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No Country For Old Men Editorial

BY: LINCOLN E. STEED

After the shock of September 11, 2001, it would seem that a certain numbness of sensibility has allowed the world to absorb a succession of otherwise near apocalyptic events. I might mention just a few examples. The storm that inundated the northeastern United States is predicted to be the first of many more global warming catastrophes to come. The economic collapse of 2008, which lingers still, was in many ways the storm front for a larger breakdown many expect sooner or later. And the continuing meltdown in the Middle East is not just a realignment of political players but a massive reminder that “the old order changeth” and that new powers are emerging. But the February 11 announcement by Pope Benedict XVI that he will retire February 28 in some ways evokes a religious September 11.

Benedict’s pontificate is but seven years—not long for an office usually held for many decades until death seals a very public physical decline. As a child I remember well the international concern as aged Pope John XXIII battled a weeks-long bout of hiccups. Benedict came to the office an elderly man and leaves obviously frail but not in precipitous decline. We had not expected him to leave.

Hindsight is always clarifying. With that perspective it now seems portentous that Benedict seems to have had a special identification with Celestine V, the pope who resigned in 1294 after changing canon law to allow for such a thing. Benedict visited the tomb of Celestine twice—the only pope to have done so. And, amazingly, the cathedral in Sulmona, Celestine’s hometown, has a mosaic showing both Celestine and Benedict. But I do remember loose talk at the time of Benedict’s election that he might be a caretaker or transition pope.

During the years of the pontificate of his close friend and ideological twin John Paul II, Cardinal Ratzinger was the “rottweiler” who kept the church on a strange dual course. Through his papal alter ego the church experimented with relevancy and public relations events. And Ratzinger, through a series of documents written by him during the John Paul era, reaffirmed the Roman Catholic historic claims of authority.

I think of the document “*Ad Tuendam Fidem*” (To Defend the Faith), which asserted the right to act against theologians, church members or “anyone” who held what the church had condemned or rejected what it enjoined. I think of the document “*Dies Domini*” (Lord’s Day) that acknowledged all the Bible proofs of a seventh-day Sabbath and then appropriated them to Sunday—as it said, not by instruction from Jesus but because the church felt that it had the authority. I think of the document “On the Unicity and Salvific Universality of Jesus Christ and the Church,” which so shocked the larger ecumenical community—as it informed the separated churches that they were not churches at all unless sharing the Eucharist. And I think of the document “Memory and Reconciliation”—so clearly designed to shed the baggage of the past while retaining the unblemished role of the “magisterium.” It apologized for the persecution of Jews, for the Inquisition, and for the sack of Constantinople (a city named for the emperor who adopted Christianity, but when sacked by Crusaders incited by Rome led to the schism between eastern and western churches).

When John Paul died, few expected Ratzinger to become pope. It is humorous to look back on the prognostications of the time. As with this time around, too many confused the selection with a purely political event with overtones of popularity. Many miss that the election of a pope expresses the shared agenda of the church princes. Ratzinger, as a uniquely gifted theologian and church strategist, moved into the papal role to ensure continuity of the agenda he had helped set—a conservative agenda.

So today one must think about the strategy behind the resignation. Declining health has never been a reason for papal truce. It may be that internal dissatisfaction within the curia over rumored administrative disarray has led to this moment—but short of a Borgia-like intrigue it could not have required it. No, I think the most logical dynamic is that it gives a golden moment for a pope still in some physical and administrative control to influence and maybe even select his successor and the direction the Papacy will take.

Difficulties abound. Benedict has never quite recovered his equilibrium with the Islamic world after it took offense for his use of the words of a fourteenth century Byzantine emperor in a 2006 speech at Regensburg. He has floundered in dealing with the sex abuse scandal that has spread worldwide. He has seemed irrelevant to many nominal Catholics. But he has done more than many realize.

Benedict has continued to articulate a theological counterargument to secularism. Like John Paul II he has solidified his



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viewpoint by appointing many new cardinals. And most important to this magazine, he has positioned the Roman Catholic Church as both a persecuted and beleaguered faith group and turned it into a global proponent for religious freedom. That is some shift for a church that in the Middle Ages had monolithic religious control in Europe, acted as a controlling older brother to the state, and often dealt violently with any opposition.

The magic moment for Rome was not really the Protestant Reformation, which it followed with its own Counter-Reformation. The magic moment for Rome continues to be the Second Vatican Council of 1962-1965. That council brought in all manner of liberalizing trends, such as the Mass in the vernacular instead of the Latin Tridentine Mass. But in particular it brought forth the document "*Dignitatis Humanae*," or the Dignity of Man. It opened the way for a more enlightened, biblical view of people being responsible directly to God and free moral agents.

Reactionaries like the now-deceased Archbishop Lefebvre of France persisted with the old Mass, and even today lay Catholic reactionaries such as filmmaker Mel Gibson yearn for the day when the "fallen" church goes back to the good old days. But so far Vatican II holds—even though in a curious way first John Paul and now Benedict regret some of it and the present pope has been working to turn the clock back in some areas—particularly in morals and church governance.

I can think of no better example of the effect of Vatican II than a remark by U.S. cardinal Timothy Dolan at a one-day seminar for Roman Catholics at Catholic University in Washington, D.C., last year. The charismatic cardinal (by the way, he is my uninformed long pick for next pope, who I think could easily take the name Peter) was holding forth on the grand principles of religious freedom and a Roman Catholic commitment to protecting this freedom for all. Then he hesitated, paused, and; almost chagrined, said, "There was a time Roman Catholics held that error has no rights." The comment sparked much debate later; at which time a Catholic historian explained that indeed there had been a seismic shift for the Roman Catholic Church.

Recently a Roman Catholic reader, bothered at a perceived criticism of his church in *Liberty*, kindly invited me to come back to Rome and the "mother" church. Of course we each owe it to our conscience to be fully persuaded as to where that home is. I hope we have not been too critical in the sense of attacking, as all faiths have the right to exist and to practice freely. However, we have a valid religious liberty church-state critique. Rome is both a church and a state and a very political entity. That is a danger for true, uncomplicated religious freedom. The even bigger danger is that Rome itself will come back or go back to its country of old men. I wish Benedict well as he retires, and as his church selects a new leader. We can only pray that leader will remember Vatican II and true religious freedom.

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



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MARCH / APRIL 2013

Seeking Refuge Where Do The Persecuted Go?

BY: TINA RAMIREZ

Imagine you are a Christian living in a society permeated by religious fanaticism and extreme intolerance. With few rights in your own country, you are seeking the liberty to live in a country that was founded upon freedom. Yet the little dignity you have left is stripped away, and your hopes and dreams are crushed by false allegations from the very extremists who are holding you captive in the first place.

This story is not hypothetical; it is surprisingly common. Let me tell you of an Iranian Christian refugee family that fled to Iraq. Their situation reflects the situation that thousands of other refugees face daily in the Middle East as they try to escape religious persecution and find freedom in America.

To avoid the extreme punishment of being sent back to Iran, this family petitioned the United Nations for help. They did this for eight years. As they waited for good news, they were kidnapped by other Iranian refugees and Iraqi government officials. Their father, who stayed behind in Iran, was murdered by Iranian officials when his sons refused to return to Islam. The local government where they fled for protection threatened to deport them several times for practicing their faith. Since they were not permitted to register their church, they worshipped secretly in their home. Then they were forced to move when neighbors complained about a private Easter celebration in their home.

When the U.N. finally recognized the imminent danger facing this family from both their own country and their host country, their case was referred to the United States for immediate resettlement. As the U.S. began the process to resettle them, the family could finally believe that there was a light at the end of this tunnel of suffering—the difficult part appeared to have passed. Yet, their story was far from over.

When they finally had a chance to tell their story to the U.S. representatives, they were punished for being around the very people who persecuted them. Their conversation went something like this:

"Why do you feel unsafe in Iraq?" asked one of the Department of Homeland Security interviewers.

"We've had to move many times because people we lived with attacked us for our faith," replied the refugee.

"Where did you live when you were attacked?"

"We first lived in a building with Communist refugees that hated Christians. They kidnapped me and were going to kill me because we had a picture of Jesus hanging in our room and were sharing our faith with others there."

"Did you pay rent?"

"Yes, we worked hard and didn't want to live in a refugee camp, so we paid our own way."

"Thank you."

Then they waited. The persecution increased each day. At one point, one family member was hospitalized following the psychological trauma created by several hours of interrogation by the local government over his faith and religious activities.

Months after their interview the family finally received a letter from the U.S. government, but it only exacerbated their trauma. In summary it said: "I'm sorry; we believe you've engaged in a commercial transaction with a terrorist group, so we will have to review your case more thoroughly; you may want to consider withdrawing your case and trying another country."

Weeks turned into months, and one year later they are still waiting, still persecuted, still living in daily fear for their lives. This family, like hundreds of other persecuted refugees seeking freedom in the U.S., have had their cases placed on a permanent hold because as the law currently stands, persecuted peoples overseas can be designated as terrorists simply for being *targeted by terrorists*.

Until the president clarifies that the persecuted are not terrorists simply by virtue of being around the very terrorists who



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persecute them, America will never be the refuge it once was.

In 2001 the USA PATRIOT Act created a new category—"undesignated terrorist organizations"—which redefined "terrorist activity" as any group made up of two or more persons engaged in violence for purposes other than personal enrichment, whether organized or not. This poorly defined third tier covers anyone not already listed by the U.S. government and was later expanded under the 2005 REAL ID Act to include any organization with a subgroup that engages in terrorist activity.

Any engagement in terrorist activity or "material support" to all three levels of terrorist organizations automatically initiates the "terrorism-related inadmissibility grounds" (TRIG), which bars the individual from immigrating to the U.S. Since the law took effect, thousands of refugees persecuted by individuals in this ambiguous third tier or its subcategories have been barred entry or placed in a bureaucratic black hole by the Department of Homeland Security, where they hang in limbo for years—forgotten rather than offered the protection needed to escape their persecutors.

The fact that there is no known list for this category or their subgroups is extremely problematic. How can a refugee know if they've associated with a terrorist if anyone can ambiguously be defined as a terrorist organization? And what constitutes "material support" or association with these groups?

The instances of refugees being caught in this web of ambiguity are many and varied. The refugee could have been persecuted by the undesignated terrorist group, or they could have served them unwittingly at their hospital or restaurant. In the case of this Iranian family, they may have lived in the same building with them and been associated by having undertaken the obligations of paying rent or an electricity bill. Any such contact automatically triggers the third tier terrorism bar, and the applicants are deemed to have engaged in a commercial transaction with a terrorist group, despite never intending to or even knowing that they were doing so in the normal course of their peaceful activities.

Accusations of terrorist connections they never had and cannot challenge only exacerbate the psychological trauma persecuted refugees experience daily while waiting for relief.

Something is deadly wrong when our refugee process creates an ambiguous standard that bars the very people it was intended to protect, such as this Iranian family.

American lawmakers have recognized this problem, and in 2007, just before President Obama took office, senators Patrick Leahy (D-Vt.) and Jon Kyl (R-Ariz.) passed legislation with broad bipartisan support, authorizing the president to exempt persons with no actual connection to terrorism from the overly broad definition of terrorism created under the USA PATRIOT Act of 2001.

In light of the sixtieth anniversary of the United Nations Convention Relating to the Status of Refugees (July 2011), dozens of nongovernmental organizations and faith communities from across the nation sent a letter to President Obama (June 2012), urging him to fulfill his promise to clear up the backlog of cases, issue the regulations needed to fix this problem, and help persecuted refugees work through this process more quickly. They hoped the president would keep his administration's promise. In the five years since Congress authorized the president to fix the problem, those critical, lifesaving changes have still not been made, and the number of refugees in the black hole has grown.

On August 10, secretary of Homeland Security Janet Napolitano took one small step. The secretary cleared some 4,000 of the nearly 4,700 people who have already passed the difficult test to prove they are refugees and are living peacefully in the United States.

But thousands of refugees remain in dangerous situations abroad. They are eager to be put to the test of proving to the Department of Homeland Security and other U.S. security agencies that they pose no terrorist or security threat to the United States.

As this Iranian family has experienced in Iraq, the problem has been particularly acute for religious minorities throughout the Middle East. Social hostility only exacerbates their inability to find refuge in neighboring countries, leaving many no other option but to seek refuge in the U.S. and the West. Communities dating back to biblical times that have survived—albeit as inferior minorities—for centuries in the Middle East are now under severe threat.

In the years following the U.S.-led war in Iraq, a massive displacement of religious minorities has occurred in the region. While no one has been immune from the violence, the political vacuum created in the wake of the overthrow of Iraq's government and subsequent rise in terrorist activity has disproportionately affected religious minorities—the most vulnerable members of the society. As political instability has engulfed other countries in the Middle East, including Egypt and Syria, the region's religious minorities have been similarly targeted because of their religious identity.

Iraq's 1.6 million Christians made up 3 percent of the population before the war, but have been reduced by two thirds since. Other minority religious communities have faced similar devastation to their communities—the Ezidis have been reduced by a third, the Mandaeans have lost 90 percent of their community, and the Jewish community is struggling to maintain just seven members, down more than 75 percent of the prewar numbers. Sadly, because of their disproportionate targeting by terrorists, these minorities make up 17 percent of the refugees that have fled Iraq. Many were still waiting to be resettled to safer countries when the violence erupted throughout the Middle East from Egypt to Syria.

As Coptic and Syrian Christians now experience turmoil in their own countries, they wonder whether the same tragedy awaits their communities. If it does, will America embrace them or treat them as terrorists? These minorities now live as second-class citizens, dependent on the arbitrary goodwill of a strongman like Syria's Bashar al-Assad or a group like Egypt's Muslim Brotherhood. They wonder if America will ignore them as they seek to escape the inevitable wave of persecution and death that other minorities have faced in the region in the past decade.

As I traveled throughout the Middle East—in Syria, Lebanon, Iraq, Jordan, and Turkey—in 2010, just months before the revolutions that changed the region, the indigenous Christians in those countries asked me, "Will you forget us like you've forgotten the Iraqi Christians?" Sadly, this reflected a common concern among religious minorities in the Middle East—the failure of U.S. policy either to prevent persecution of religious minorities or to help them escape.

U.S. policy in Iraq, Egypt, and now Syria has failed to consider how changes would affect the millions of Christians and other religious minorities who have survived for centuries as persecuted groups. Now they are in even greater danger.

Unlike some other persecuted groups, there is no country in the Middle East that welcomes Christians and other religious minorities with open arms. In 1948 Jewish communities throughout the Arabian peninsula fled to Israel for refuge. But Christians, whose communities in the region predate the rise of Islam, have been marginalized by most governments.

For instance, Iraqi Kurdistan has welcomed Christians fleeing Baghdad, but only if they support Kurdish nationalism and leave behind their ethno-religious distinctions. Lebanon has been the most welcoming country in the region, but is neither large enough to host the region's persecuted Christians nor strong enough to protect them from extremists.

Some leading Christians in the region have actually called for designated states for ancient Christian communities within each country in the region, but such calls have been ignored. One proposal for a governorate in Iraq's Nineveh Plains for the Christians and other religious minorities has never been taken seriously by the Iraqi or U.S. governments. The fear of being ghettoized has led some Christian leaders, such as Bassam Ishak of Syria, to call for express inclusion of Christians as equal citizens in the nation's new constitution. Religious leaders in Egypt have made similar calls for equality of citizenship, but the newly empowered Muslim Brotherhood leadership has squelched these attempts.

Without protection from their governments for these vulnerable communities to live normal lives as equal citizens, terrorists have targeted them with impunity, attempting to force them out of the region. This has crippled the religious minorities' ability to work and maintain their churches, threatening the very survival of their rapidly dwindling communities. At risk is the very face of ancient religious history in the Middle East.

And while erasure from their ancient homelands would be an international tragedy, even more disturbing is the failure of foreign governments such as the U.S. to offer these vulnerable refugees the lifesaving protection of resettlement to escape imminent danger.

For many of these ancient communities, survival now rests on resettlement outside their homeland. Sadly, the cry for refugees to find asylum in the U.S. has fallen on deaf ears.

Being faced with extinction from terrorist violence and shut out from refuge has created a hopeless situation for many religious minorities. However, if the president would carry out the changes called for by a bipartisan act of Congress in 2007, those in the most imminent danger could find hope in the lifesaving protection afforded through refugee resettlement in the U.S.

Tina Ramirez is director of International and Government Relations at the Becket Fund for Religious Liberty in Washington, D.C.



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Keeping Perspective How The Christian Quest For Temporal Power Turns Thoughtful Minds From The Biblical Worldview

BY: KEVIN D. PAULSON



The confetti and popped balloons of the 2012 U.S. presidential race were hardly swept into trash bins before speculation started about the next presidential election cycle, a full four years away. Aside from the annoyance many feel about the "perpetual campaign mode" now afflicting American politics, the trouble into which one potential presidential candidate has already stepped speaks volumes about the impact exerted by the Religious Right and its allies on the interaction of faith and civic life.

The controversy began with an interview given by Florida senator Marco Rubio, considered by many a likely presidential contender in 2016, in the December 2012 edition of *GQ* magazine.¹ In this interview Rubio was asked at one point: "How old do you think the earth is?" Rubio replied—among other things—that he wasn't a scientist, that theologians have argued at length about this question, and that he couldn't understand what this issue has to do with the economic prosperity or gross domestic product of the United States.²

Within hours of its online posting, the interview provoked controversy across the political spectrum, from left-leaning columnists offering this as evidence that Rubio is in thrall to religious extremism³ to right-leaning opinion-makers insisting such questions are nothing more than booby traps set for conservatives by liberal zealots posing as journalists.⁴ Noted conservative pundit Erick Erickson responded with a defiant screed affirming his faith not only in God's creatorship but also in the literal nature of Noah's flood, the story of Jonah and the great fish, the divinity and resurrection of Jesus Christ, as well as the final judgment of men and women described in Holy Scripture.⁵ In addition, he openly resented the dismissive manner in which he claims people of faith are often treated by the mainstream media, lamenting at one point how "Christian homeschool kids . . . , who routinely kick the rear ends of the Ivy prep kids in academics, are considered stupid."⁶

Paul Kengor of *The American Spectator* went on to admonish Rubio and other conservatives that such questions from mainline news sources will "only get worse," and that those on the right must therefore "be smart and strong and ready, and just as aggressive in responding as liberals are in demonizing."⁷



U.S. Senator Marco Rubio

Angst of the Liberty-loving Bible Believer

Reading such exchanges evokes a variety of contrary emotions in one such as myself. I too am a theologically conservative Bible believer. I hold that the earth was created exactly as Genesis says it was—in six literal, consecutive, contiguous 24-hour days, approximately 6,000 years ago. This position places me even to the right of Erick Erickson, who claims to believe in creation but still agrees with popular evolutionary theories that the earth is most likely billions of years old.⁸ I also believe that angels are real, that Noah's flood happened the way the Bible says, and that the miraculous life of Jesus Christ is a historical fact. I also believe—in harmony with Scripture—that Jesus is literally coming back to this earth again, and that all humanity will be arrayed in judgment before His throne when that happens.

But I also believe in a much-neglected and much-ignored biblical teaching—that God grants liberty of conscience to all. After all, according to Scripture, God placed both the tree of life and the tree of the knowledge of good and evil in the primeval Garden of Eden (Genesis 2:9). When asked by the Roman governor Pontius Pilate whether He intended to establish an earthly kingdom, Christ declared that His kingdom was not of this world, and that His followers were thus forbidden to use force in His name (John 18:36). And the final invitation offered to humankind in the Bible story likewise affirms the sanctity of free choice: "Whosoever will, let him take the water of life freely" (Revelation 22:17).

It is popular just now for conservative Christians to talk about religious freedom. I fully share their passion for the right of religious people to preach and practice their faith, and teach it to their children, as they wish. But I hold that religious liberty applies to sinners as well as saints, to those who make choices contrary to God's Word as surely as to those

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choosing to obey that Word.

It is the freedom to commit sin that the Religious Right disputes. They want freedom for conservative Christians to proclaim and live what they believe, and to pass it on to their offspring without government interference. But when it comes to the personal relationships and private choices of those choosing a lifestyle contrary to Scripture, Christian conservatives tend to become far less enthusiastic about freedom.

Poisoning the Well

Here is where so many religious conservatives hurt their cause deeply. Like the parent who employs coercive means to constrain a grown child to follow what may well be commonsense counsel, today's Christian political activists seem not to understand that when theology takes up the sword of civil power, it doesn't matter how much solid, sensible evidence exists for that theology or the lifestyle it enjoins. Because it is coupled with the threat of force, the well is poisoned, and those who might otherwise give the biblical worldview a fair hearing respond instead with knee-jerk revulsion.

I'm not a scientist either, but simple logic compels me to wonder how something as complicated as even one human cell could be the result of chance. It makes no more sense than for the masterpieces in the Louvre or Guggenheim to have been the result of an explosion in a paint shop, or for that sleek new Mercedes gliding down a suburban lane to have resulted from an explosion in a steel factory. One need not be a Victorian prude to recognize that observing biblical standards of sexual behavior is likely to spare a person considerable grief—fractured relationships, weekend parenthood, STDs, and a whole lot more. I have no doubt, as Erick Erickson says, that Christian homeschoolers tend to do better academically than many of the best from other backgrounds. It wouldn't be the first time (anyone remember Daniel and his companions?). And it doesn't take a complex analysis of human history and contemporary life to persuade the thoughtful mind that humanity seems abysmally incapable of solving its own problems, and that the biblical promise of final judgment and the ultimate end of evil thus offers a refreshing alternative vision for the world's future.

But the use of carnal power by so many conservative Christians has obscured and mitigated much of the evidence for the superiority of Christian beliefs and the Christian way of life. Because the Christian worldview is associated in many thoughtful minds with the use of civil force as a means of furthering Christian values, this worldview is wrongly relegated by those same minds to the fringes of lunacy, fanaticism, and the eccentric anachronism of the Flat Earth Society. Like advice from one's in-laws, Christian beliefs are eschewed not because of their objective merits or lack thereof, but because of their association with meddlesome intrusiveness.

Christians should never delude themselves into thinking their perspective on ultimate reality will ever command a majority of human minds. Jesus Himself declared: "Narrow is the way, which leadeth unto life, and few there be that find it" (Matthew 7:14). Sin will always be more popular in this world than righteousness. But far better for biblical teachings to suffer rejection merely because of unregenerate hearts than for these teachings to face revilement because our Lord's own admonition against the use of force in His name (Matthew 26:52; John 18:36) has been set aside by His professed followers.

Kevin Paulson is a much-published author, editor, and minister of religion. He writes from Berrien Springs, Michigan.

1 www.gq.com/news-politics/politics/201212/marco-rubio-interview-gq-december-2012.

2 *Ibid.*

3 www.newyorker.com/online/blogs/newsdesk/2012/11/marco-rubio-needs-evolution.html#ixzz2CtdUFkPx.

4 Paul Kengor, "Smearing Rubio," *The American Spectator*, Nov. 26, 2012; Erick Erickson, "I Believe and Am Thankful," Nov. 20, 2012; www.redstate.com.

5 Erickson.

6 *Ibid.*

7 Kengor.

8 Erickson.



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Free To Be

BY: MARTY MCMAHONE

The South in which I grew up was rather rebellious toward the actions of the federal government. The slowness of the school systems to heed the Supreme Court's school prayer ruling in *Engel v. Vitale* (1962) demonstrated that pretty clearly. I can remember daily organized prayer in school as late as 1973. I can also remember teachers who routinely made comments such as "We shouldn't lie because God said not to in the Bible." Those who would like to reinstitute organized prayer in schools often argue that moving away from such a foundation has harmed the moral fabric of our society. They point to the general decline in morality that can be seen in the turbulent 1960s and 1970s as evidence that "excluding God from the classroom" has led to moral decline in the nation. Separationists have often argued that this is not a logical conclusion. They note that many other factors (including such things as the influence of TV and the movies, the impact of an extended and unpopular war, the easy availability of birth control, and the growing tendency to challenge authority of any kind) contributed to changing social norms in America and conclude there is no evidence that directly ties moral decline to religious practices in school.



The separationists are certainly right that "correlation does not prove causation." They are also right that other factors have contributed to changing moral attitudes. Yet, this argument still misses something important. Teachers have an impact on the thinking of children, especially in the early grades. Their authority is often as significant as that of parents. If those teachers are regularly talking to children about a God whose rules should be obeyed, their teaching will certainly have an impact on how the students think as they grow up. Removing that influence from the life of students had to have an impact on the moral choices made later in life.

Does that mean that we should go back to religious practices in the schools? No, it does not. There are two more critical problems with the idea of religion in the schools. First, there really is no way to get around the fact that such practices get the state involved in prescribing religious practices. Even "voluntary prayer times" still involve the state making a choice to favor religious practice over nonreligious practice. Second, and possibly more important from the perspective of an Evangelical Christian, it makes religion into something that is pragmatically useful without any concern for its truth. John Adams may have said, "Our Constitution was made only for a moral and religious people," but we should remember that his concern in that statement was for the state, not the church. Adams saw pragmatic value in religion for the state, but he was not interested in strengthening the church or spreading the gospel.

The state might find Christianity useful, but that usefulness is dangerous to the church. It is entirely too easy for a "useful church" to be captured by the culture. The emperor Constantine attempted to unite his empire by bringing the people together under one religion—Christianity. Baptists have long argued that the Constantinian solution in Rome was dangerous to the church. The same danger can be found in the church of my youth. The most obvious embarrassment was the racism that dominated the culture and infected the church. In fact, racism so infected the church that the culture has even done a better job of fighting it than the church has. The church's purpose is not to create a better society in which we can live. It is to grow the kingdom of God. When the church gets too close to the state, it stops speaking prophetically about the dangers the state represents. Conservatives seem to recognize the dangers in a powerful state. Why, then, would we want to risk that voice by becoming a tool for the state to create a more stable society?

The truth is that God has not been booted from the classroom (as if that were possible anyway). For that matter, prayer has not been removed either. Any student can pray whenever he or she desires. It is only the state's power over prayer that has been eliminated. While that may not make our society safer, it frees the church to be the separate voice it needs to be. God's solution to our problems was not a governmental system, but a Person. God gave the church, not the state, the responsibility to proclaim that Person to the world. Taking religious practice out of the classroom may or may not have been good for the state, but it was good for the church. It is time for Christians to move forward in the freedom to deliver a message without the danger of infection from the state.

Marty McMahon, associate director of the University of Mary Hardin-Baylor Center for Religious Liberty, has taught at the UMHB since 1995.

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MARCH / APRIL 2013

Is Offensive Realism Enough?

Opinion

BY: MARTIN WEBER

I recently read a fascinating article.¹ on the forces involved in the rise and fall of nations. Author Robert D. Kaplan introduced the concept of “offensive realism,” which posits that global powers attain and maintain such a status not through upholding noble democratic principles, nor through mere force. They conquer international rivals by leveraging power and influence to outmaneuver and intimidate them. I noted that Kaplan’s article omits any reference to a sovereign God who might control or influence planetary affairs.

Without pretending to grasp all that is envisioned by offensive realism (OR), I will venture to describe the difference between a biblical worldview of geopolitics versus OR’s global humanism.

Offensive realism (in a geopolitical context) is the brainchild of John J. Mearsheimer, who presents a secular perspective rooted in the principle of “anarchy.” This is not spontaneous mayhem but strategic political pragmatism. Believing as I do that God has a plan for this planet, I view the rise and fall of nations through the grand prism of Bible prophecy. Thus I cannot accept OR as the foundational principle of geopolitics. That said, it’s also true that humans—both individually, and corporately as families and nations—enjoy temporary divine authorization to exercise free choice and then experience the requisite consequences. And so offensive realism, despite its secular limitations, does have value in both describing and predicting those consequences.

For example, Mearsheimer’s realism debunks America’s national belief that democracy is a necessarily superior force that ultimately triumphs—if only given a chance. (Consider the soaring rhetoric of George W. Bush’s second inaugural address.) I certainly don’t dispute the inherent superiority of government by the people. It’s just that democracy doesn’t automatically triumph in a world bullied by offensive realism. Indeed, democracy might succumb to other types of government that aim to achieve global power and leverage it wisely.

In practical terms, OR requires strategic international policies rooted in reality rather than idealism. Even a global power cannot intervene militarily to put down every tyrant on the world stage. OR requires that a superpower choose its battles wisely according to national interest. Mearsheimer concedes that it may be proper, from a humanitarian perspective, to intervene militarily in nonstrategic emergencies, such as the 1994 Rwanda massacre (which Bill Clinton famously failed to do). But OR forbids functioning as the world’s moral police officers. In fact, morality per se has nothing to do with national success among rival powers. Rather, Mearsheimer points to fear and intimidation as being dominant in the rise and respect of nations.

Machiavelli, the medieval master of political strategy both for his day and ours, perceived this point. He declared that it is better for a prince to be feared than loved.

By contrast, America seems to care much about how the nation is perceived in the international community. Giving supreme regard to popular acceptance (not only of a country among its peers but among our own citizenry), Americans denounce hegemony and tyranny. Fine so far, but we overstretch our democratic ideal when we insist that it is the only form of government that is sustainable in the long term. OR disputes this assumption. Brutal hegemony may be immoral (from whatever perspective one derives moral judgments), but world history shows that a despotic power can work and work well—as long as it remains a strategic bully.

For dictators, OR obviously works until they die or are weakened by age (unless they arrange for successful succession by other strongmen). Aging despots were of course overcome by the various Arab Spring revolutions. Alas, the newly empowered populations have been democratically committing themselves to coercive and nonpluralistic theocracies. Many Americans (liberals and neoconservatives alike) express surprise and disillusionment that democracy has not facilitated freedom. But what could one expect when the vast majority of a population savors the strictures of sharia law? Perhaps their model of people power is not the democratic norm we enjoy in the Christian West.

Perplexed proponents of democracy in Egypt, for example, are scratching their heads, wondering, “Whatever happened to the ‘Google Guy,’² who spearheaded the takedown of a dictatorial government?” Lenin might have pointed to the first wave of revolutionaries, rather unkindly, as “useful idiots.” In the Arab Spring, naive idealists did the dirty work in overthrowing the old order, unwittingly setting the stage for a more powerful political force waiting in the wings—Islamic



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extremism. Events in Egypt are similar to the 1917 October Revolution in Russia, which followed the overthrow of the czars months earlier by those whose idealistic vision didn't coincide with the brute force of the Soviets' more enduring pragmatic reality.

But didn't the Soviet-led world ultimately implode according to the inevitable outcome of oppression? No. All those political science professors in Western classrooms were mistaken in their rhapsodies about power to the people. The U.S.S.R. collapsed after backsliding from seven successful decades of OR. Factors leading to its fracture included overextending itself in Afghanistan (déjà vu, America), an arms race against Ronald Reagan that was economically unsustainable, and the Gipper's clever alliance with the Vatican in Polish Solidarity. After Reagan's clarion call for the fall of the Berlin Wall, it did come down—but not because of any supposed manifest destiny for democracy.

If in doubt about that, consider what happened to the democratic uprising in Tiananmen Square. Unlike their comrades at the Kremlin, wily Chinese Communists—in true OR fashion—retained their native oppression. They adroitly adapted Marxism totalitarianism to the new necessities of personal initiative in the thrall of international commerce. Chinese hegemony survived like a virus, morphing into a revised version capable of continuing to conquer all threats, both internal and external.

Therefore, in the second decade of the twenty-first century—supposedly a golden opportunity to let freedom ring—China's star is rising. Mearsheimer foresees its triumph. Rather than collapsing under its enduring policy of oppression and persecution, China is on track to supplant the United States influence throughout the Asia-Pacific region. Meanwhile, Russian leaders have pushed the reset button and booted up a modified totalitarianism that features a flat and thin democratic display.

Global powers may march to the drumbeat of offensive realism, but for the reader of the Bible they are unwittingly parading under the banner of prophecy.

Meeting its bitter end, Mearsheimer's offensive realism will of course come to a crashing halt at the glorious return of Jesus Christ to this planet—not this time as the crucified Lamb of God but as the conquering King of kings. Yahweh will have had enough of Machiavellianism, Marxism, democratic materialism, racism, chauvinism, and all the other viral human "isms." The Bible illustrates Christ's coming as a divine meteor speeding unnoticed through space but then crashing catastrophically upon this planet (see Daniel 2:34-45). Nearly three millennia ago the teenage captive Daniel described this scenario to the Babylonian despot King Nebuchadnezzar, educating him about Someone above the royal pay grade who supervises geopolitics. (You can read Daniel's triple emphasis about celestial sovereignty in Daniel 4:17, 25 and 32).

When Christ returns, those who trust in Him rather than in human salvation will be airlifted from Armageddon. Ultimately, Eden's Paradise will be restored here. This earth will be newly re-created and crowned with the New Jerusalem, God's celestial headquarters.

It is an attractive and specific alternative to a "realism" that essentially reacts and cannot set the agenda. Without a hopeful agenda the confusions of the modern world order will quite naturally lead to an increasingly out-of-control scenario. We need hope, not tactics. We need a moral agenda, not a Machiavellian dodge.

Martin Weber is an author, editor, and minister of religion. He writes from Lincoln, Nebraska.

1 Robert D. Kaplan, "Why John J. Mearsheimer Is Right (About Some Things)," *Atlantic*, January/February 2012, p. 80.
2 Wael Ghonim, the young Google executive who was the face of the revolt in Cairo's Tahrir Square.



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MARCH / APRIL 2013

Freedom To Choose

Many there be that complain of divine Providence for suffering Adam to transgress. Foolish tongues! When God gave him reason, he gave him freedom to choose, for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions. We ourselves esteem not of that obedience, or love, or gift, which is of force: God therefore left him free, set before him a provoking object ever almost in his eyes; herein consisted his merit, herein the right of his reward, the praise of his abstinence. Wherefore did he create passions within us, pleasures round about us, but that these rightly tempered are the very ingredients of virtue? They are not skillful considerers of human things, who imagine to remove sin by removing the matter of sin; for, besides that it is a huge heap increasing under the very act of diminishing, though some part of it may for a time be withdrawn from some persons, it cannot from all, in such a universal thing as books are; and when this is done, yet the sin remain entire."



From *Areopagitica*, a 1644 tract against censorship by English author John Milton. *Areopagitica* is an impassioned philosophical defense of the principle of the right to freedom of speech and expression.

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Liberty In Paradise Theological, Political, And Poetic Liberty

BY: MARTIN SURRIDGE

Seeing the world through the eyes of John Milton would be both supremely enlightening as well as dark beyond all measure. It was likely the many years spent scrawling political pamphlets by candlelight that cost the English poet his eyesight at the age of 44, and ensured that the majority of his magnum opus, the Christian epic *Paradise Lost*, would be written out by his daughters, to whom Milton would dictate. It was an irony not lost on Milton, who saw himself as a seventeenth-century combination of Homer and Tiresias; a fulfillment of the ancient tradition of the blind bard as well as the sightless seer.

Andrew Marvell, a poetic contemporary, would compare Milton to another great blind figure of antiquity, Samson. In his poem "On Mr. Milton's *Paradise Lost*," Marvell writes of Milton, "When I beheld the poet blind, yet bold, in slender book his vast design unfold, . . . [like] Samson groped the temple's post in spite, the world o'erwhelming to revenge his sight." Milton himself saw the connection and expressed it in his work *Samson Agonistes*.

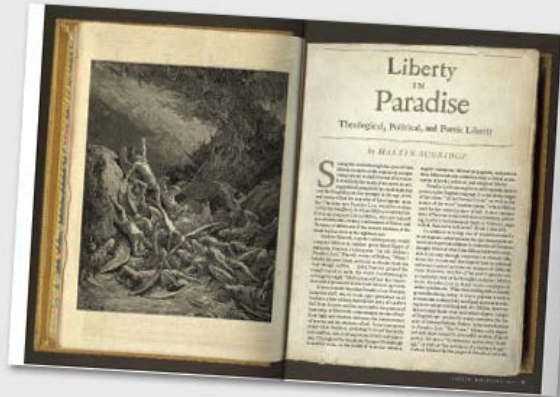
It is no wonder then that *Paradise Lost*, first published in 1667, the 10-book epic (published as 12 books in a later edition) that tells the story of Lucifer's fall from heaven and his successful temptation of humanity, is filled with contrasting moments of brilliant light and absolute darkness; the luminescence of heaven and the shadows of hell. It also juxtaposes many other dualities, including God and humanity, love and fear, and, most important, liberty and oppression. Throughout the hundreds of pages of hauntingly beautiful verse, in the midst of demonic debates, angelic visitations, infernal propaganda, and pastoral bliss, Milton includes within his story a critical examination of poetic, political, and religious liberty.

Paradise Lost is among the most frequently quoted poems in the English language. It is the likely origin of the idiom "all hell breaks loose," as well as the source of the word "pandemonium," which Milton used for the central palace of hell. It also contains some of the more memorable lines in literature, including Lucifer's bold statement that it is "better to reign in Hell, than serve in Heaven" (Book I, line 263).

In addition to being one of world literature's most supreme achievements, the epic transcends art and is an important addition to centuries of Christian thought. Much of what John Milton believed is available to us only through conjecture or obscure allusions, the occasional theological hint or political reference tucked in between stanzas of difficult verse. However, very few of the poet's opinions are as explicitly clear as his thoughts on rhyme. Milton wrote *Paradise Lost* in blank verse—unrhymed, iambic pentameter. While this writing style is hardly groundbreaking today, it was a popular trend in seventeenth-century Italy and Spain and was becoming more adopted in England, too. Milton, however, did not adopt blank verse and eschew rhyme, a staple of English epic poetry for many centuries, for the sake of literary fashion. Rather, in his introduction to *Paradise Lost*, "The Verse," Milton calls rhyme not only unnecessary for successful creation of good poetry, but also a "troublesome and modern bondage," as well as "the invention of a barbarous age." Instead, Milton fills the pages of *Paradise Lost* with a variety of other poetic devices, designed to delight the ear as much as the eye.

When Beelzebub, a demon separate from and beneath Satan, shares his thoughts on waging war with heaven, uttering the line "in all assaults their surest signal, they will soon resume" (Book I, line 277), the reader cannot help hearing the sibilance, the repetitive hissing sound, of one of hell's most infamous residents. Ultimately, it is not for want of skill that Milton removes the traditional reliance on rhyme. His distaste for this particular poetic technique indicates more than simple literary snobbery, his use of "bondage" not just hyperbole. Milton, perhaps more so than any other English poet prior to the twentieth century, believed wholeheartedly in and constructed his work upon a living, breathing concept of liberty. The removal of the rhyme scheme, the overthrowing of that particular yoke, is simply the first of many arguments the author makes for freedom within the pages of his work.

In all actuality, Milton would have had little use for rhyme or poetic meter in the majority of the written work that made up his day-to-day life. Milton was a pamphleteer and polemicist, arguing against the monarchy and in favor of Parliament in the English Civil War (1642-1651). He also approved of the execution of King Charles I, the culminating moment of that war, and the victorious conclusion for the republicans. His publishing of "The Tenure of Kings and Magistrates" in February of 1649, which showed support for citizens who overthrow a wayward monarch, along with "The Ready and Easy Way to Establish a Free Commonwealth" in about March of 1660, published with great risk after the restoration of the monarchy and the failure of the republic, position Milton as one of the most politically liberal writers of his era. His pioneering advocacy for the right of subjects to overthrow a tyrannical ruler is expressed



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allegorically but rather curiously within the pages of *Paradise Lost*, and is given a powerful voice through the character of the fallen angel, Satan.

It's a peculiar paradox that confronts every reader of *Paradise Lost*: how can the noblest of political arguments be made by the prince of darkness, especially when one discovers that the despotic dictator in this story is none other than God the Father? The path forward for the Christian reader is a tricky one.

Hearing the fallen angel, the once-noble Lucifer and the most infamous antihero in Western literature since Achilles, air his seemingly legitimate grievances against the Creator, is to be witness to some of the most chilling rhetoric ever written, all in the name of liberty. The devil speaks persuasively, passionately, and brilliantly, arguing many of the same anti-monarchical points that John Milton puts forth in his pamphlets against King Charles I. When accepting his fate to dwell in the pits of hell, the archfiend exclaims in Book I, "Be it so, since he who now is sov'reign can dispose and bid what shall be right: farthest from him is best Whom reason hath equaled, force hath made supreme above his equals" (lines 245-249).

Satan, who is subtly and briefly described also as a "monarch" (Book II, line 467), makes his case during a series of manipulated democratic debates and votes, that God unfairly used force to expel from heaven those who were His equals, those beings who matched Him in debates of reason. It's easy to fall into the trap that Satan, and Milton, set for the reader, to think that the devil's argument truly is legitimate, to believe that the political laws of earth apply to leadership in heaven.

But only a few lines later Satan reveals that he will say anything, twist any word or phrase, to convince the reader as well as his demonic minions that his actions are justified, even if it means replacing good with evil. Before his ignoble journey to earth Satan utters a pair of lines separated by many pages yet unified in thought, worthy of the most vile of political spin doctors: "The mind is its own place, and in itself can make a Heav'n of Hell, a Hell of Heav'n." "So farewell hope, and with hope farewell fear, Farewell remorse! All good to me is lost; Evil, be thou my good" (Book I, lines 254, 255; Book IV, lines 108-110). Milton quite literally plays the devil's advocate.

The political liberty that exists within the stanzas and books of *Paradise Lost* accosts the reader and makes one feel uncomfortable. Can a hell that holds democratic elections and reasonable discussions be more unjust than a heaven controlled by God with absolute authority and no checks or balances? Yes, but only when one realizes that this argument hinges on two important ideas: that not only is it folly to compare the politics of humanity to the law of heaven, but that in Milton's mind the only thing worse than absolute monarchy is dictatorship in the guise of democracy.

John Milton knew that while Britain's experiment with republican government may have failed, the people of his country would one day be free from the tyranny of absolute rule. Leaving the reader ultimately unsure of how to reconcile such seemingly opposing scenarios on earth and in heaven, the poet makes a simple plea. In between these lines of blank verse written centuries ago, Milton asks the reader to have faith that God knows better than we do, and that sometimes we need to trust, often blindly, in the plan of an all-knowing Creator.

Within that plan, believed Milton, was the express desire to instill in human beings an ability to either choose or reject salvation. The theological liberty expressed by John Milton in *Paradise Lost* manifests itself most clearly in the discussion of free will presented throughout the book. Milton had earlier in his career argued for greater religious tolerance in Britain through his publishing of *Aeropagitica*, and in *Paradise Lost* extends that debate to argue that the idea of liberty is divinely placed within human consciousness.

In the story, God prevents neither Satan's descent into hell nor the fall of humanity, and for both rebellious parties *Paradise* is lost. In the epic, God famously makes humans to be "sufficient to have stood, though free to fall" (Book III, line 99), and when an angel visits Adam and Eve in Eden, he declares them to be created good but with a will "ordained ... by nature free, not overruled by Fate" (Book V, lines 526, 527). According to the author, that liberty to choose extends to the realms of the angels also, as their Edenic visitor also explains, saying, "Freely we serve, because we freely love, as in our will to love or not" (lines 538-540).

Milton's strong belief in free will is present throughout the text, and he struggled with Calvinism's rejection of this doctrine, so widespread among his Puritan colleagues of the time. While the idea of free will within Christianity is hardly unusual today, it was far from a common belief in the mid-1600s. Despite being a Puritan himself and aligning with Calvinists on several issues, Milton could not believe that God predestined and deliberately caused the fall of humanity, as was the belief of John Calvin, but that humans were given an opportunity to choose. Milton's reason for writing *Paradise Lost* revolves around this very concept, an attempt to "justify the ways of God to men" (Book I, line 26), explaining to the reader that God instilled liberty within the very essence of our being, as the core component of our character.

Milton writes that God created humans to be "authors to themselves in all both what they judge and what they choose; [because God] formed them free, and free they must remain" (Book III, lines 122-124), and to change, undo, or question that concept would be akin to unraveling the very fabric of the relationship between Creator and created.

However, it would not be enough for such a masterpiece of poetry to discuss free will and theological liberty only in its abstract. The author gives the reader the opportunity to see the very moment that humanity fell from grace and used the ability to choose freely. Just moments before the Fall, Adam tells Eve that "God left free the will, for what obeys reason is free" (Book IX, lines 351, 352), and Milton, in a stroke of literary genius, combines poetic, theological, and political liberty in one fluid, plucking motion. The climax of the story, Eve's decision to consume the fruit, is described by Milton in the following way: "Forth reaching to the Fruit, she plucked, she eat: Earth felt the wound, and Nature from her seat Sighing through all her works gave signs of woe, that all was lost" (Book IX, lines 781-784). In that one moment, that crucial decision that would shape the future of humanity, Milton surprises the reader with the inclusion of a rhyming couplet, a staple of many poetic tales, but something unseen up to this point in the epic. In rhyming "seat" with "eat" (or the similarly pronounced seventeenth-century word "ate" in some versions), Milton surprises the reader with a break in the poem's pattern, showing that something has changed; something barbarous has entered the world of humanity, symbolized through rhyme, something that Milton disliked so strongly.

That audible change within the fabric of Eden is also connected to the political allegory upon which so much of the book is constructed. Because just like Satan, who broke the bonds of political allegiance to his celestial leader, and like Milton, who ironically supported the overthrow of England's king, Eve makes the ultimate political decision and chooses to live outside the government of God's kingdom. While Milton laments that choice as being the downfall of humanity,

the cause of so much heartache and pain, what the poet understood and placed within his epic was that such a decision was the result of a divine plan to give humanity the freedom to choose.

In opposition to many of his Calvinist colleagues who believed in predestination, Milton argued, through the unrhymed lines of poetry in *Paradise Lost*, that the push for more political freedom on earth is an unstoppable tide of progress. That desire for liberty exists only because of the divinely instilled presence of free will given to humanity by the Creator, who, while He may have foreseen the Fall, allowed it to happen in order to give humanity an opportunity to make the greatest decision the universe could ever present.

Martin Surridge has a background in teaching English. He is an associate editor of [ReligiousLiberty.TV](#), an independent news Web site. He writes from Calhoun, Georgia.

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Banner Speech

BY: TODD MCFARLAND

If you asked me to name the greatest rhetoric in American history, several examples would quickly come to mind. I would surely look to the stirring words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal. . . . Or just as likely I would recall the last sentence of President Abraham Lincoln's second inaugural address: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and a lasting peace among ourselves, and with all nations."

Of course, for those of a certain generation, the words of Franklin Roosevelt's first inaugural address will resonate: "So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself."

We know that an entire generation was inspired by President John F. Kennedy's inaugural address call to sacrifice and service with the words "And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country."

Those more familiar with the later part of the twentieth century remember President Ronald Reagan's address to the nation following the space shuttle Challenger disaster, when he closed his speech with the memorable description of the lost astronauts: "We will never forget them, nor the last time we saw them, this morning, as they prepared for their journey and waved goodbye and "slipped the surly bonds of earth" to "touch the face of God."

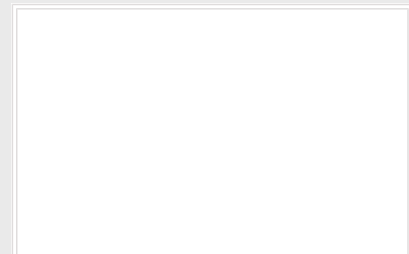
Lofty and inspirational words all, and they have something else in common. They all are what lawyers call "government speech." This is a concept you have to go to law school to love. Except for the Declaration of Independence, an actual person delivered these words; yet these were government representatives speaking in an official capacity; thus government speech. The significance of governmental speech versus private speech can play out in any number of ways—as group of high school girls recently found out.

That body of government speech might be said to include the following: banners made by Texas high school cheerleaders for the football team to run through emblazoned with Scripture quotes and references to God. Or not!

These banners do not exactly rise to the level of "we hold these truths to be self-evident" in substance. And absent litigation, they were destined to be "little noted, nor long remembered," as Abraham Lincoln once so movingly noted of real heroes; the banners were after all designed and created by teenage girls to be destroyed by teenage boys moments after their unfurling. But speech does not have to rival "We the People . . ." in either significance or style to be governmental speech.

After getting a letter from an advocacy group, district superintendent Kevin Weldon was concerned enough about the banners to consult a lawyer. The lawyer apparently advised him this practice could be viewed as violating the establishment clause of the First Amendment, and so the cheerleaders were told to stop.

The lawyer and the superintendent had good reason to be cautious. In Texas, football and religion have a long and litigious history. In 2000 the Supreme Court ruled in *Santa Fe Independent School District v. Doe* (530 U.S. 290) that student-led prayer before a football game was unconstitutional. Further, in 2010 the federal appellate court over Texas ruled in a case brought by a cheerleader, who was kicked off the cheerleading squad for not cheering, that she was the "mouthpiece" of the school district.



The key question in almost all of the school establishment clause cases is Who is speaking? Is the government speaking through the student, or is just the student speaking? It is a distinction that lawyers love to make. Normal people simply see a person talking and assume he or she is the speaker. Lawyers love to talk in terms of personal speech, governmental speech, corporate speech—you name it, lawyers like to categorize it.

There is good reason for this. The First Amendment places

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Kountze High School cheerleaders and other children work on a banner. The school district told the cheerleaders to stop using Bible verses at football games after the Freedom From Religion Foundation complained.

restrictions on the government that it doesn't place on private speakers. We would be appalled at the idea that a church could not decide who would occupy their pulpit based on their theological views. Yet we would be equally shocked if government put a similar restriction on its public forums.

Schools are a tricky place for the First Amendment. Ever since the 1969 case of *Tinker v. Des Moines, Independent Community School District* (393 U.S. 503) students have had some First Amendment rights in school. Yet, courts have never been comfortable giving them the same rights it does adults in the "free" world. Make an obscene gesture as the president's motorcade drives by, and you will be lucky to get a second look from the Secret Service. Do that to the school principal walking by in the hallway, and you will likely encounter a different reaction, and the courts are unlikely to intervene.

Schools are used to regulating (or at least attempting to regulate) almost every facet of what students say or do. In much the same way as the military defends democracy but doesn't

practice it, schools teach about freedom of expression but don't allow it. Schools have even been allowed to suspend students simply because they did not like the content of a student's speech. This "viewpoint discrimination" is otherwise unheard of in First Amendment cases.

With this background and precedent it is easy to see how virtually any speech made at a school-sanctioned event (such as a football game) could be viewed as government and not private speech. The school does not turn over its PA system to just anyone to speak, and it does not direct its football team to crash through the banner of any group of students who show up.

The cheerleaders argued that they created the banners on their own time, with their own materials, and that they alone determined the content. Which is to say that the school did not tell them what to put on the banners, and therefore it was not the school speaking. In other words, the banners are no more governmental speech than if the cheerleaders had created a Justin Bieber poster after school (or whatever high school girls do with their time when not conspiring to violate the establishment clause.)

Of course, even assuming it was the girls' idea, there can be little doubt that had the banners contained a message the school did not approve of—say, one supporting the opposing team—it would have quickly stopped that particular message. Or if instead of putting up Christian Bible texts, the girls had decided to mix it up and put quotes from the Quran on the banners, the school might have also sought to stop that practice on any number of grounds, including not offending Muslims.

But just because government can prohibit some speech does not mean all speech is government speech. While making the wrong gesture at the president's motorcade might not draw scrutiny, a sign advocating their soon and untimely death most certainly will. Yet no one argues that all of the law-abiding protestors are actually government agents just because the government exercises some veto over their speech.

Which of course leads us back to whether the Texas cheerleaders' speech is closer to that of Dwight Eisenhower warning of a "military-industrial complex" as he left office (government speech) or Martin Luther King, Jr., declaring "I have a dream" (copyrighted private speech).

A Texas state court judge in October of 2012 said it was the latter and allowed the cheerleaders to continue. Football season is over, and whether this case will go further has yet to be seen. At one point, counsel for the school district indicated it had no desire to appeal the decision.

You can feel some sympathy for the school superintendent. He has publicly claimed to be a Christian in his personal life and was only trying to follow the law when he told the girls to change their banners. Why he thought stepping into the intersection of school, free speech, and religion was a good idea is probably a question he has asked himself more than once since making national headlines.

This area should not be the minefield that it has become, but the courts and schools have conspired, however inadvertently, to make it so. Schools have a hard time recognizing the rights of students, and courts have done a poor job setting clear guidelines and creating standards that don't have lawyers disagreeing.

Schools have not helped this matter with their lack of respect for student First Amendment rights. At almost every turn schools advocate for more bureaucratic control and less—not more—free speech. There seems to be something bred into the DNA of primary and secondary school administrators that compels them to prohibit and punish speech they don't like.

The courts have been of little help. They recognize that schools and the population they serve require a level of supervision that we would not tolerate in the rest of society; not unlike what we see in prisons. Put on top of that the absolute mess that is the Supreme Court's establishment clause jurisprudence, and you have a recipe for confusion, inconsistency, and litigation.

Issues like this are of great symbolic but often little substantive importance to parties on all sides. Not being able to write Bible verses on a high school football banner hardly counts as being thrown into the lions' den. Similarly, even the most ardent atheist would be hard pressed to claim any real injury from being momentarily subjected to the scribbling

of a group of teenage girls on colored paper of quotes from one of the most widely read and quoted books in world.

This of course doesn't mean the issue isn't important. We fight at the margins so we don't fight where it counts. Maybe these banners are OK at a football game, but the school certainly can't put a banner over the entrance-way saying "This is a Christian school for Christians."

Perhaps the school can, or is even required to, prohibit the cheerleaders festooning their banners with Bible quotes, but it certainly cannot prohibit them from going to church the next day or expressing their religious views over lunch in the cafeteria.

By muddling, and allowing to stay muddled, this important area of the law the Supreme Court is leaving the country vulnerable to fights over where establishment clause and free exercise clause disputes matter. Given the stakes, we deserve to have clear guidance, and the Supreme Court needs to do its job in this area.

Todd McFarland is associate general counsel for the Seventh-day Adventist church and has much experience in church-state issues. He writes from Silver Spring, Maryland.

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MARCH / APRIL 2013

The Nightmare Of Detention

How Long Will Pastor Monteiro Stay In Prison?

BY: JOHN GRAZ

One of the worst nightmares would have to be detention in an overcrowded prison without knowing why or for how long. You might have done nothing wrong, but you are treated like a murderer. You know yourself to be innocent, but someone made a mistake. Who? Why? Now imagine that the country in which you have been arrested has a less-than-ideal judicial system. In the past, judges have often been influenced by the wishes of politicians. To make your nightmare worse, the prison is seriously overcrowded. A prison that has a normal capacity of 600 prisoners instead houses more than 1,800.

The first night you sleep in a cell with 80 men. The food is inedible, the unsanitary environment is almost beyond description. As a result, the prison is referred to as "the mourner." In the past four months 15 people have died just because of the poor living conditions.

You might think that this scenario is just the stuff of a bad dream; that reality might be different and a little more amenable.

Unfortunately for Pastor Antonio Monteiro and his fellow Seventh-day Adventist church member Mr. Bruno Amah, this nightmare is a reality. They have been in such a prison in Lomé, Togo, under such conditions, since March 15, 2012.

What happened to them? What kind of event turned their lives, the lives of their loved ones, and the life of their community upside down?



Pastor Antonio Monteiro

Murders and Rumors

A year or more ago, in the region of Agouenyive in Togo, a number of young women disappeared. We don't know how many—maybe 18 or 20. Rumors about their fate spread, and people became very concerned and afraid for their own security. They asked, "What are the police doing to protect our daughters? Why hasn't anyone been arrested?"

Rumors were amplified to include stories about human blood trafficking and secret ceremonies performed by cults with the participation of high-ranking officials. There were rumors and more rumors. In a country in which the leadership faces strong opposition and in which election results always raise questions, rumors may bring political troubles and demonstrations.

I can imagine the many questions that were asked. "What is going on?" "Why have the criminals not been arrested?" Ultimatums may have been given to those in charge of public

security. Then three women's bodies were discovered. Photos were published, but there was no forensic investigation.

The police needed to show that they were effective. They arrested a former prisoner, Simliya Kpatcha. During his stay in prison Simliya had studied the Bible with an Adventist pastor and been baptized. When he was released from the prison, he visited several people who might help him find a job or get some money. He went to the Adventist union headquarters in Lomé and was received by Pastor Monteiro. The pastor is a missionary from Cape Verde and has been working in Togo for several years. He has served the church as department director in the territories of the Sahel Union Mission, part of the West-Central Africa Division of the Seventh-day Adventist Church.

On the day Simliya Kpatcha visited the union office, Pastor Monteiro was not traveling, so he was the one who tried to see how they could help him. Bruno Amah, a church member and director of the State Company of Mobile, also tried to help.

Later on, Simliya Kpatcha was arrested again. He said he was involved in the crimes against the women. He said his role was to lure young women who sold goods on the street into a certain field. There other people strangled them and



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took their blood. According to Monteiro's lawyer, Kpatcha was then forced by the police to give names of the murderers and his accomplices.

Experts in charge of this case have confirmed the psychological instability of the accuser. They also believe, according to Pastor Guy Roger, the Sahel Union president, that the story Kpatcha told is the product of his imagination. He has a troubled history, and his report contains contradictions.

But the way the authorities proceeded was very surprising. The police presented the accuser to the media. When he told his story, he accused Monteiro and Amah. Pastor Monteiro was described as the mastermind of this human blood trafficking. In fact, one could say the police organized a press conference to validate the testimony of a multirecidivist. They gave no chance for the accused to defend themselves in the presence of the media. Pastor Guy Roger described this presentation as *mise en scène surréaliste*, or surreal staging.

On March 16 the police orchestrated a raid, with the presence of the media, on Monteiro's house and on his office at the church headquarters. They also went to Bruno Amah's church. The raid was on the TV news and it made the headlines of the main newspapers. According to Pastor Guy Roger, it was a media lynching. Adventists in Lomé did not understand why the police were trying to find human blood in their church.

The Blood Prejudice

Adventists have been in Togo for many decades. Portraying some religious minorities as blood drinkers is not new there and has happened elsewhere. However, the church is known for its good works and consistent Christian witness. Unsurprisingly, police did not find any blood or any evidence of the culpability of Monteiro or Amah. However, the accused were treated like criminals and spent 14 days naked in the Anti-Gang Station before being transferred to the Civil Prison of Lomé.

They are still in prison. No proof has been given of their guilt, and no further investigation has been done. It seems that everyone believes they are not guilty, but only the political powers can make a decision. One of the major concerns of their lawyers is that sending them to the court would mean that they could stay in detention for years without being judged. This is a way used to keep people in prison. The question most people ask is: Why are the authorities refusing a fair investigation? What does this supposed traffic of human blood hide?



The civil prison of Lomé, Togo.

Visits to the Prison

Those readers of *Liberty* who are accustomed to court cases may be confused by my description of this case. To understand it ourselves, we needed to go to Togo and spend time getting information and meeting lawyers and officials. With Attorney Todd McFarland I spent seven days in Lomé. Pastor Guy Roger, who has fought from the beginning to obtain justice for his employee, received us.

My first visit inside the prison was a real shock. It is very overcrowded, and there is no hygiene. Prisoners frequently die of illness. But, contrary to the prisons in the United States or Europe, there is a kind of freedom inside the prison. The prisoners are in charge.

I went with a group of Adventists and a pastor who regularly visits the prison to give Bible studies and preach. In the courtyard the Christians have their space and the Muslims have theirs. There is no religious war in that courtyard. When I entered, the Pentecostals were having their service. The voice of the preacher, and the "amens" and "alleluias," were strong enough to open all the gates. I did not feel any hostility from the prisoners. When Monteiro and Amah came to join us, I saw that the prisoners had respect for them.

Monteiro said to me that he preaches the gospel and gives Bible studies. As is the case with all of the prisoners, he is concerned about becoming sick. He knows that it could be fatal. I have read that the prison has a capacity of 600 but that there are 1,800–2,000, and 60 percent of them have not been charged. Half of them don't know why they are there. Those who have no lawyers and no one to plead their case may spend years there, totally forgotten and lost in the system.

What Can We Do?

The arrest of Pastor Monteiro and Bruno Amah has been very traumatic for the small Adventist community in Togo. Even if the authorities say that they see no link between the church and this case, their initial actions proved the contrary. For a few days the church was targeted by the media and the police. Its leaders who went to the police station to ask for information were unable to leave the building for several hours, and their cars were blocked.

Pastor Guy Roger gave a press conference at which he declared that the Adventist Church has never been involved in any secret ceremonies that might use and involve the drinking of human blood. He vigorously denounced the way the church was treated by the police and the media.

But in spite of that public cloud, during the first seven months we all hoped that a decision would be made and the case dismissed. When we arrived in Lomé on Thursday, September 6, we were told that "the prisoners will be free next Monday." Then it was "next Friday." Nothing happened.

We have met with the appropriate ambassadors, and contacted the office of the president of the country. We hoped that a visit of the Adventist world church president to Lomé would help. He met with the two prisoners, but no officials were willing to receive him. When he came back to the church world headquarters in Washington, D.C., Adventist Church president Ted Wilson launched December 1 as a day of prayer and fasting for all Adventist churches around the world. Millions of people learned about the case and prayed for the two prisoners.

I have been asked to lead a working group on this case. We will alert the whole world if necessary. But after hoping for so long that justice might be done, now the time has come to show our solidarity and speak to a wider audience. Letters will of course be sent to the president of Togo and to the prisoners. They will become the symbols of a dysfunctional justice system and of victims of prejudice all around the globe.

I have to confess that visiting Monteiro and Amah in the prison of Lomé opened my eyes to a sad reality. The lives of honest people and their families can be destroyed in a few days by those who should protect them. Prejudice and ignorance can so easily be invoked to raise public anger.

In how many countries around the world is justice ignored? In how many countries do authorities abuse their power and deny justice? How many innocents are in prison for years? And the question I cannot escape: What am I doing for them?

John Graz is director of the Department of Public Affairs and Religious Liberty for the Seventh-day Adventist Church at its headquarters in Silver Spring, Maryland.

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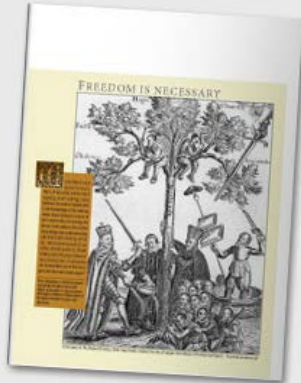
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Freedom Is Necessary

There there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrors of sect and schism, we wrong the earnest and zealous thirst after knowledge and understanding which God hath stirred up in this city. What some lament of, we rather should rejoice at, should rather praise this pious forwardness among men, to reassume the ill-deputed care of their religion into their own hands again."



From *Areopagitica*, a 1644 tract against censorship by English author John Milton. *Areopagitica* is an impassioned philosophical defense of the principle of the right to freedom of speech and expression.

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