom "of" religion and not freedom "from" religion. We have many faith-based groups that do a phenomenal job helping newcomers, helping the poor and downtrodden, helping people with disabilities, and helping international development. We've been very successful and don't discriminate based on whether or not they are faith-based. In case after case after case that's been a great asset.

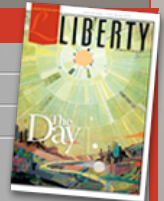
A cloud on the religious practice front in Canada is that some religious groups fear that perhaps gay rights could be used against Christian expression. How do you see Canada getting past this possible conflict?

Baird: I strongly support the rights of people of a different sexual orientation. I also think we've got to be mindful that freedom of religion is tremendously important. Whether it's gender equality between men and women or whether it's human rights, they're not competing. They complement one another.

There's got to be a fundamental respect for religion and differences of opinion. In the church where I grew up, women were allowed to be ministers, and in others they're not. We respect the fact that every church has its own values and traditions. Sometimes we'll personally agree, and sometimes we'll disagree. But we've got to accept that in the context of religious affairs, freedom is tremendously important.

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What's the next milestone?

Baird: We'll be launching the office officially and naming an ambassador. What we'd like to do is begin to tackle some of the hot spots in the world. What we see going on in Egypt makes it an obvious priority—the security of Coptic Christians is important. What we see going on in Nigeria is deeply concerning. There is the abhorrent treatment of the Baha'is in Iran. Those are three examples off the top of my head of how we'll be actively engaged. And we can't get anything done alone. We've got to work with partners. The United States has been and will hopefully continue to be a good partner.

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NOVEMBER / DECEMBER 2012

Bully On The Block

BY: CELESTE PERRINO-WALKER

The school bully—singular—used to be the kid who'd turn the other kids upside down and shake the milk money out of their pockets. Times have certainly changed. These days bullies are everywhere, and today a bully doesn't even need size to gain an advantage. The Internet has leveled the playing field, and geeks are as likely as pumped-up jocks to be bullies. Bullying has even gone equal opportunity, and girls have gained a reputation as bullies with finesse, spawning such books and movies as *Mean Girls*.



The result of all this bullying opportunity is widespread panic by officials, parents, and advocacy groups alike. With everyone scrambling to install safety protocols in schools and clubs where bullying is likely to happen, it is startling when bullying comes from the place you'd least expect it: officials themselves enforcing their sparkly new policies.

Brandon Wegner, 15, encountered bullying as a result of his work as a student reporter at Shawano Community High School, where he writes for the student-run school newspaper, the *Hawks Post*. He and another student, Maddie Marquardt, participated in a point-counterpoint piece on the subject of whether or not homosexual couples should be allowed to adopt children. Maddie took the "pro" side, and Brandon the "con" side. Their opinions ran side by side, with a picture of the teens, duking up, in a boxing ring preparing to "battle it out."

KO'd

The *Hawks Post* is a student-run paper with student opinions and views. While their content is not controlled, they do have a faculty adviser who oversees the newspaper. The opinion pieces Brandon and Maddie wrote were published in the *Green Bay Press Gazette*, a local town paper. In this case the pen turned out to be far mightier than the sword, or even the fist. A homosexual parent, Nick Uttecht, who was offended by Brandon's side of the article, wrote a formal letter to the school claiming the article constituted hate speech. "Uttecht told school district officials he thinks the piece opposing gays as parents is hateful and should not have run," *USA Today* reported. "He worries the strong language will hurt his children and could lead students to bully gay classmates."¹

That's when things started to get ugly. School officials immediately made the students pull Brandon's article from the newspaper before it was distributed in the school. Brandon, according to Liberty Counsel, who is representing him, "was pulled into hours of meetings with school administrators and staff, without his parents' knowledge. This caused him to miss exam preparation classes and at least one exam.

"Brandon was hauled before the superintendent on charges that he had violated the school's bullying policy. Superintendent Todd Carlson told him that the column 'went against the bullying policy,' and asked him if he 'regretted' writing it. When Mr. Wegner stated that he did not regret writing it, and that he stood behind his beliefs, Superintendent Carlson told him that he '[has] got to be one of the most ignorant kids to try to argue with [me] about this topic,' that 'we have the power to suspend you if we want to,' and that the column had 'personally offended me, so I know you offended other people!'"²

After that a lot of people jumped into the ring with Brandon and Maddie, turning the point-counterpoint piece into a free-for-all. At the heart of the controversy, as expected, is the outrage over Brandon's Christian viewpoints expressed in a school setting. As a nation we are so PC-sensitive now that even the mention of God in the same sentence with school makes us break out in hives. But the truth is that for any speech to be free, all speech must be free. Brandon expressed his viewpoint—his viewpoint—which happened to have a biblical base because Brandon is a Christian. The whole point of having a debate is for two people to have opposing viewpoints.

Interestingly, support for Brandon came from an unexpected quarter. Shawano school officials received a letter from the American College of Pediatricians, who supported Brandon's position based on scientific studies of heterosexual versus homosexual parenting. One has to wonder if Brandon would have received as violent a reaction if he had quoted the results of these studies instead of Scripture.

Although Brandon was accused of bullying, the charge is erroneous because simply holding and expressing a viewpoint does not qualify as bullying. Bullying could be the end result of action that springs from a viewpoint, but it can't be the viewpoint itself. Bullying, a verb, is, by definition, to scare, hurt, or threaten someone, or to cause them to do something by means of a threat, insult, or the use of force. Brandon's article did not single out a person or make threats upon anyone. In contrast, the school's behavior would fall under the category of bullying. Ironically, they acted as bullies enforcing their own policy against bullying.

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The school apologized—not to Brandon Wegner, the recipient of their bullying, but to the community at large. The statement released by Superintendent Carlson extending the school's regret was printed in USA Today: "The Shawano School District would like to apologize for a recent article printed in the Hawks Post newspaper. Proper judgment that reflects school district policies needs to be exercised with articles printed in our school newspaper. Offensive articles cultivating a negative environment of disrespect are not appropriate or condoned by the Shawano School District. We sincerely apologize to anyone we may have offended and are taking steps to prevent items of this nature from happening in the future."³

Regrettably the school does not seem to see its own double standard. Their actions, though, expose the heart of the troubling, underlying issue at stake here.

The Dark-Horse Issue

While everyone's attention is glued to the racier issue of homosexual parenting, the more disturbing, brand-spanking-new bullying policies with their potential for causing freedom-of-speech woes lurk waiting to make a horrific impact once they become more established. This is particularly relevant for Christians whose issues tend to be based on questions of morality. The problem is that the bullying policies are being drafted based on the new definition of tolerance. "The 'new tolerance' means: Not only do you put up with and endure and bear with those who have different views, habits, and/or lifestyles than your own, but you agree with their views as well," wrote the late D. James Kennedy, Ph.D., in his article "The New Tolerance." "Furthermore, you hold that their lifestyle is equally true and equally valid as your own, and therefore there is no possible way that you could be intolerant, because there is nothing to be intolerant of. You must even be willing to promote and endorse that other lifestyle, since it is every bit as good as yours."⁴

According to Kennedy, "we're rapidly sliding downhill. Does it matter? Yes, it matters because when you are criticizing what that person believes or what he does, you are hurting his 'feelings.' You are intolerant. You are demonstrating hatefulness to him, and that is a 'hate crime.' That can cause you to end up in court or jail. For the first time in history, you can be judged and sent to jail for what is inside your head or inside your heart. Who knows what lies beyond that step?"⁵ As Brandon's case demonstrates, you don't even need to single someone out, criticize their lifestyle choice, threaten them, or insult them; you merely need to mention that from a Christian perspective their behavior is wrong, and then you can be accused of "hate speech."

Sane Bullying Policies?

The danger here is that no compassionate, caring, rational human being could possibly object to bullying laws, particularly in light of rabid media attention highlighting stories about bullied teens committing suicide. Of course we want to eliminate bullying. Of course we care about children and teens, even adults, and want to protect them. Of course we want to do everything in our power to set strict boundaries against bullies and enforce them. And therein lies the problem. We take our legitimate concern and legislate it with bullying policies written by people with agendas.

Consider what happened in Michigan. In December 2011 Governor Rick Snyder signed a bill into law that gives schools six months to develop clear anti-bullying policies that are required to be in place by the next school year. The original version of the bill had language some considered controversial, namely: "This section . . . does not prohibit a statement of a sincerely held religious belief or moral conviction of a school employee, school volunteer, pupil, or a pupil's parent or guardian."⁶ Just paragraphs later the bill itself defines bullying as "any written, verbal, or physical act, or any electronic communication, by a pupil directed at one or more other pupils that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly."⁷

It passed in the Michigan state senate with the language included and was strongly criticized by Democrats. "One Michigan Democrat, Senator Gretchen Whitmer, . . . gave a speech harshly criticizing the passage of the bill, saying it creates a blueprint for bullying rather than preventing it. 'You may be able to pat yourselves on the back today and say that you did something, but in actuality you are explicitly outlining how to get away with bullying,' said Senator Gretchen Whitmer. 'As passed today, bullying kids is OK if a student, parent, teacher, or school employee can come up with a moral or religious reason for doing it.'"⁸ Using this logic, we would be forced to conclude that a statement of belief equals a threat of violence intended to harm someone. When a sincerely held religious belief or moral conviction constitutes a blueprint for bullying, it's not a huge jump before it also constitutes a hate crime.

The version ultimately signed into law had the controversial language removed. Seventeen-year-old Katy Butler, hailed as a "new voice against bullying"⁹ by the Washington Post, is one of the people who worked on the wording of the Michigan legislation. Butler is a lesbian who says she was bullied for coming out in middle school. "Further in the future, we're working on a national anti-bullying law." "I'm really excited for that."¹⁰

It is interesting to note that according to the FBI in its 2010 Hate Crime Statistics report, hate crimes—also called bias crimes—motivated by religious bias (1,322) were slightly higher than hate crimes motivated by gender bias (1,277), but crimes motivated by racial bias were more than both of them combined (3,135).¹¹ These three bias-based crimes were only the top-ranking, not the only, categories. Clearly humanity as a whole could benefit from stronger deterrents for bias crimes. The questions are: Who will determine their language? What do they stand to gain? and What might we lose in order for them to gain it?

"No one wants to allow someone to bully another person," says Mathew Staver, founder and chair of Liberty Counsel, "but oftentimes what these policies are geared to do is to literally silence the speech of those people who are Christians, or who have a moral viewpoint that homosexuality is wrong. The Brandon Wegner case is a classic example of that."¹²

Only time will tell what happens with national legislation regarding this issue, but based on Michigan's experience the outlook is chilling. As for Brandon Wegner, Staver says the school has ceased its harassment, and Liberty Counsel is waiting on Brandon's parents to decide if they want to pursue any further legal action.

Céleste Perrino-Walker is a much-published author and editor who lives and works from her home in Rutland, Vermont.

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2 www.lc.org/index.cfm?PID=14102&AlertID=1360.

3 www.usatoday.com/news/nation/story/2012-01-15/gay-parenting-shawano/52567228/1.

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5 *Ibid.*

- 6 www.legislature.mi.gov/documents/2011-2012/billengrossed/Senate/pdf/2011-SEBS-0137.pdf.
- 7 *Ibid.*
- 8 <http://grossepointe.patch.com/articles/anti-bullying-bill-passes-state-senate-draws-criticism>.
- 9 www.washingtonpost.com/local/education/katy-butler-a-new-voice-against-bullying/2012/03/16/gIQAXUPbHS_story.html.
- 10 <http://plymouth-mi.patch.com/articles/katy-butler-takes-bullying-awareness-to-national-stage>.
- 11 www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls.
- 12 Personal interview, Apr. 5, 2012.

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NOVEMBER / DECEMBER 2012

Earth And Sky Editorial

BY: LINCOLN E. STEED

Colorful as our cover is for this issue, it puts me to mind of an old black and white movie. In 1957, Swedish playwright Ingmar Bergman wrote and directed *The Seventh Seal*. The title was taken from Revelation 8, verse 1: "And when [the Lamb] had opened the seventh seal, there was silence in heaven about the space of half an hour." The film is apocalyptic in tone and intent.

The opening scene is dramatic. There is a desolate seascape and a burning sky marked by a wheeling bird of prey. A choir yells the "Dies Irae." It is medieval Europe, and a knight has returned from the Crusades to find the Black Death ravaging the population and religious extremism coexisting with a growing fear that God might not exist.

It is an old dynamic, repeated often enough in the past, and arguably at work even today. Witness comments from certain preachers in the United States after Katrina and September 11, and also from certain mullahs in sun-baked regions of the Middle East. In the Bible dynamic one can expect certain consequences when God is forgotten. In the Bible, recorded in Deuteronomy chapter 28, the mixed multitude who had left Egypt for Sinai were reminded that disobedience would have consequences: "And your heavens which are over your head shall be bronze, and the earth which is under you shall be iron" (verse 23).

Bergman was tackling a big issue with his play/film. It's an age-old issue. One of the oldest stories recorded is that of Job, the wealthy man in the land of Uz. After disaster struck (trouble from Satan, not from God, by the way) Job argued his integrity against four friends who were convinced that he deserved what he got. In our day the issue is tackled by authors such as Rabbi Harold Kushner, in his book *When Bad Things Happen to Good People*.

So we have this dual model. God will punish people for disobedience, but not everything bad that happens is a punishment from God or even an indication of wrongdoing. Too bad so many people keep getting the two confused.

In *The Seventh Seal* those in medieval society were convinced that the Black Death was God's punishment on them. Therefore it called for extraordinary repentance and extraordinary acts of faith to ferret out the evildoers who were calling down God's wrath upon society. One of the more dramatic sequences in the story is the mistreatment and final burning of a poor simple girl accused of witchcraft. The knight, who is the observer in the story, looks into her eyes and sees only unknowing fear.

After September 11 many Americans learned to live with unknowing fear. It was like the worst days of the Cold War again, only this time there was no end in sight and few really understood the nature of this new conflict. I'm not so sure they understand it now—nor do many of those in charge seem overly committed to acknowledging the real issues at play. So much of it revolves around God, His will, His people, and moral culpability.

Like the unfortunates in plague-ravaged Europe, many today suffer the situation in uncomprehending numbness. Do we hear "Dies Irae," or is it just global warming and cyclical disruption of the markets? Is the church our comforter in distress, or do we look to it to identify the moral blight that has caused our troubles? Big questions.

Liberty Magazine has been arguing for religious liberty for 106 years now; a few decades longer than that if you include its predecessors, the *American Sentinel* and *The Sentinel of Liberty*. From the beginning we have argued for the separation of church and state: a constitutional mandate designed to protect religious freedom. We have argued for full religious freedom for any and all—and for the right to change your belief or to have none at all. This has only been right and just. But there is a little more to it than that.

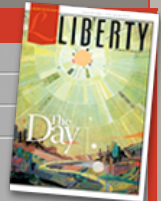
Seventh-day Adventists began this magazine not just because we believe in religious freedom—which we do and always will. It was not begun because early Adventists suffered under blue law restrictions in the United States that often had them fined or imprisoned for disobeying a law based on religious compulsion of a "sun" day that had been substituted for the Bible Sabbath. *Liberty* was established and continued because we see in Holy Writ indications that the most egregious persecutions of the Middle Ages will be repeated worldwide—even in the United States—before God replaces this human-directed world with an eternal kingdom of glory. Revelation chapter 13 is quite specific about the global compulsion to a false worship.

From time to time we have articles differing with past teachings or present policies of the Roman Catholic Church as



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they relate to religious liberty. This is done not to tweak their noses or to be difficult. There are real issues at play here—and as the United States was once self-consciously Protestant, so is *Liberty Magazine*. But those issues as we outline them in these articles are bigger than that divide. Remember, for the religious liberty principle, every individual has a right to follow his or her conscience, and every church, sect, or cult has a right to hold any belief.

Not too long ago I attended a religious liberty event at Catholic University in Washington, D.C. It was heartwarming to hear so many Catholic leaders outline their commitment to a religious liberty construct that is both biblical and in tune with a constitutional separation of powers. Before anyone thinks me historically naive, let me say that this is all predicated on Vatican II holding. That council of 1962 came up with *Dignitatis Humanae*—a document that completely restated the rights of the individual conscience. Cardinal Timothy Dolan expressed it well when he said, "Once upon a time we held that error had no rights." That medieval attitude is gone now and will only come back when and if the battle to sustain Vatican II is lost.

This past summer was the third hottest on record for the United States. This past year saw the greatest number of natural disasters ever, by a wide margin. This past year saw not only the death of Bin Laden but the resurgence of his brand of terrorism. This past year saw the closest of close calls for the financial viability of the European Union. This past year would suit the opening scenes of *The Seventh Seal* just fine. The upwelling of narrow, reflex religious solution is not confined to the Middle East. Just today I received a review copy of a book entitled *Wall of Misconception*. It is a rethink of the separation of church and state, and a redux of the godly state. The worse things get, the stronger is the appeal of this medievalism. More and more the voices say, "If we just morally cleansed our nation—our world—then God would stay His hand." There is a half-truth here: God wants willing obedience and will bless it—but I cannot imagine any mandated worship being pleasing or effective.

In times of crisis early humanity turned to the visible symbol of power in the sky and worshipped the sun. I see in the emerging Sunday family rest day in Europe the beginning of another Rite of Spring solution. Religious liberty models say it matters not the form of worship—we will allow and defend it. Religious liberty models also say that there should be no compulsion or state oversight of religious practice. And the models of history tell us that when church and state work together to solve a moral crisis, it produces dysfunction. Bergman had it right: God was not in the flagellant revivals, He was not in the witch hunts, He was not in the edicts of clergy or ruler—as always, He is found in the heart and the conscience of free individuals.

Lincoln E. Steed is editor of *Liberty*.



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Faith And Home: Salman V. City Of Phoenix Case Commentary

BY: JOHN WHITEHEAD



Among the most inestimable of our blessings is that . . . of liberty to worship our Creator in the way we think most agreeable to His will; a liberty deemed in other countries incompatible with good government and yet proved by our experience to be its best support" (Thomas Jefferson, 1807).

All across the country, in cities, towns, and villages of every size imaginable, Americans take part in a time-honored tradition that goes back centuries—gathering with family and friends at home for prayer and worship. For some, the gatherings are structured and formal, while others adopt a more laid-back approach. Similarly, the site of the meetings varies greatly, from living room to game room to backyard to a space dedicated for that particular purpose, as do the religious beliefs of the participants—Christians, Jews, Muslims, and so on.

Rarely do those taking part in these weekly exercises of religious freedom and assembly consider that they are engaging in a practice that is outlawed in some parts of the world. Yet increasingly, as communities from New York to California adopt strident zoning codes crafted in such a way as to discourage religious gatherings, these religious rituals of fellowship, prayer, and reflection are now being outlawed in America. For example, just last year, Chuck and Stephanie Fromm, of San Juan Capistrano, California, were fined \$300 for holding Bible studies in their home, ordered to stop having "a regular gathering of more than three people" in their home, and threatened with a \$500 per meeting fine if they continued.

The latest incident to make national headlines involves a Phoenix man—a devout Christian, devoted husband and the father of six children under the age of 11—who was fined more than \$12,000 and sentenced to 60 days in jail for the "crime" of holding a weekly Bible study in his Phoenix home, allegedly in violation of the city's building codes. Yet what happened to Michael Salman—armed police raids of his property, repeated warnings against holding any form of Bible study at his home, and a court-ordered probation banning him from having any gatherings of more than 12 people at his home—should never have happened in America.

Since 2005 Michael Salman and his wife, Suzanne, have hosted Bible studies at their Phoenix home for family and friends. The size of the Bible studies ranges from 20 to 45 people, depending on the day of the week and time. As an ordained minister with a full-time prison ministry, Michael often leads the Bible studies, both the teaching, discussion, and worship. Attendees parked their cars on the Salmans' 4.6-acre property so as not to crowd the street or inconvenience the neighbors. However, after some neighbors complained about the gatherings, city zoning officials started harassing the Salmans, advising them that they were not permitted to hold Bible studies in their home.

At no time did the city raise any concerns over the number of guests in their home or vehicles in their yard. Rather, their concerns were based solely on the religious nature of the gatherings—a clear violation of citizens' fundamental right to freely exercise their religion, which is protected by the First Amendment and considered to be Americans' "first freedom." Incredibly, these zoning officials actually suggested that because the Salmans' activities are based purely on "religious worship," the meetings in their home constituted a church and had to be governed by building codes for churches, rather than residential homes. Of course, these same zoning officials had no problem with group gatherings for family reunions, football parties, Tupperware parties, or Boy Scout meetings.

Determined to continue practicing their Christian faith, the Salmans did everything to try to reasonably accommodate the city's demands, even going so far as building a 2,000-square-foot game room in their backyard, large enough to hold approximately 40 people, which they proceeded to use for their weekly Bible studies.

City officials still refused to back down. In June 2009 nearly a dozen armed police officers, accompanied by city inspectors, raided the Salmans' property, searching for possible "zoning" violations. Having determined that the Salmans' weekly Bible studies constituted a church because of the religious nature of their activities, city officials subsequently charged Salman with being in violation of various code regulations that apply to commercial and public buildings, including having no emergency exit signs over the doors, no handicap parking spaces, and no handicap ramps. Salman was later found guilty of 67 code violations.

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For more than three years the Salmans attempted to placate city officials, even agreeing to install overhead sprinklers in their converted game room, but when zoning officials started insisting that the Salmans actually install paved roads and curbs on their private property, they said, "No more." That's when city officials really turned up the heat, sentencing Michael Salman to 60 days in jail, more than \$12,000 in fines, and a two-year probation. City officials also indicated their desire to extend Michael's jail time on the grounds that he violated his probation by continuing to hold Bible studies on his private property after being ordered not to have more than 12 people gathered on his property at any one time.

Suddenly every detail of the Salmans' lives was being viewed suspiciously by government officials, with an eye toward persuading the public that what was really taking place at 7601 North 31st Avenue was an illegal church. After all, here was a family that held private weekly gatherings at their home (these were not open to the public) at which their relatives and friends prayed, studied the Bible, sang hymns, collected tithes, and distributed pamphlets. There was even a Bible board—a sign in their front yard on which they displayed Bible verses. What's more, the Salmans had also applied for and been granted an exemption from property taxes for their property.

To their credit, the Salmans had legitimate explanations for every charge brought against them, including the fact that under Arizona law the home of an ordained minister qualifies for a tax exemption as a "parsonage"—not as a church. The tithes, none of which went to the Salmans, were donated to needy charities and ministries. Just as the simple act of purchasing products at a Tupperware party does not transform a home into a retail store, the simple act of tithing does not transform the Bible study gathering into a church. The pamphlets, no different from the flyers and newsletters other people pass out in their homes for Avon, Pampered Chef, Amway, Cub Scouts, Girl Scouts, and the like, allowed those attending the Bible studies to take notes and provided them with a list of upcoming events related to "doing the work of Christ." As for the Bible board, for which they got a residential permit, the Salmans started posting Bible quotations on it after learning through a traffic study that approximately 2,500 cars pass in front of their house each day (they live across from a big park). They thought it was a great way to witness.

There was a time in our nation's history when such an accounting of facts would not have caused the slightest ripple of alarm or surprise. Yet times have changed, and so too has America's tolerance for religious freedom. Whereas there once was a time that churches could be found around almost every corner, in recent years increasing numbers of communities have used zoning codes as a way to keep churches, synagogues, and mosques at a distance, especially from residential neighborhoods.

For example, a similar incident occurred in Teaneck, New Jersey, when several residents of the township asked government officials to look into the activities of a rabbi who was accused of violating zoning codes by holding prayer meetings in the family room of his home. The Village of Hempstead, New York, in an effort to discourage what it referred to as "illegal synagogues," even went so far as to create zoning laws that would make it nearly impossible for Orthodox Jews to practice their faith in their homes.

For those who still cling to the belief that they have a First Amendment right not only to freely assemble but also to freely exercise their religious beliefs, Michael Salman's case is a warning that America may no longer be the beacon for religious freedom it once was.

On July 9, 2012, Michael began serving his jail sentence in Maricopa County's Tents City Jail. Built in 1993 supposedly as a response to jail overcrowding, the Tents City Jail houses inmates outdoors in military tents with four Sky Watch Towers for security, stun fences around the perimeter, facial recognition computer software for inmate identification, and K-9 units and patrol deputies for additional security. Michael Salman was incarcerated in this Guantanamo-like facility, surrounded by hardened criminals and subjected to all manners of degradation and hardship, including being made to sleep outdoors in the grueling Arizona heat, with only a fan and a tent to protect him from the elements.

While Michael served his 60-day sentence in jail, using his time to lead Bible studies with the inmates, Suzanne attempted to hold the family and the family business together, struggling daily to comfort their children and deal with her own grief over the separation. The children, unable to see their father except for a brief moment in the courtroom, have experienced random fits of crying. As Suzanne shared, "I took the girls with me to court since they aren't able to see their dad in person at the jail. They were excited to see him, but I knew they were going to have a hard time seeing him the way he was going to be in the courtroom. I warned them that they wouldn't be able to talk to him or touch him, but they could see him. He was escorted into the courtroom by a police officer, and he was in stripes, with shackles on his feet, and his hands were cuffed to a belt they had placed around his waist. This was the hardest part of the day for the girls. He mouthed the words 'I love you and miss you' to me with tears in his eyes and then mouthed to each of the girls that he loved them, too. It was a few sweet minutes in a chaotic day."

In coming to Salman's defense, Rutherford Institute attorneys are challenging the legality of Salman's imprisonment as a violation of his First Amendment rights to religious freedom and assembly, in addition to challenging the city's assertion that if a person holds Bible studies or other forms of religious worship at their residence, they are required to comply with all local laws relating to an actual church that is open to the public. Institute attorneys point out that the city would never require a family's residence to comply with commercial building codes just because the family hosted a weekly poker night for guests, a regular Cub Scout meeting, or Monday Night Football parties. Yet according to the city's logic, because the Salmans' gatherings are religious, they convert the property to a formal "church," and trigger commercial building codes.

Of course, if you follow the City of Phoenix's assertions to their logical, chilling conclusion, what's really being said is that there is no such thing as private property anymore—not if the government can dictate what you do, when you do it, and whom you see in the privacy of your home. The potential implications for homeowners nationwide are serious and many, especially if other communities adopt restrictive zoning ordinances such as those used in Phoenix, which were drafted by the International Code Council (ICC). Located in Washington, D.C., the ICC promulgates similarly restrictive zoning ordinances for cities and towns across the country. For instance, if cities begin applying commercial building codes to residential property, then homeschooling families could be treated as using their property for educational uses; dinner parties and gatherings for such "social functions" as playing games or watching movies could be seen as public gatherings requiring regulation. Each of these "uses" would require the home to conform to rigorous construction code requirements, including the installation of sprinkler systems, handicap-accessible restrooms and parking spaces, exit signs, etc.

For many years now we have witnessed those hostile to religion attempt to eradicate religious speech, practices, and gatherings from the public sphere, relegating any mention of God or worship to the privacy of one's home or church. This latest salvo against the Salman family takes intolerance for religion to new extremes and shows how vulnerable

home and church may be.

.....
John W. Whitehead is president of the Rutherford Institute in Charlottesville, Virginia.

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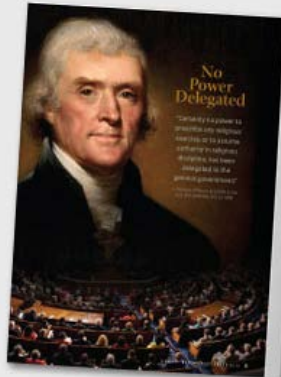
NOVEMBER / DECEMBER 2012

No Power Delegated

BY: THOMAS JEFFERSON

Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government.

Thomas Jefferson, in a letter to the Rev. Samuel Miller, Jan. 23, 1808



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NOVEMBER / DECEMBER 2012

Noble And True

BY: ELLEN G. WHITE

How often those who trusted the Word of God, though in themselves utterly helpless, have withstood the power of the whole world—Enoch, pure in heart, holy in life, holding fast his faith in the triumph of righteousness, against a corrupt and scoffing generation; Noah and his household against the men of his time, men of the greatest physical and mental strength and the most debased in morals; the children of Israel at the Red Sea, a helpless, terrified multitude of slaves, against the mightiest army of the mightiest nation on the globe; David, a shepherd lad, having God's promise of the throne, against Saul, the established monarch, bent on holding fast his power; Shadrach and his companions in the fire, against Nebuchadnezzar on the throne; Daniel among the lions, against his enemies in the high places of the kingdom; Jesus on the cross, against the Jewish priests and rulers forcing even the Roman governor to work their will; Paul in chains, led to a criminal's death, against Nero, the despot of the world's empire.

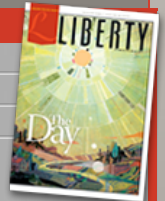


Such examples are not found in the Bible alone. They abound in every record of human progress. The Vaudois and Huguenots, Wyclif and Huss, Jerome and Luther, Tyndale and Knox, Zinzendorf and Wesley, with multitudes of others, have witnessed to the power of God's Word against human power and policy in support of evil. These are the world's true noblemen. They are its royal line.

Comments written by Seventh-day Adventist pioneer, visionary, and much-published author Ellen G. White in the *Review and Herald*, December 24, 1908. A religious liberty consciousness characterized the church from its very beginning and was present in the Millerite revivals of the mid-1800s that preceded the church organization itself.

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NOVEMBER / DECEMBER 2012

The Day A European Push For "Sunday Rest" Gathers Momentum

BY: ALEX NEWMAN

Roman Emperor Constantine was the first European leader to impose Sunday rest on much of the continent. More than 1,500 years later a contemporary movement to do so again started building momentum decades ago as the region pursued closer "integration." In recent years, however, the expanding coalition to declare Sunday an official "day of rest" by law across the European Union (EU) has grown much stronger and more open in its plans.

Powerful labor unions, religious groups and so-called civil society organizations are all adding their voices to the movement. Even secular-minded activists have joined the increasingly powerful chorus. Indeed, according to some analysts at least, the alliance to establish Sunday rest may finally be on the verge of success.

The series of events leading up to a potential Sunday "day of rest" began almost 20 years ago with the adoption of the original European Working Time Directive, an EU mandate ordering member governments to incorporate a set of minimum standards into national legislation. Since then the directive has been revised on several occasions. Thus far, however, efforts to formally enshrine Sunday rest across the bloc have not yet succeeded.

In early 2010 Member of the European Parliament (MEP) Martin Kastler, a prominent German Catholic, launched the first European Citizens' Initiative (ECI) to establish work-free Sundays at the EU level. "This initiative will strengthen direct democracy in the European Union," he said in a press release at the time. "We want to use this opportunity to ensure a free Sunday."

Kastler had not responded to repeated requests for comment by the time of publication of this article. However, after collecting nearly 20,000 signatures on the petition, his campaign seems to have largely fizzled out—probably in part because the ECI mechanism was not yet in force. Still, despite the setbacks, the work-free Sunday movement has hardly given up.

In more than a few countries and jurisdictions, the effort actually succeeded years or even decades ago. In Germany, for example, Sunday is protected in the national constitution. And with the widely expected upcoming revisions to European working rules—and the opportunity it offers to activists—the push to create an EU-wide day of rest on Sunday is quickly gathering steam again.

In June 2011 a budding umbrella coalition known as the European Sunday Alliance (ESA) was officially formed to advance the scheme. Composed primarily of national Sunday alliance groups, trade unions, nonprofit organizations, and religious denominations, the network orchestrated a massive "Day of Action" on March 4 of this year to promote the cause. Activists in more than a dozen countries, including Spain, Germany, France, Austria, and Belgium, participated in demonstrations calling for regional and national Sunday-work restrictions.

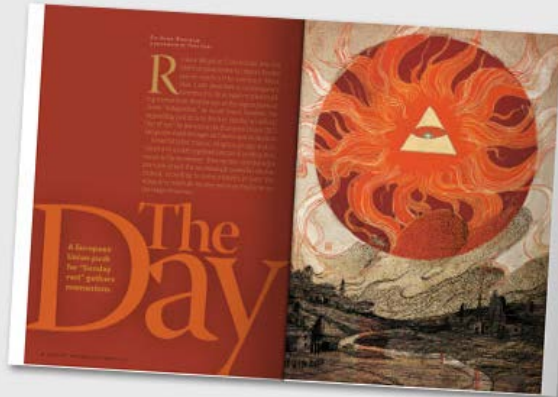
Of course, the Roman Catholic Church, the Orthodox churches, and many Lutheran churches especially are still at the forefront of the movement, though it has now garnered support from a broad coalition that includes secular groups. Together with the Catholic Commission of the Bishops' Conferences of the European Community (COMECE), however, Pope Benedict XVI is among the key drivers behind the agenda.

"Tuesday, May 15, we celebrated the World Day of Families, established by the United Nations and dedicated this year to balance between two closely related issues: family and work," explained Pope Benedict XVI in a recent speech at the Vatican. "This should not hinder the family, but rather support and unite it, helping it to be open to life and to enter into a relationship with society and with the church. I also hope that Sunday, the Lord's Day and weekly celebration of His resurrection, will be a day of rest and an opportunity to strengthen family ties."

However, whereas in the past the religious arguments were considered key selling points, today the effort is using justifications ranging from health and workers' rights to the promotion of family time and social cohesion. Religion and the notion that most Christians worship on Sunday, meanwhile, has mostly been replaced with rhetoric-like "tradition" and "culture," or even "cultural tradition."

The Alliance and Its Mission

"The attempt of the alliance is not religious; it's more about social cohesion," says Johanna Touzel, the spokesperson and media contact for the ESA. The effort is based primarily on three pillars, she added: promoting workers' health and



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well-being, ensuring adequate time for family life, and increasing social cohesion by allowing citizens to have a common day for sports, cultural endeavors, religious and spiritual fulfillment, volunteer work, and more.

According to Touzel and the Alliance, the liberalization of working hours to satisfy the "consumer society" is having harmful effects on families and health. In recent years there have even been published studies "proving that there is a link between the health of workers and Sunday work—scientific studies," Touzel says. "And also it is proven that there is a need of cohesion in society that can only happen if you have a common day of rest."

For centuries Sunday has traditionally been considered the day of rest in Europe; that is why it is the ideal day to enshrine in EU law, she opines. "What is important is to keep a common day of rest—it's nothing against Muslims, against Seventh-day Adventists," Touzel notes, adding that if most Europeans were to choose Saturday instead, that would be fine too.

The EU, of course, has no legal authority in matters of religion anyway, and the alliance likes it that way, she says, adding that religious affairs should remain in the realm of national governments in accordance with the principle of subsidiarity. "What is important to mention is that the main motivation is not religious, because we don't want the European Union to take positions on religious grounds," she says. "We simply say this question is first of all social—it's about social cohesion and health."

Rich people, Touzel notes, can go play golf on Sunday. But the poor often lack that freedom. "Let's not forget that those people who work on Sunday, very often they don't have a choice—they are again becoming the slaves that the Bible wanted to avoid by saying that on this day [the Sabbath—Exodus 20:8] there are no more slaves and masters. On that day everybody is free," she continues. "We need to reintroduce solidarity and say that on that day everybody is on the same level."

When asked about opponents, Touzel emphasizes that Sunday rest would only be included in the legislation with a key caveat: "in principle." Essentially, that means it would not be a strict law with mandatory enforcement. "Of course there would be a lot of exceptions," she adds, noting that the main targets would be big companies, such as grocery-store chains, that force small businesses to stay open on Sunday to avoid losing market share.

In addition, Sunday rest is just one component of the broader Working Time Directive. The alliance itself focuses on other issues, such as late working hours and labor conditions, too. But preserving a common day of rest, even just "in principle," is key to society's overall well-being, she says.

"The idea of the European Sunday Alliance is to gather all these ideas—all these successes also that we gained in the different national legislation—to show we have a common leader among the different member states," Touzel says. "So let's unite to ask—'pressure' is not a nice word—the European Community to respect, in its legislation, this day of rest."

Next

A majority of political groups already support the Alliance, says Touzel, citing greens, conservatives, social democrats, and others. But there is still work to be done. "We are trying to mobilize all political parties, citizens, and different civil society organizations to show that there really is scientific proof that work on weekends—on Sundays—is harming the health of the people," she says. "In the context of the current economic crisis, I think everybody realizes that society is more than just consumers. So I think our alliance comes just at the right moment."

Right now, trade unions, employers, and other stakeholders are seeking an agreement on revisions to the European Working Time Directive. If one is reached, the EU's institutions would presumably ratify it. However, securing a deal is expected to be difficult. The more likely outcome would be that the proposal would be taken up by the European Commission, analysts say.

By the end of the year, if the "social" parties don't find an agreement, the draft directive will head back to the European Commission—essentially the executive branch of the EU. If approved, it would go to the European Parliament. The Council of Ministers representing member governments would also weigh in. From there, assuming the other bodies agree, the revisions could become official.

Even if Sunday rest does not succeed through the more traditional political routes, however, Touzel says the alliance may pursue an ECI—a relatively new concept that went into effect only this year. If supporters can gather at least 1 million signatures from nine member states, the EU would be forced to at least consider legislative action.

"This would be a second tool that we could use to pressure the European Commission," Touzel explains. "It is a really heavy endeavor, but we will consider it if the other way doesn't work."

The Opposition

Despite the seemingly broad-based support for Sunday rest, there are opponents. Apparently the United Kingdom's government has fought hard against many of the EU restrictions on working time—especially the 48-hour-per-week limit. It even managed to get exceptions to some mandates, though that has been under fire for some time.

Numerous retail employers are also said to be battling the effort because so much of their revenue comes from Sunday shoppers—many of whom enjoy being able to shop on Sunday, too. Libertarians who disagree with any mandates are opposed to the rules in principle, though their opposition has not been particularly loud thus far.

Of course, there are the religious groups as well. Jews and some Christians—most notably Seventh-day Adventists—observe the biblical Sabbath and worship on Saturday. Muslims, meanwhile, worship on Friday, and Islam has become a sizable and powerful minority throughout Europe in recent times.

"We have one element that is valid for all European citizens: freedom of practice of religion," says Serge Cwajgenbaum, secretary general of the European Jewish Congress. "To have one European common day for all European citizens on a specific day would probably create more problems than it solves."

According to Cwajgenbaum, who said Jews are largely satisfied with the status quo and would like to maintain it, selecting a specific day of rest for the whole EU could antagonize various groups and followers of religious faiths. "It would create more problems, and we have enough problems in Europe—enough tensions," he adds. "I don't think this will do any good or bring more harmony to Europe."

Despite repeated requests for comment, none of the major Islamic umbrella organizations in Europe had responded by presstime. However, some exceptions notwithstanding, Muslims are generally thought by analysts to oppose the notion of legislating Sunday rest.

While most European Seventh-day Adventist officials who spoke with *Liberty* recognized the legitimate health and family issues raised by Sunday-rest proponents, they also expressed serious concerns. "The problem will come when SDAs who work now on Sundays in order to have their Sabbath free will be asked to work on Saturday," says Pastor Karel Denteneer, responsible for Public Affairs and Religious Liberty (PARL) with the church's Belgian-Luxembourg Conference.

The idea of a day for all of society to rest is, of course, biblical, Denteneer points out—at least in old Israel, in a Jewish context. "To impose this today in our society to nonbelievers, Friday keepers and Sunday keepers and so many other religions stands diametrically opposed to the basic principles of religious liberty, which guarantee freedom of belief," he adds. "So I guess we will continue to live in this tension between promoting the Divine requirement of observing the biblical Sabbath day and respecting all other observances."

Denteneer also notes that traditional SDA Bible scholars still interpret the prophecies of Daniel and Revelation, well outlined in the writings of church pioneer and visionary Ellen G. White, as pointing to a Sunday-Sabbath issue playing a crucial part in the last days before the second coming of the Lord. "According to the traditional interpretation, some will keep the Sunday for religious motives—the ones marked at the front of their head—and others will keep Sunday for social practical reasons—the ones marked at their right hand," Denteneer explained.

The big risk at this point, Denteneer continued, is that someday "democracy" could sacrifice the basic tenets of religious liberty under the guise of a "higher motive." And the potential danger is indeed realistic. In fact, he thinks the Sunday-rest effort—because it is built on a wide platform of believers and nonbelievers across all 27 EU member states—will eventually succeed.

"For that reason our church will continue with more zeal than ever before to take a stand for religious liberty. We should try to get even more involved in the debate at an official level," Denteneer says. "For the moment no official action has been undertaken by our church officials to any possible vote."

Of course, the effort to enshrine Sunday as the state-sanctioned day of rest is not limited to Europe. In the United States a movement to have similar restrictions enacted is also growing stronger. At least for now, however, the primary epicenter of the showdown between opponents and supporters of Sunday rest appears to be centered in Brussels.

Alex Newman is an American journalist and consultant currently based in Europe.



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NOVEMBER / DECEMBER 2012

The Tenth Annual Religious Liberty Dinner

A Growing Commitment

BY: MELISSA REID



Minister John Baird underscored the integral role the defense of religious liberty plays in shaping the fabric of a democratic society during his keynote address at the May 24, 2012, Religious Liberty Dinner in Washington, D.C. Baird is the minister of foreign affairs for the federal government of Canada.

"There is special purpose in defending the freedom of religious belief and practice. History shows us that religious freedom and democratic freedom are inseparable. . . . Simply put, societies that protect religious freedom are more likely to protect other fundamental freedoms," said Baird.

The foreign minister was invited to provide the evening's keynote address after the federal government of Canada established the Office of International Religious Freedom under the auspices of the Ministry of Foreign Affairs earlier this year.

Referred to as a "marquee event on the calendar for those who care about human rights, and especially, freedom of religion" by Minister Baird, the annual dinner is cosponsored by *Liberty* magazine, the **North American Religious Liberty Association**, the **International Religious Liberty Association**, and the **Seventh-day Adventist Church**. The purpose is to celebrate and bring attention to the principle of religious freedom, both in the United States and around the world.

"In establishing this dinner event," commented *Liberty* editor Lincoln Steed, "we have not only reprised a time in the 1880s when Seventh-day Adventist pioneer editor A. T. Jones was a powerful Washington presence, but picked up on the model of the apostle Paul holding forth to kings and emperors."

Held at the picturesque Embassy of Canada in Washington, D.C., and graciously hosted by Ambassador Gary Doer, the evening's approximately 150 guests represented members of the diplomatic community, U.S. federal government, religious liberty advocacy organizations, and a diversity of faith groups.

Two other advocates for religious freedom were also honored at the dinner:

Richard Land, president of the Southern Baptist Convention's Ethics and Religious Liberty Commission, who recently concluded an 11-year term as a commissioner for the U.S. Commission of International Religious Freedom, was honored for representing the ideals of religious freedom to Congress, before U.S. presidents, and to the media at large.

Attorney Gerald Chipeur frequently represents clients on significant matters of public policy in Canada, including charter rights and freedoms, human rights and labor relations, and defamation and hate speech rules. He was recognized for his unabashed advancement of civil and religious rights in contexts spanning all the way from policy planning to legal representation in the Supreme Court of Canada.

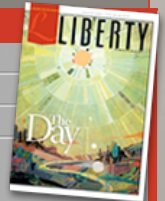
Although 2012 marked the tenth anniversary of the Religious Liberty Dinner, Minister Baird reminded attendees that there is still much work to be done.

"Reformers and reformists around the world are literally under daily attack. . . . In too many countries the right to believe in and practice one's faith in peace and security is still measured in blood spilled and lives lost," he said.

Melissa Reid is the associate editor of *Liberty*.

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NOVEMBER / DECEMBER 2012

The Way Novus Ordo Seclorum: A New World Order

BY: EDWIN COOK

Novus ordo seclorum, a phrase that appears on the American \$1 bill, means "a new order for the ages," and reflects the thinking and intent of the Founders in America at the time of the Continental Congress. For them, the New World discovered by Columbus offered many opportunities for a political experiment that was completely foreign to the medieval system of guilds and monarchies of European society. The constitutional ideas formulated by Thomas Jefferson depended much upon the "balance of powers" from Montesquieu, the democracy and republicanism of Greek society, and the need for law from Roman society.



In contrast to the wars of religion that drenched European soil with blood, the Founders conceptualized a society in which civil peace would reign. To this end, they recognized the need for a separation of church and state; thereby granting to the individual citizen freedom of conscience to follow his or her personal convictions without incurring civil penalties. Relying upon the influence of Baptists, who argued for religious freedom based on "soul liberty," as well as the philosophical arguments of John Locke and the French *philosophes*, James Madison formulated the religion clauses of the First Amendment. In essence, the Founders conceived of a country without a king and a church without a pope.

The idea of a *novus ordo seclorum* has been applied by political theorists in recent decades to the possibilities of one-world governance, in no small part a result of globalization. The Catholic Church is foremost among participants opining on this political possibility. Observing a gradual change in the political landscape from distinct nation-states to continental political communities such as the European Union, several Catholic scholars have postulated regarding the (near) future politics of one-world governance.

As early as 1973 one Jesuit scholar, Carlos Corral Salvador, commented, "The tendency . . . of the world to incorporate itself gradually into supranational communities that supersede the resulting small dimension of each state of today, needs, in order to find fulfillment, each time a fuller, reciprocal conjunction that must be ordered by law."¹ Salvador pointed out the need for a supranational law and a knowledge of the particular ordinances of each state (or nation) in order to incorporate all of them into supranational communities. He next postulated, in logical fashion, that supranational communities grouped by geographical area would lead to a *communitas universalis* (universal community): "One of the intellectual topics of the great jurists and classical theologians of the sixteenth and seventeenth centuries was, without doubt, their universal vision with which they gave birth to modern international law. This universalism, will it not be able to continue finding its progressive fulfillment in Europe, as a first step toward a *communitas universalis*?"²

As if in response to those who find such a suggestion incredulous, especially in view of the religious plurality in the world, Salvador responded: "Does this sound too great to be a reality? Despite this, it should be studied from all angles. One of them, and not necessarily the least of them, is the juridical. . . . What is the current juridical regulation in Europe regarding fundamental principles in religious matters? This knowledge is the beginning point in order to be able one day to arrive at a union and regulation, as much of religious liberty as of the relations of the churches with the diverse states within a united Europe."³ Salvador not only suggested that a study of current law regarding religious matters in Europe can be beneficial to church-state relations in Europe, but also hinted at it as a pattern for the *communitas universalis*. He alluded to the eventual "union and regulation, as much of religious liberty as of the relations of the churches with the diverse states."

Salvador postulated these ideas in 1973. Thirty years later another Catholic scholar, Heinz-Gerhard Justenhoven, investigated the thought of late-nineteenth-century and twentieth-century popes regarding the idea of a *communitas universalis*. In his article "Peace Through a Public Global Authority in the Papal Teaching From Leo XIII to John XXIII," he traced the thought of various popes and how they envisioned the development of a *communitas universalis*.⁴ He first argued that the United Nations established the theory of international peace by restricting to some extent the national member-states' sovereignty, but that it lacked the institutional structure to implement it.

Justenhoven argued that Pope Leo XIII (1878-1903) desired to restore the moral religious hegemony in a new Christian universal empire. Leo opposed the then-current understanding of international law by which the strength of a nation justified the exercise of its rights. Justenhoven concluded his analysis of Leo XIII's thought by stating: "Leo believed the arms race [that eventually led to World War I] could be prevented if the medieval ideal of concord among the princes under the pope on the basis of a common law, international law based on natural law, was restored. In the

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role of an arbitrator, Leo wanted to issue legally binding judgments, based on this international law, on the disputes of princes and thus serve peace between the nations.⁵ Although Pope Leo XIII's desire for the Catholic Church to be recognized as a universal arbiter among the nations did not find fulfillment, subsequent popes continued to seek this goal.

Justenhoven continued his survey of modern popes in regard to an internationally recognized political authority when he commented that Pope Benedict XV (1914-1922) desired states to submit to papal arbitration, but only willingly. Pope Pius XII (1939-1958) recognized the societal trend to protect basic human rights⁶ and argued that an international order should be based on natural law, which in turn would provide ethical standards for the construction of a political system.⁷ Pius XII argued for the fundamental unity (solidarity) of humankind as the basis of international law. Upon this foundation of natural law shaping the international order, Pope John XXIII and the Second Vatican Council (1962-1965) built their concept with a call for an effective international authority that has the power to enforce law.⁸ States' sovereignty becomes limited under this schema, requiring the principle of subsidiarity to govern competencies between states' rights and the international political authority. Subsidiarity applies to the ordering of society and teaches that "functions which subordinate or local organizations perform effectively belong more properly to them than to a dominant central organization."⁹ John XXIII also promoted the democratization of the international order as the most effective guarantee of human rights. The common good of the international order must also precede that of the national common good.¹⁰



Pope Benedict XVI has laid out a comprehensive model in the *Caritatis* document.

Pope Benedict XVI and *Caritatis in Veritate*

Pope Benedict XVI, in his recent encyclical *Caritatis in Veritate*, addresses the current economic crisis that occurred in 2008 and that still plagues many countries. He makes several salient points regarding the causes and recommendations for a solution, one of which includes the same line of thought as previous popes regarding a universally recognized political authority.

First he begins by addressing the need for integral human development. He states: "Paul VI [1963-1978] clearly understood that the social question had become worldwide, and he grasped the interconnection between the impetus toward the unification of humanity and the Christian ideal of a single family of peoples in solidarity and fraternity."¹¹ The "social question" referred to traces back to *Rerum novarum* (1891), which addresses working conditions among industrialized nations, the right to personal property (as opposed to socialism), and the need for economic justice through redistribution. Since it addresses issues of labor, the encyclical includes a section regarding the sanctity of "the Lord's day" (Sunday in Catholic tradition)¹² and how it should be a day free from labor obligations, a point being heavily pushed in Europe currently through an emphasis upon a "family rest day." (See "The Day" in this issue.) Thus, *Rerum novarum* established the platform for the later development of Catholic social philosophy.

In *Caritatis* Benedict XVI argues that human solidarity is a prerequisite for human development. Through recognition of the common humanity we all share, humanity can better understand the dignity of the human person, a key principle in current Catholic social philosophy. Benedict explains how "integral human development as a vocation also demands respect for its truth."¹³ He refers to *Populorum Progressio* (progress of humanity) to argue that integral human development cannot be dissociated from the divine sphere ("transcendent humanism," as he cites from *Populorum Progressio*). He contends that the Christian gospel offers humanity the opportunity for true human development and progress.

How should the state then orient itself to the progress and development of humanity? Benedict describes the limitations to state sovereignty as "imposed by the new context of international trade and finance,"¹⁴ and argues that public authorities involved in trying to correct the current economic crisis need to be "reviewed and remodeled" to face the challenges of the world today.¹⁵

Benedict XVI then addresses another concern of our times, namely, the right to religious freedom. He identifies three false claims to the right to religious freedom, the first being those with terrorist motives, which impedes economic progress and hinders true human development.¹⁶ Next he contends with "religious indifference or practical atheism," arguing that "God is the guarantor of man's true development," and that "when the state promotes, teaches, or actually imposes forms of practical atheism, it deprives its citizens of the moral and spiritual strength that is indispensable for attaining integral human development."¹⁷ Benedict XVI criticizes those economically developed countries that export such sentiments along with financial assistance to poorer, less-developed countries, describing such actions as hindering the true progress of humanity.

Globalization and economic factors occupy Benedict's concerns in articles 33 and 36, respectively, of *Caritatis*. Regarding globalization, he argues that it results in "worldwide interdependence" through common economic markets, which can result only in good for humanity if the conditions of "charity in truth" are met through a "civilization of love" derived from God.¹⁸ Globalization requires a broader knowledge of such powerful forces and how to direct them properly. Resulting economic activity must be "directed toward the pursuit of the common good," which is the responsibility of the political community. However, he warns that economic activity merely for the pursuit of wealth cannot achieve true human development. To the contrary, it must be balanced by political action, "conceived as a means for pursuing justice through redistribution."¹⁹

Regarding political authority, Benedict XVI presents two perspectives that need to be taken as a whole in order to understand the point he is establishing. In article 41 he states that political authority involves a wide range of values, and even refers to subsidiarity as a guiding principle in its actions.²⁰ This seems to suggest that he conceives of political authority at all levels cooperating with economic principles of justice and distribution. He concedes there exists an "urgent need of a true world political authority." Benedict describes this political authority as needing "to be regulated by law, to observe consistently the principles of subsidiarity and solidarity, to seek to establish the common good, and

to make a commitment to securing authentic integral human development inspired by the values of charity in truth." From such a description, one might rightly assume Benedict XVI is referring to the Papacy itself, based on the encyclical *Caritatis*. He goes on to state, "Furthermore, such an authority would need to be universally recognized and to be vested with the effective power to ensure security for all, regard for justice, and respect for rights."

These very statements, according to the *Catholic World News*, elicited a Reuters report that claimed Benedict XVI was calling for "a centralized authority to govern the world economy."²² *Catholic World News* denied the Reuters report, but from a balanced analysis of the whole document, especially articles 41 and 67, Benedict refers to political authorities (plural) working in harmony with just economic principles, and he refers to a political authority (singular) to operate according to the very principles he has enunciated in *Caritatis*. Thus, one is left to conclude that he is referring either to the Papacy or to another political entity that would uphold all of the principles of Catholic social philosophy.

Catholic Concepts of Solidarity and Subsidiarity

Solidarity, in Catholic parlance, refers to the unity of the human race in the pursuit of common interests, values, and a moral vision founded upon Roman Catholic social philosophy. The dignity of the human person is integral to the development of solidarity. The danger inherent to such a goal is that of reestablishing the *Corpus Christianum* that dominated much of Western European history and resulted in the suppression of religious freedom.

In response to such concerns, the church argues that the corollary principle of solidarity is subsidiarity, which is designed to restrict the centralization of government²³ and which, Catholic philosophers claim, allows the individual to be recognized and respected within the communal construct of society under solidarity.

Implications for Religious Freedom

The overarching concern with such a construct of the global community is that of a distorted sense of federalism. Solidarity balanced by subsidiarity is the Catholic alternative to a constitutional, religiously neutral federalism that Catholics believe disallows religion a role in the public square. They argue that typical federalism produces religious indifference through a constitutionally mandated neutral role of government. However, the Catholic alternative places a religious institution, the church, in the role of balancing solidarity with subsidiarity, and thereby establishing a religious institution in the role of arbiter among religious organizations.

The claims of Catholic scholars who defend *Caritatis* as if the church has never intended to assume a preeminent role as arbiter over a *communitas universalis* are wholly unfounded—as brought out in the first part of this article. At a minimum one may state that *Caritatis* alludes to the singular role of a political authority that operates according to Roman Catholic social principles. When one considers that the church claims for itself a transcendental mission (religious dimension) that finds fulfillment in the temporal sphere in relation to humanity (political dimension), the allusion in *Caritatis* is hardly unnoticeable. Such a model is less progressive than a regression to the role played by the church in the Middle Ages. And a new world governed by such logic might well show the same intolerance to religious diversity—to religious freedom itself.

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1 Carlos Corral Salvador, S.J., *La Libertad Religiosa en la Comunidad Economica Europea* (Madrid: Editorial Graficas Espejo, 1973), p. 7.

2 *Ibid.*, pp. 13, 14.

3 *Ibid.*

4 Heinz-Gerhard Justenhoven, "Peace Through a Public Global Authority in the Papal Teaching From Leo XIII to John XXIII," in Heinz-Gerhard Justenhoven and James Turner, eds., *Rethinking the State in the Age of Globalisation: Catholic Thought and Contemporary Political Theory* (Munster: Lit Verlag, 2003).

5 *Ibid.*, p. 172.

6 *Ibid.*, p. 179.

7 *Ibid.*, p. 186.

8 *Ibid.*, p. 187.

9 Edwin Cook, "Gaining the Upper Hand: Subsidiarity and Justice for All?" in *Liberty*, January/February 2009; www.libertymagazine.org/index.php?id=1547.

10 Justenhoven, pp. 188-191.

11 Benedict XVI, *Caritatis in Veritate*, art. 13.

12 Edwin Cook, "Europe and the Issue of Rest," in *Liberty*, January/February 2011; <http://www.libertymagazine.org/index.php?id=1699>.

13 Benedict XVI, *Caritatis*, art. 18.

14 *Ibid.*, art. 24.

15 *Ibid.*, art. 24.

16 *Ibid.*, art. 29.

17 *Ibid.*, art. 29.

18 *Ibid.*, art. 33.

19 *Ibid.*, art. 36.

20 *Ibid.*, art. 41.

21 *Ibid.*, art. 67.

22 *Catholic World News*, "Caritatis in Veritate: Papal Encyclical Calls for New Moral Approach to Global Economy," July 8,

2009; <http://www.freerepublic.com/focus/news/2288011/posts>.

23 Justenhoven, p. 193.