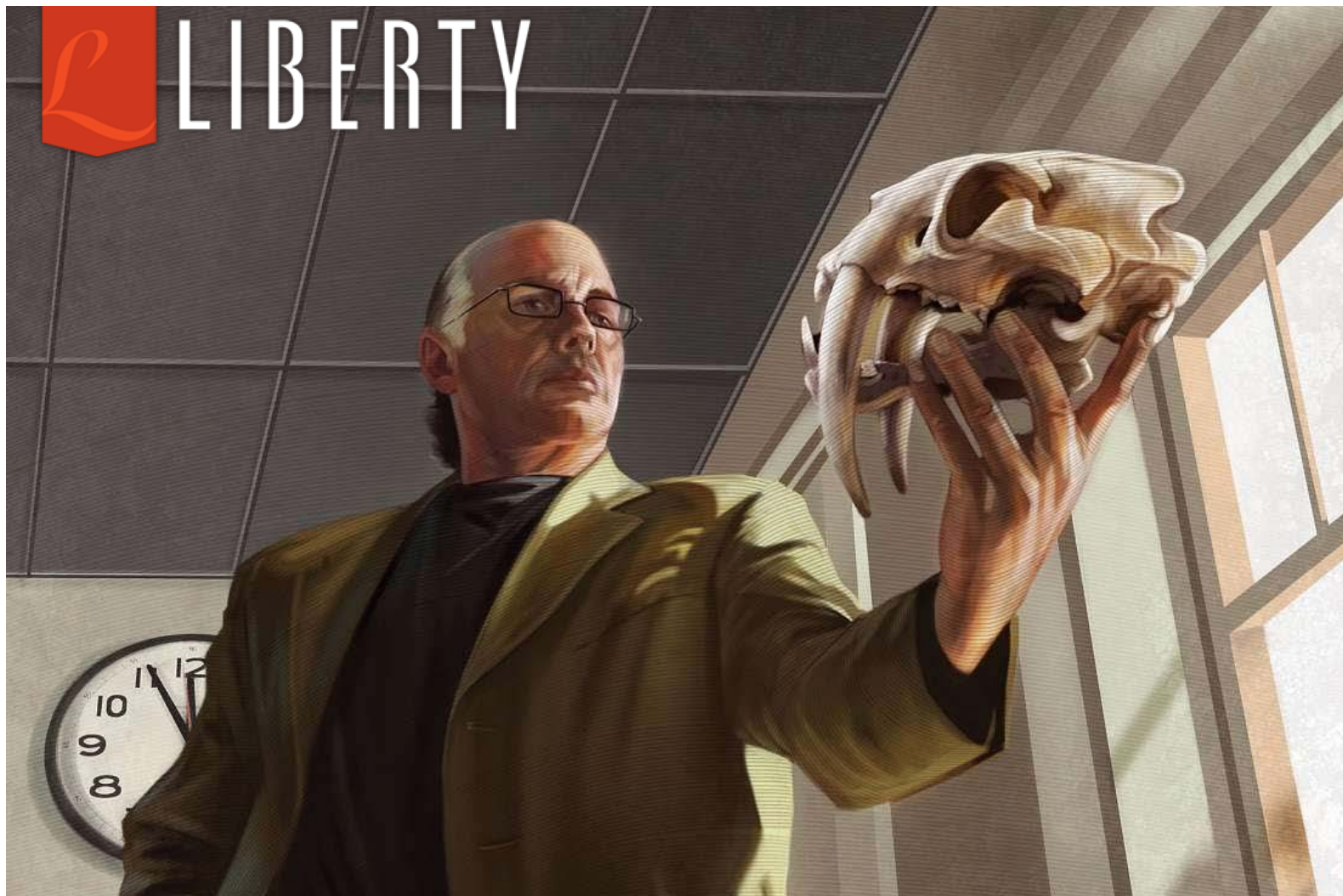


LIBERTY



July/August 2013

Not It At All

Religious liberty means so many different things to so many different people.



To Teach or Not To Teach

In 2011 John Freshwater, a Christian with a 20-year teaching career at Mount Vernon Middle School in Ohio, was fired for encouraging his students to think critically about the school's science curriculum, particularly as it relates to evolution theories.



The Firebrand

The Complex Legacy of Girolamo Savonarola



How Much Liberty?

Without doubt, current viewpoints of leading Roman Catholic cardinals on the subject of religious liberty reveal a concept that highly favors the liberty of the church to fulfill its mission in society.



Which Way Freedom?

The Constitution of the United States, which forever separated church and state in this country, was the fruit of a long struggle for liberty and intensive study by great minds.



Paying for Acts of God - FEMA Funds for Houses of Worship

Religious organizations are seeking assistance from the Federal Emergency Management Agency (FEMA) to rebuild, even though traditionally houses of worship have not been eligible for federal taxpayer subsidies.

Disaster Relief for Churches?

FEMA aid to houses of worship does not require taxpayers to financially support the propagation of abhorrent religious beliefs.



A Festival in Chiapas

More than 25,000 people attended the 2013 Festival of Religious Freedom in Tuxtla Gutiérrez. This was the largest celebration of its kind in a region that has seen thousands persecuted for their faith.



Myanmar Deprives Rohingyas of Their Rights

The prejudice against the Rohingya people runs deep, leaving them with few supporters in Myanmar.

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Not It At All

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Editorial, by [Lincoln E. Steed](#)

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T. S. Eliot wrote a lot of seriously layered poetry. Anyone who takes the merest peek at “The Love Song of J. Alfred Prufrock,” a 1915 paean to angst, knows this—even if the poet himself claimed to not recognize most of what others dredged up. So I’ll happily quote from him, sure that I’m in good company.

I can empathize with the ennui that went into the line “in the room the women come and go talking of Michelangelo.” This may be the cliché of the superficial—but it follows on from the “overwhelming question” that haunts the entire poem.

At the very end we come back to the question. “And would it have been worth it, after all, after the cups, the marmalade, the tea, among the porcelain, among some talk of you and me,

“Would it have been worthwhile, to have bitten off the matter with a smile, to have squeezed the universe into a ball, to roll it toward some overwhelming question. . . If one, settling a pillow by her head, should say, ‘That is not what I meant at all. That is not it, at all.’”

Let’s insert religious liberty here as the overwhelming question. Not a trivial one, you must agree. It’s been quantified lately by the Pew Forum on Religion that as many as 70 percent of the world’s people live under severe restrictions to religious liberty. How is it that we don’t hear more about this?

Scheherazade fluffs the pillow and prepares to tell another tale: it’s about religious liberty, but it’s a different viewpoint every night.

I have thought long and hard about religious liberty, and it has finally hit me

that this topic means so many different things to so many different people.

Naturally we are all for religious liberty. I never yet met anyone who opposed it. Easy to say in the United States, a land that inherited the Declaration of Independence and a fine Constitution, complete with a First Amendment guarantee of religious liberty. But surprisingly easy for others to say in some rather dystopian environments. The Soviet Union may have been dedicated to a secular paradise and motivated in its treatment of religionists by Marx's dour quip that religion was the opiate of the masses. Still, in deference to those masses the Soviets long gave a legal guarantee to "freedom of worship": sadly, honored more in the breach, however. Years ago in Myanmar I remember the reassuring promises of religious freedom repeated to us by the minister of religion—even as a platoon of soldiers hovered in front of our Seventh-day Adventist headquarters in Rangoon and others harassed and brutalized religious minorities like the Muslim Rohingyas.

I've come to think that part of the problem in gaining true religious freedom for the 70 percent who don't have it is that it is so poorly defined. People say they are for religious liberty, but they are not talking about the same thing.

In the United States much religious liberty talk centers on the First Amendment and whether the matter is seen from a free exercise or establishment point of view. I sometimes think this both disguises another agenda or reveals a limited view of the topic itself.

Separation of church and state, the goal of the anti-establishment intent of the First Amendment was both the product of the Reformation and the rational humanism that accompanied it. It was an applied lesson in historical awareness. The horrors of the middle ages, the Inquisition, the Dark Ages, were particularly enabled when church and state were joined. It boggles my mind today to hear well-meaning religionists speak of the "unfortunate" wall, going on to say that it was intended only to restrain the state. These are people with little sense of history. They have also forgotten that this separation is not religious freedom—it was only intended to create an open arena for it to flourish.

Recently I heard a well-placed leader of a major religion in the U.S.A. say that all the talk of individual civil rights is impeding the prerogatives of the mainline churches. Such logic lay behind the imprisonment of independent preacher John Bunyan in sixteenth century England for his contrarian views and lack of a license

to preach. Such views in Germany led Lutheran, Catholic, and other mainline members to think the detainment of trade unionists, Communists, and other morally suspect groups actually strengthened their moral voice.

This magazine treated on the strange bifurcation that was revealed in public statements by officials who substituted “freedom of worship” for “freedom of religion.” The talk has died down, but I think many are confused on the difference. No regime or society is threatened or changed by restricting people of faith to worship by themselves in catacombs or quiet structures on the periphery of commerce. Freedom of religion is letting faith have its way with society through free exchange of ideas and allowance of the right of religion to all—even those views the majority find abhorrent.

I stopped by a major bookstore the other day and noted a new book by someone recently noised about as a possible presidential contender. Somehow the page opened to his views on religious freedom, and I almost recoiled from what I read. Yes, religious freedom is important he proclaimed—and I mentally weighed whether this was his voice or a ghostwriter’s—but we need less accommodation and more tolerance!! But the application of the Constitution requires that all be accommodated for their faith. And those of us with a sense of history and knowledge of the worldwide struggle for true religious freedom know that tolerance is the poor halfway house to persecution. It implies no respect, but a grudging allowance that can be withdrawn.

It has often been said that the greatest threat to religious freedom today is secularism. That is not so. Secularism *is* a great threat to religion—to the structures of religion and its prerogatives of power in society. But not so much threat to religious faith and practice if it is kept alive and dynamic. Or put another way, a lot of the posturing in our society is by religious special interests occupied with political power. And that has little to do with true religious liberty.

The overwhelming question? Why, I think it comes back to What is religious liberty? That question has everything to do with what is religion itself. A society unclear on that can hardly be expected to allow it to others or for the minority within its midst.

I think religious liberty is not derived from humanity but is God-given and God-directed. It must be nourished on respect for the transcendent and an awareness

that we humans are fellow creatures of a Creator. Without this dynamic I fear that even constitutions fade in meaning, international covenants become pointless and that the very term religious liberty can in Orwellian doublespeak eventually come to mean its opposite.



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Editor, *Liberty* Magazine

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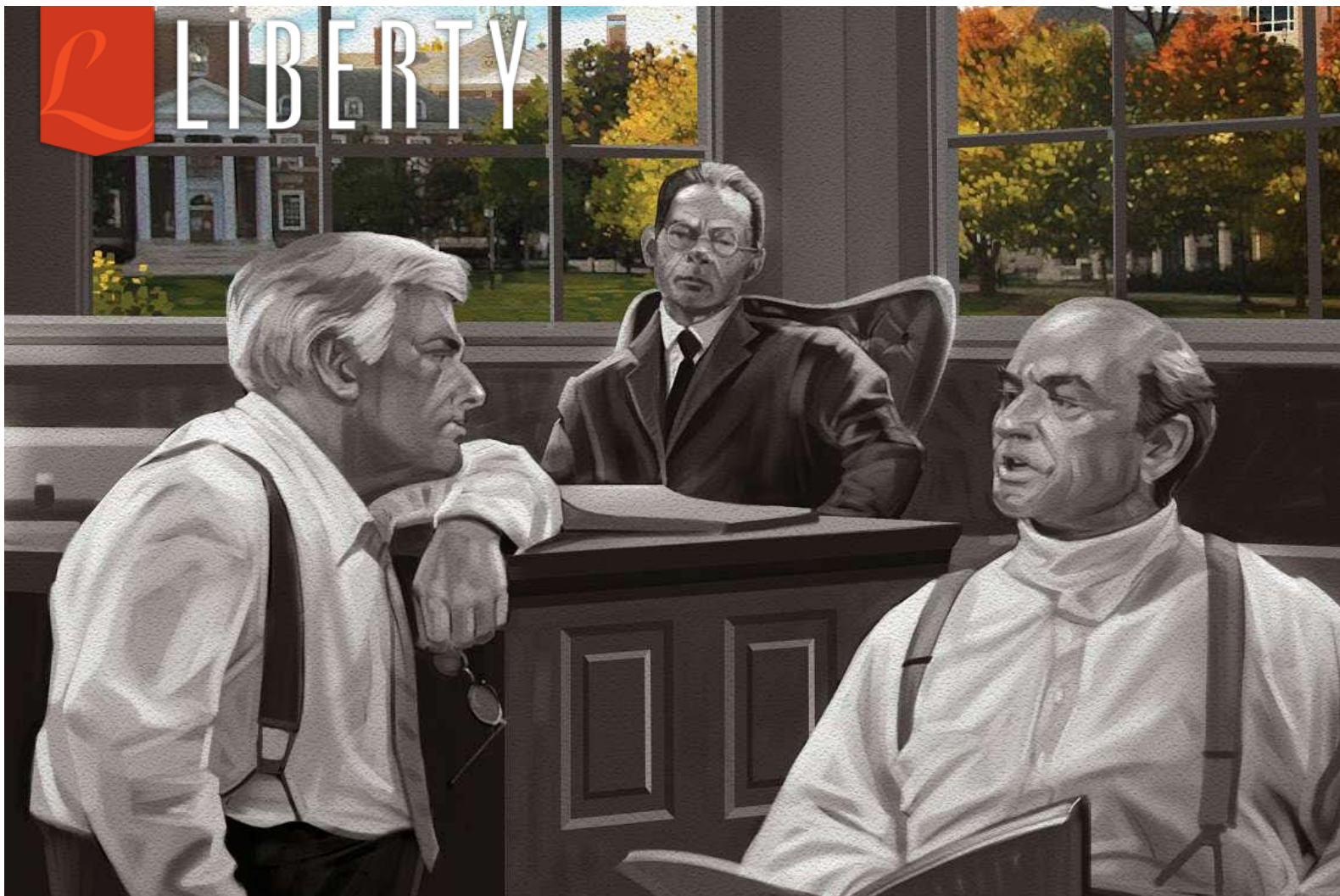
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To Teach or Not To Teach

Published in the **July/August 2013** Magazine

by **John W. Whitehead**

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More than a century before Ohio science teacher John Freshwater found himself at the center of a battle over academic freedom in the classroom, namely, whether he has a right to urge his students to think critically about topics such as evolution, John T. Scopes faced a similar firing squad. In Scopes' case, however, he was prosecuted—or persecuted, as it were—for violating a Tennessee law, the Butler Act, prohibiting the teaching of evolution in state-funded schools.

While ostensibly about the debate over creationism versus evolution, Scopes' ensuing 1925 trial,¹ immortalized in the award-winning play and film *Inherit the Wind*, presaged a shift in the way the nation relates to religion, particularly Judeo-Christian doctrines. This growing tension over the First Amendment's religion clauses, affirming freedom for the exercise of religion while prohibiting the government from establishing religion, continues to play out in the backdrop of the public schools. It is reflected in national debates over prayer in schools, the reference to God in the Pledge of Allegiance, and classroom discussions about the universe's origins.

From Creationism to Evolution

The first U.S. trial to be broadcast on national radio, the Scopes Monkey Trial of 1925, although initially contrived as a way to put Dayton, Tennessee, on the map, instead put the Judeo-Christian beliefs of a large portion of the nation on trial. Scopes, a high school science teacher, agreed to be the lead actor in a constitutional challenge to the state's prohibition on teaching evolution in its schools. Scopes threw down his proverbial gauntlet on April 24, 1925, when he led students in reading a section of a state-mandated textbook that explicitly described and endorsed the theory of evolution.

Charged with breaking the law, Scopes was put through an eight-day trial and a nine-minute jury deliberation before being found guilty and fined \$100. On appeal to the Tennessee Supreme Court, Scopes' legal team argued that the ban on teaching evolution, rooted in a biblical worldview, violated the science teacher's right to free speech and the state's establishment clause. The Tennessee high court hinged its ruling in *State of Tennessee v. John Thomas Scopes* on the then-dominant interpretation of the establishment clause, that the government could not establish a particular religion as the *state* religion. The Tennessee high court deemed the Butler Act to be constitutional because it did not establish a *single* religion as the state religion. (The Butler Act was a 1925 Tennessee law prohibiting public school teachers from denying the biblical account of humanity's origin.)

Following Scopes, the evolution/creationism debate underwent little change until the U.S. Supreme Court's 1968 ruling in *Epperson v. Arkansas*,² which struck down an Arkansas statute similar to Tennessee's Butler Act. The case centered on

a Little Rock, Arkansas, biology teacher who claimed the prohibition on teaching evolution was a violation of her First Amendment rights. Siding with the teacher, the Court held that the U.S. Constitution prohibits a state from requiring teachers to conform to a particular religion. The Court noted that “the state’s undoubted right to prescribe the curriculum for its public schools does not carry with it the right to prohibit, on pain of criminal penalty, the teaching of a scientific theory or doctrine where that prohibition is based upon reasons that violate the First Amendment.”³

Epperson marked the beginning of a shift away from teaching creationism in the public school classroom toward teaching evolutionary theory. In the wake of the Supreme Court’s landmark ruling, states began to grapple with whether evolution should be taught in *conjunction* with creationism, or if evolution should supplant creationism as the sole theory to be discussed in the classroom. While bans on teaching evolution were clearly unconstitutional, the looming question revolved around whether evolution and creationism could co-exist as doctrines. Several states introduced legislation that would require “creation science” to be taught alongside “evolutionary science,” and thus the academic freedom debate emerged.

Finally, in 1987, the United States Supreme Court effectively completed the national transition away from creationism and toward evolutionary theory in *Edwards v. Aguillard*,⁴ when it struck down a Louisiana act that required evolution and creationism to be taught together. Proponents of the act argued that the law protected the academic freedom of teachers. However, while the Court ultimately held that the law violated the establishment clause, by no means did they slam the door shut on teaching creationism. In fact, the Supreme Court left open the possibility of teaching alternative theories about the origin of life as long as they are done with the intent to enhance the effectiveness of science instruction.

A quarter of a century later evolution has supplanted creationism as the more focused area of instruction in the public school science classroom. Against such a backdrop, teacher John Freshwater’s case reflects the ongoing tension between creationism and evolution, state-mandated curricula and academic freedom, and free speech versus political correctness, the latter having added a whole new layer of complications to what was once a primarily legal and moral discussion.

Enter John Freshwater

In 2011 John Freshwater, a Christian with a 20-year teaching career at Mount Vernon Middle School in Ohio, was fired for encouraging his students to think critically about the school's science curriculum, particularly as it relates to evolution theories.

A graduate of Ohio University, Freshwater began teaching science at Mount Vernon Middle School in 1987 and proved himself an outstanding teacher, popular with the students and never once receiving a negative performance evaluation.

That all changed in 2008, when the Mount Vernon school board voted unanimously to begin termination proceedings against the veteran educator, citing concerns about his conduct and teaching materials, particularly as they related to the teaching of evolution. Earlier that year school officials reportedly ordered Freshwater, who had served as the faculty appointed facilitator, monitor, and supervisor of the Fellowship of Christian Athletes student group for 16 of the 20 years that he taught at Mount Vernon, to remove "all religious items" from his classroom, including a Ten Commandments poster displayed on the door of his classroom, posters with Bible verses, and his personal Bible, which he kept on his desk. Freshwater agreed to remove all items except for his Bible.

Ironically, despite the school board's criticisms of Freshwater's methods, his students routinely outperformed other students, having earned the highest state standardized test scores of any eighth-grade science class in the district during the 2007-2008 academic school year. Freshwater was also the only science teacher at Mount Vernon Middle School to achieve a "passing" score on the Ohio Achievement Test, setting him ahead of his fellow educators.

The school board, however, wasted no time in initiating termination proceedings against Freshwater and suspending him without pay, prompting the veteran educator to request a public hearing. During the hearing process, which lasted almost two years, school officials were subjected to an outpouring of support for the beloved teacher, with students showing their support for Freshwater by organizing a rally in his honor and wearing T-shirts with crosses painted on them, as well as carrying Bibles to class.

On January 7, 2011, the hearing referee made a nonbinding recommendation that Freshwater be fired because "he persisted in his attempts to make eighth-

grade science what he thought it should be—an examination of accepted scientific curriculum with the discerning eye of Christian doctrine.” Despite the school board’s own stated policy that, because religious traditions vary in their treatment of science, teachers should give unbiased instruction so that students may evaluate it “in accordance with their own religious tenets,” the school board fired John Freshwater a week later, claiming that he improperly injected religion into the classroom by giving students “reason to doubt the accuracy and/or veracity of scientists, science textbooks and/or science in general.”



The Ohio Supreme Court where Freshwater’s case was heard in February 2013.

With the help of the Rutherford Institute, Freshwater mounted a legal challenge in court, arguing that where a teacher’s speech is in compliance with all board policies and directly relates to the prescribed curriculum, the school should not be

permitted to terminate the teacher's employment as a means of censoring a particular academic viewpoint from the classroom. Waging an uphill and losing battle through the courts, Freshwater's case finally landed before the Ohio Supreme Court, which heard the case in February 2013.

Insisting that Freshwater has no claim to academic freedom that would allow him to teach evolution from a Christian perspective, school officials defended the firing. Reminding the court that academic freedom was once the bedrock of American education, Rutherford Institute attorneys argued that what we need today are more teachers and school administrators who understand that young people don't need to be indoctrinated. Rather, they need to be taught how to think for themselves. "By firing John Freshwater for challenging his students to think outside the box," stated the institute, "school officials violated a core First Amendment freedom—the right to debate and express ideas contrary to established views."

Academic Freedom in the Classroom

Although Freshwater's teaching methods are at the heart of Mount Vernon's particular firestorm, teaching alternative theories in science classrooms in order to challenge students to think critically about what they are learning and enhance their education is not a particularly new approach. However, Freshwater's case does transform the age-old debate over creationism versus evolutionism into one over the extent to which teachers have a claim to academic freedom when teaching controversial issues.

While evolution may be at the heart of this particular academic freedom debate, a teacher's ability to present controversial views extends far beyond discussing the origins of life to explorations of world history, American politics, and other topics of import.

Such was the case of *Wilson v. Chancellor*. In 1976 a high school political science teacher, hoping to engage his students, invited four speakers espousing differing political viewpoints to his classroom, among these a Democrat, a Republican, a Communist, and a member of the John Birch Society. Despite the fact that the invitations were made with the express approval of the principal and local school board, members of the community objected, going so far as to circulate a petition demanding that the board's decision be reversed and threatening to vote out the school board members. In response, the board

reversed its decision and banned all political speakers from the school.

When the case went to court, the district court ruled against the school board, finding fault with the board's rationale for reversing their decision, which hinged upon a fear of losing their seats, rather than any evidence that the speakers were incompetent or that the political viewpoints discussed were inappropriate for a high school political science class. The end result: teachers were allowed to invite political speakers to the classroom.⁵

Recognizing that academic freedom is critical to providing a varied, in-depth, and quality education, especially in light of an increasingly politically correct climate that shows a certain disdain for all things religious, several states have adopted "academic freedom bills" in order to combat the intimidation, retaliation, and contempt teachers and students face when they attempt to discuss alternative theories and criticisms of evolution.

Unlike earlier, pre-*Aguillard* legislation, however, these bills do not call for teaching intelligent design and creationism as part of the school curriculum. Rather, academic freedom bills promote discussing evolution with a critical eye and acknowledging that evolution is, indeed, controversial. Further, these bills emphasize that, while teachers may be limited by certain school board policies, administrators should not interfere with the actual teaching methods and attempts to encourage students to understand the controversial debates surrounding scientific theories. Simply put, the legislation attempts to put a stop to the assault on academic freedom, which is seen as adverse to our traditions as a free society and to the progress of science itself.⁶

Less than 100 years ago creationism was generally held as the *only* valid lesson plan for science classrooms, while the very notion of teaching evolution in our schools was controversial. Now the tables have turned, and we find ourselves in danger of repeating the mistakes of the past in terms of trying to censor unpopular viewpoints in the classroom.

Socrates, who once observed that "education is the kindling of a flame, not the filling of a vessel," would be justifiably horrified at America's present brand of rote education, so reliant on standardized tests and core curricula that there is little time to teach young people anything beyond the written curriculum, including how to think analytically and for themselves.

As the notable Greek philosopher concluded: "I cannot teach anybody anything. I can only make them think." Doubtless, John Freshwater would agree.

- 1 *State of Tennessee v. John Thomas Scopes* (1925).
- 2 *Epperson v. Arkansas*, 393 U.S. 97 (1968).
- 3 *Epperson v. Arkansas*, 393 U.S. 97, 107 (1968).
- 4 *Edwards v. Aguillard*, 482 U.S. 578.
- 5 *Wilson v. Chancellor*, 418 F.Supp. 1358 (D.C.Or. 1976).
- 6 See <http://www.academicfreedompetition.com/freedom.php>.

Author: John W. Whitehead

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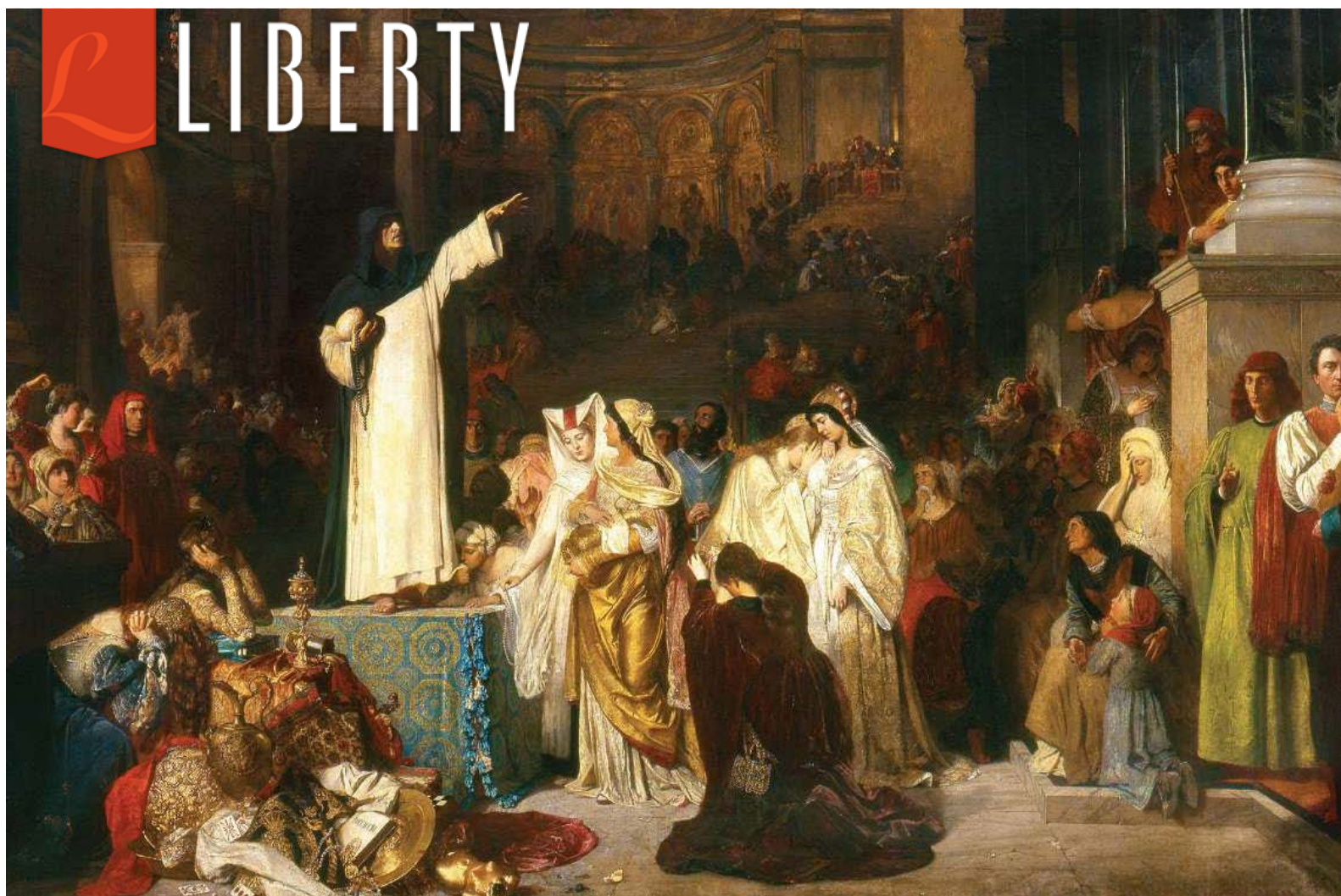
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The Firebrand

Published in the **July/August 2013** Magazine

by **Martin Surridge**

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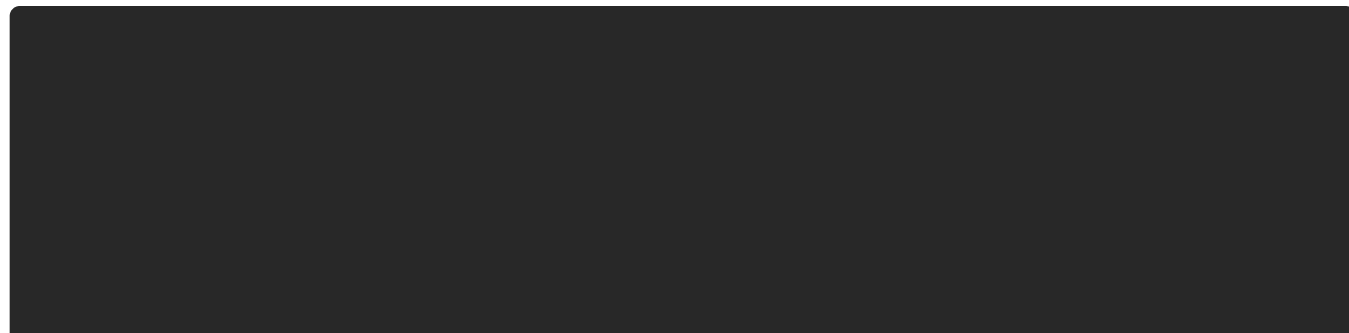
On March 27, 2013, in the northern Italian city of Ferrara, Patrizia Moretti stepped out into the public square near her office building, unfurled a poster-sized portrait of her dead son Federico Aldrovandi, and showed it to the crowd of protesters. The photograph was so unpleasant that some of the protesters doubted its authenticity and called it a fraud. Taken moments after his violent death, it showed the battered face of Aldrovandi, blood pooling behind his head. The 18-

year-old was killed by four policemen in 2005. They were found guilty of using excessive force and were sentenced to almost four years each in prison. Yet a complicated appeals and pardon process means that the officers are unlikely to spend more than a few months behind bars, and none of the four have even lost their jobs.¹ Some have even claimed that the judicial process was obstructed by the police department.

The protest in March was actually organized by a local branch of a police union in Ferrara, whose members were angry at the court's decision to punish their colleagues and frustrated at Moretti's decision to speak truth to power, so they gathered in the public square outside of her place of employment. They had not counted on her coming outside to show the photograph.

Covered widely in the Italian media, the death of Federico Aldrovandi raised many questions, problems that the people of Italy have struggled with for centuries. Why are the rich and powerful protected while the powerless and impoverished are denied justice? Why must those with weapons succeed and the unarmed always fail? What are the consequences for pushing free speech to the limits? Will there ever be a solution to the scourge of institutionalized corruption? What images are immoral and should be censored, removed from public display? And who in Italy holds the ultimate truth?

Italian politicians and high-ranking police officials roundly condemned the protest,² but were just as quick to criticize the location of the rally, which many believe was part of a plan to intimidate Moretti at her work. The choice of that particular square was indeed a fascinating one, and not only for the reason many have already expressed. The name of the square where the protest took place was Ferrara's Piazza Savonarola, named after the city's most famous resident, the fifteenth-century apocalyptic preacher and martyred Reformer, Girolamo Savonarola.





Girolamo Savonarola

Today Savonarola's name is synonymous with religious fanaticism and the Bonfire of the Vanities—one of the darkest chapters for many scholars of art history—when under Savonarola's direction the people of Florence burned great works of Renaissance art and other treasures because of their supposed

corrupting influences. But Savonarola was much more than a destroyer of fine art. The Dominican monk, who was born in Ferrara in 1452, was also a tireless advocate against corruption, a democratic reformer in the refined city of Florence, an advocate for the impoverished and helpless, and a believer in absolutes who refused to be silenced, knowing that his controversial sermons would cost him his life.

Savonarola preached against the corruption and wickedness of Pope Alexander VI (Rodrigo Borgia) and also against the secular excesses of Renaissance Florence, making many enemies in the process, including the infamous Medici family, whose wealth had bankrolled so many of the great artists of the time. During the period when the head of the Medici family and ruler of Florence, Lorenzo the Magnificent, was allowing for some of the greatest artistic and cultural progress that Europe had seen since antiquity, Savonarola and his acolytes threatened to plunge Florence and much of Italy back into the Dark Ages it had emerged from. Those Florentine infernos also consumed a great deal of gambling paraphernalia, makeup, carnival masks, and jewelry, but most famously included works of the Renaissance master Sandro Botticelli, who painted the seminude mythological masterpiece *The Birth of Venus*, which survives today very much unburned in Florence's Uffizi art gallery. Savonarola preached against the nudity and pagan themes circulating the art world in Florence at the time; and while we have no way of knowing how many great paintings were destroyed by Savonarola's followers (the amount is believed to be negligible),³ it's enough for the priest to be almost universally hated in contemporary academic circles.

Following the death of Lorenzo Medici and the overthrow in 1494 of his ruling family by the king of France, Charles VIII, a new period began when "Florence had no master other than Savonarola's terrible voice."⁴ The Dominican monk attempted to turn the city into a fundamentalist, religious state, with some writers, such as John L. Allen, Jr., of the *National Catholic Reporter*, comparing his rule to Afghanistan under the Taliban.⁵ During his brief rule in Florence, Savonarola persecuted and rounded up homosexuals and prostitutes, preaching against the immoral wickedness of both, and he used torture to punish blasphemers and sexual deviants. For these reasons many consider him among the great villains of history. In April, Canadian newspaper columnist Charles Jeanes, writing for *The*

Castlegar Source, placed Savonarola alongside “Trotsky, Stalin, Hitler, Mao, and Robespierre—political powers who have ruled us in various times and places [that] have been occasionally possessed of a ruthless self-righteousness that justified in their minds the exercise of extreme force to engineer human behavior by terror.”⁶

But the fiery preacher and Christian ascetic was also a pioneering political and religious figure in European history, and while some consider him a political ancestor of some of the twentieth century’s most vile dictators, others hold Savonarola in much, much higher regard.

The largest monument to the Protestant Reformation is in the city of Worms, Germany. Erected in 1868, a statue of Martin Luther stands atop the monument, flanked by a variety of influential German scholars and princes. However, at the feet of Luther, serving as the literal and figurative foundation, sit the group of forerunners to the Protestant Reformation: Englishman John Wycliffe, who translated the Bible into English; Czech martyr and religious leader John Huss; French medieval theologian Peter Waldo, credited as the founder of the Waldensians; and the Italian monk, Girolamo Savonarola. Additionally, in Grenville Kleiser’s classic, an early-twentieth-century compilation, *The World’s Great Sermons*, the editor makes a strong comparison between Savonarola and yet another of the great heroes of the Puritan Reformation. The brief biographical note describes how Savonarola’s “Puritanism, his bold rebuking of vice, his defiance of every authority excepting that of his own conscience, [laid the groundwork for] the efforts made by Calvin to regenerate Geneva. Both men failed in their splendid attempts at social reformation, but both left an example of heroic although somewhat short-sighted unselfishness, which has borne fruit in history.”⁷





Pope Alexander VI (Rodrigo Borgia)

As both a significant contributor to European religious liberty, yet also a legendary fighter against personal and cultural liberty, Savonarola holds a precarious and ironic position in two different opposing groups—those in history who have added to society’s collective freedoms and those who have taken freedoms away. How can such seemingly opposing legacies be reconciled in one man? Every few years, Girolamo Savonarola is discussed in Catholic circles as a candidate for beatification and eventual sainthood, with as many vigilantly opposed to the idea as those who are in favor. Even such a complex contrast doesn’t tell the entire story given that Savonarola was also a key contributor, this time in a positive manner, to the story of Italy’s progressive democratic tradition. Despite his fierce critics, he was certainly no autocrat. Savonarola brought democracy back to the city council in Florence, restoring the city-state to its republican rule.

Roberto Ridolfi, director of the National Editions of the Works of Savonarola, explained that the democratic government introduced to Florence was “the best the city ever had. Savonarola has been accused, but unjustly, of interfering in politics. He was not ambitious or an intriguer. He wanted to found his city of God in Florence, the heart of Italy, as a well-organized Christian republic that might initiate the reform of Italy and of the church.”⁸

The way Savonarola went about initiating these changes was unconventional to say the least. He created and instituted in Florence what Johan Peter Kirsch would later call “a new and peculiar constitution, a kind of theocratic democracy. . . . Christ was considered the king of Florence and protector of its liberties. A great council, as the representative of all the citizens, became the governing body of the republic and the law of Christ was to be the basis of political and social life.”⁹

Savonarola’s decision to place Christian law at the center of political and social life was likely down to his extremely conservative upbringing and medieval theological training. In an almost anachronistic twist to his early life, Girolamo Savonarola was taught by his elderly grandfather Michael, who had been educated so many decades before, that Girolamo was in essence a theological relic of a bygone era. The younger Savonarola grew up morally dogmatic and theologically inflexible, preferring bloody flagellations and monastic seclusion to the artistic brilliance and financial splendor of an increasingly secular Renaissance Florence.

Given that he was surrounded by Italians from a new, vibrant, and radically

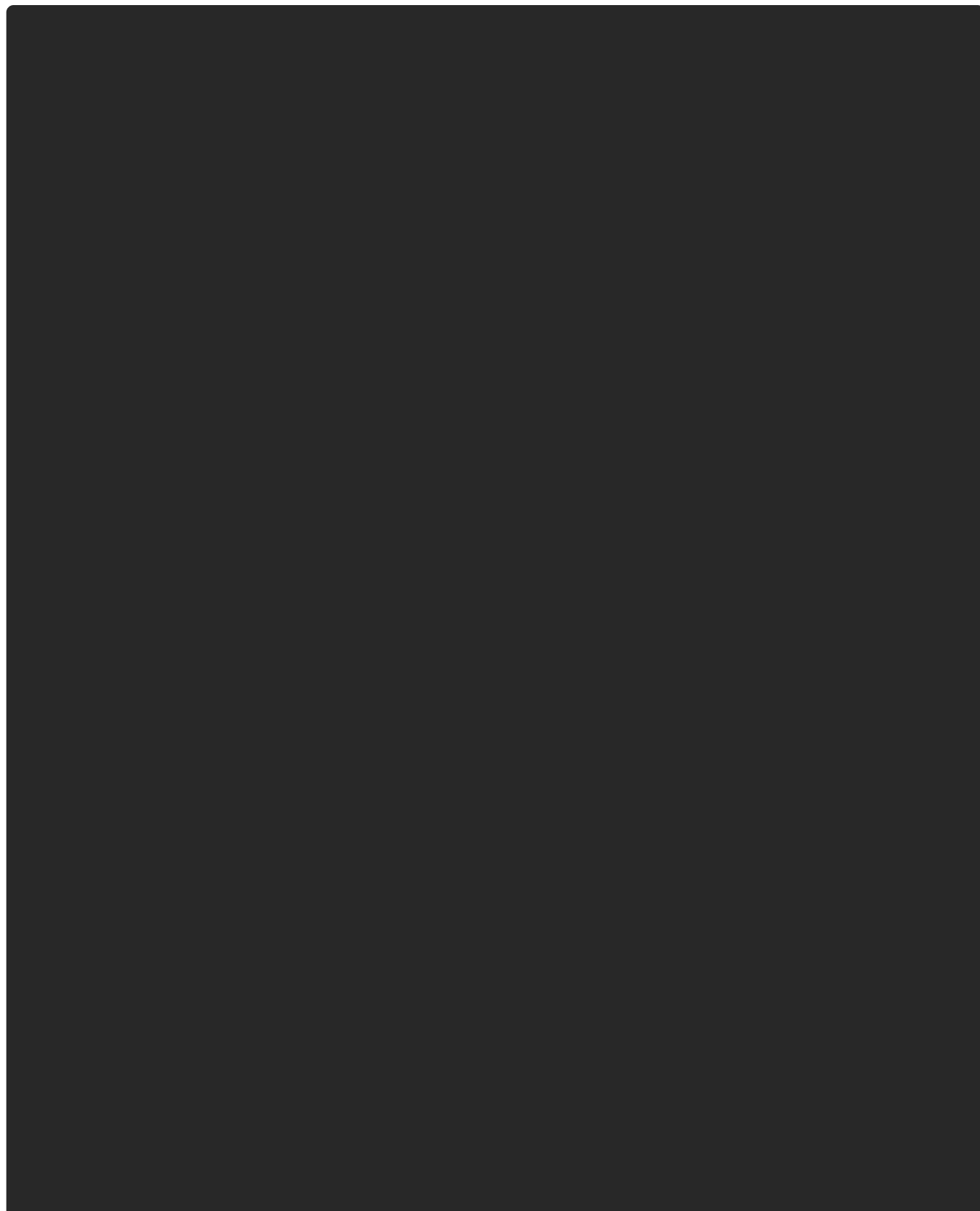
different time than the world of the Middle Ages in which he was raised, it is understandable that Savonarola became doggedly obsessed with moral reform and fought against what he saw as pagan influences in Renaissance culture and art. He also became widely known as a great prophet, and his apocalyptic sermons, mixed with a series of accurate prophecies regarding the immediate future in Florence, saw increasingly large crowds gather to hear him speak. He predicted the successful invasion of King Charles VIII as well as the death of Lorenzo Medici, and he made great sweeping statements about the church in Rome, angering the Papacy.

“In everything am I oppressed . . . [but] no human being can drive my cause from the world” he preached in his sermon “The Ascension of Christ.” “Come to the truth,” he continued, “forsake your vice and your malice, that I may not have to tell you of your grief. I say it to you, O Italy, I say it to you, O Rome, I say it to all of you: return and do penance Wait not until the blows fall.”¹⁰

As his career progressed, he grew more and more frustrated and openly hostile toward the hypocrisy and great evil in the court of Pope Alexander VI, whose papal reign contained such an outrageous catalog of scandalous sexual sins that they continue to shock contemporary audiences on the HBO show *The Borgias*. So when Savonarola saw that an opportunity lay in wait for Florence, which had already surpassed Rome in many ways by the fifteenth century, a complete religious transformation for the city became his ultimate goal. Bringing a religious revolution to the city of Florence “was the object of all his actions,” Ridolfi argues. “The results Savonarola obtained were amazing: the splendid but corrupt Renaissance capital, thus miraculously transformed, seemed to a contemporary to be a foretaste of paradise.”¹¹

Interestingly, the Florentines enjoyed greater economic freedom during the short reign of Savonarola and his forces than under the powerful banker Lorenzo Medici. His efforts appealed to the merchant class as well as the poorer, working classes. *The Online Library of Liberty*, a project of Liberty Fund, explains the complicated changes quite simply: “Savonarola reformed the tax base of Florence to eliminate all but a broad-based land tax. This freed the merchant class from previously high levies and reassigned the tax burden to the landowners. In order to help the poorer elements of society, a state loan office was established that

offered loans at 5-7 percent, as opposed to rates of up to 30 percent charged by private lenders.”¹² But as much as this new Florentine republic benefited from financial improvement, the financial elite were displeased, and the happiness of the citizenry did not last long.





Lorenzo Medici

Denied so many of their vices and other forms of entertainment, even the

financially placated common people became resentful of Savonarola's religious restrictions. The monk rebuked them from the same pulpit in the same sermon: "Come here and tell me: what have I done to you? . . . I have spoken the truth to you; I have warned you to choose a virtuous life But I named no one; I only blamed your vices in general. If you have sinned, be angry with yourselves, not with me. I name none of you, but if the sins I have mentioned are without question yours, then they and not I make you known."¹³

But the power of the pulpit could not protect Savonarola for long. Because of his criticism of Pope Alexander VI, his compliance with French rule, and his refusal to stop preaching and cease his religious activism after a papal excommunication, Girolamo Savonarola was arrested, and executed on May 23, 1498.

He knew that resistance was pointless, as the path to martyrdom had been paved ahead of him long before. The Dominican monk from Ferrara knew that violence and power would not be able to bring about the kingdom of God on earth. He stated in his sermon on Christ's ascension that "the whole world knows that His glory has not been spread by force and weapons, but by poor fishermen."¹⁴ Savonarola knew that the way of God and the way of mankind were at odds with each other in Italy, and without taking up a sword there was little else that he could do in terms of forcibly changing the world in which he lived. It is believed that Niccolò Machiavelli's adage that "all armed prophets have conquered, and all the unarmed ones have been destroyed" was referring to Girolamo Savonarola when Machiavelli wrote *The Prince* in 1532. However, the story of Savonarola is not a lesson in the necessity of violence for a successful revolution, but rather a lesson in the dangerous consequences of speaking truth to power.

Savonarola's death in the public square, the Piazza della Signoria, was a deeply symbolic event. The authorities of Florence hanged and burned the monk, torching his body on a bonfire of their own, but not before the unarmed prophet could make one final gesture of liberty.

Early-twentieth-century historian Elbert Hubbard explained Savonarola's final moments as he faced a painful death at the hands of the people who had followed him. "Scarcely had the executioner upon the platform slid down the ladders," Hubbard wrote, "than the . . . flames shot heavenward. . . . The smoke soon covered [his body] from view. Then suddenly there came a gust of wind that parted

the smoke and flames, and the staring mob” was silent.

Swinging from the gallows, now visible to the crowd, was the nearly dead monk, Girolamo Savonarola, a tortured body with a steadfast soul.

Hubbard concluded that the people “saw that the fire had burned the thongs that bound the arms of Savonarola. One hand was uplifted in blessing and benediction.”

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14 *Ibid.*

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How Much Liberty?

Published in the **July/August 2013** Magazine

by **Edwin C. Cook**

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Since Vatican II (1962-1965), the Roman Catholic Church has experienced internal theological controversies regarding how to interpret and implement many of the reforms adopted at that time. Now Pope Francis I, formerly Cardinal Jorge Bergoglio of Argentina, will have to address this as well as the many other challenges.

A minority within the Roman Catholic Church argue that Vatican II was a liberal

takeover and that the Holy Spirit was not present. They argue that many of the reforms, such as no longer performing the Mass in Latin and no longer insisting on a Catholic establishment in Catholic dominated countries, are so foreign to the centuries-long practices prior to Vatican II that certainly the council erred.

However, for most Catholics Vatican II is still seen as a valid church council. Catholic theologians, as well as now-retired Benedict XVI,¹ contend that it promoted reforms in continuity with previous church teachings. (Benedict had become wary of some Vatican II changes and did lead a move to a pre-Vatican II conservatism, but as a participant in the council he supported it.) In the area of religious freedom, Vatican Council II promulgated the Declaration on Religious Freedom (in Latin, *Dignitatis Humanae*, “Dignity of Humanity”) on December 7, 1965, after much heated and lengthy debate. The principal author, an American Jesuit named John Courtney Murray, attempted to harmonize Roman Catholic concepts of the juridical and political order of society with modern democratic political ideas of religious pluralism and religious freedom. In fairness, one must acknowledge that the final document does reflect the language of civil rights, limitations upon government, and “immunity from coercion” in the pursuit of truth. However, some have questioned other portions of the document that appear vague. Some have discredited claims by Murray, who attempted to synthesize philosophical concepts of the American founding era with Catholic natural law theory.²

Such differences of viewpoint within the Catholic Church regarding how to correctly interpret and apply the declaration underscore the vital importance of the conclave that chose Pope Francis I. It is helpful to analyze not only Francis’ religious liberty views, but also those of three cardinals who were candidates under consideration to become the next pope.

Pope Francis I on Religious Freedom

As the first Jesuit ever elected as pope, Francis I demonstrated diplomacy and respect for non-Catholics, as well as unbelievers, when he met with the press corps on Saturday, March 16, and offered a silent prayer: “Given that many of you do not belong to the Catholic Church, and others are not believers, I give this blessing from my heart, in silence, to each one of you, respecting the conscience of each one of you, but knowing that each one of you is a child of God,’ Pope

Francis said. ‘May God bless you.’”³

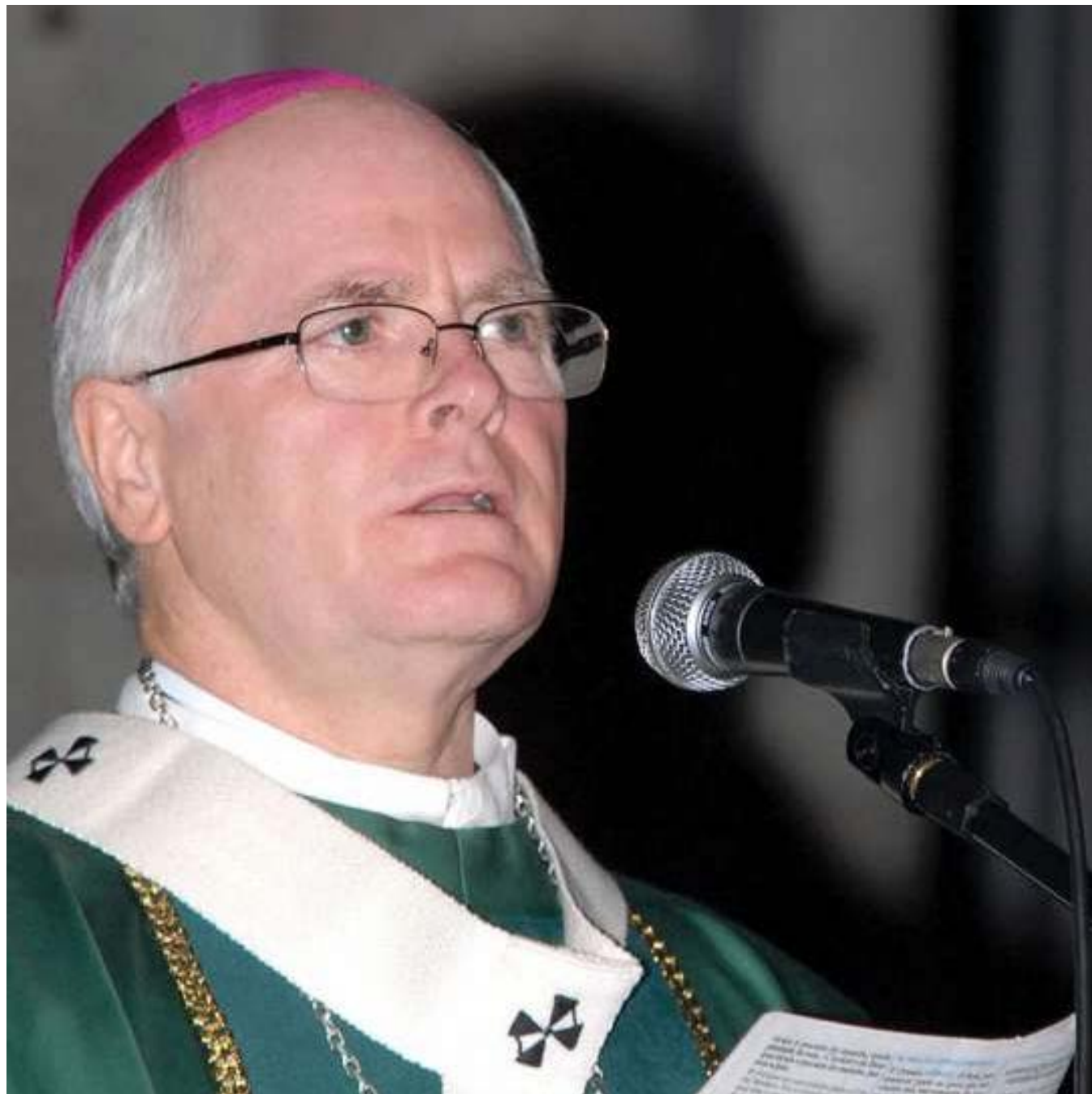
Of course, respecting the conscience of those who are not believers does not mean that the church is taking a passive stance toward secularism. The speech that garnered Cardinal Bergoglio acceptance as the next pope placed great emphasis upon the need for the church to evangelize.⁴ As Francis I, then, he seems to be following in the footsteps of his predecessor, who lauded the curial efforts to stem the loss of adherents through the establishment of the Pontifical Council for the Promotion of the New Evangelization.⁵

On December 12, 2000, in “The New Evangelization: Building the Civilization of Love,”⁶ then-Cardinal Joseph Ratzinger, wrote that the New Evangelization includes both the humbleness of the grain of mustard seed, and the extensiveness of the mature, Christian tree, the Catholic Church. The method of the new evangelization depends upon the law of expropriation, or the law of “giving of one’s self,” as Christ gave up Himself for humanity, and the Holy Spirit gives of Himself to draw people unto the Father. Ratzinger went on to explain that the necessary elements include conversion, or rethinking our worldview to include God’s view of the human condition, and community with like believers. Another element, added Ratzinger, is to understand the kingdom of God as communion with God on a daily basis through prayer and the practice of the liturgy, which enable the practitioner to enter into the “mystery” of the gospel. Believers in communion with God transmit a living faith to the world. By entering into the “mystery” of the gospel, Ratzinger explained, a Christian rejects deism, and any view of Christ as a mere historical figure, because a Christian now experiences the sequela of Christ—being assimilated into the life of Jesus—through the Paschal mystery, that is, through the observance of the Lord’s Supper. At the end of this journey one attains unto eternal life.

Thus Pope Emeritus Benedict XVI in outlining the new evangelization has laid out the path whereby Pope Francis I will find the solution for the dilemmas facing the church. The logic is that if all professed Catholics were to experience the new evangelization, not only they, but many others outside of the church, would begin to live new lives reflecting the principles of Christ as believed and taught by the Catholic Church. In short, Catholic religious freedom means the right of the church to aggressively implement the new evangelization. The long-range impact of such

a transformation would be to directly influence public policy through religious liberty as understood by the church, and as reflected by the views of the following three cardinals who were candidates during the recent conclave.

Cardinal Odilo Scherer (Brazil)



Cardinal Odilo Scherer (Brazil)

Cardinal Odilo Scherer was appointed to the Pontifical Council for the

Promotion of the New Evangelization by then-Pope Benedict XVI in 2011. As archbishop of Sao Paulo, and having nearly 6 million members in his diocese, he was considered among the contenders at the opening of the conclave. Being from South America was another favorable factor, since approximately 40 percent of the world's Catholics are from there. Pope Emeritus Benedict XVI referred to it as the "continent of hope," although the church has suffered heavy attrition rates there in recent decades because of thousands of members, especially the younger generation, leaving the church for pentecostal and evangelical churches. From this perspective, one may expect the Catholic Church to present a public face of support for religious freedom and plurality, but may also see aggressive efforts to stem its losses to other Christian groups. In fact, one of the factors weighing against Cardinal Scherer was the high attrition rate in his country of Brazil, going from 84 percent Catholic to 68 percent from 1995 to 2010. This indicates the conclave's desire for Pope Francis I to curb membership losses through specific efforts at implementing the new evangelization and winning back many of the church's former members.

Cardinal Angelo Scola (Italy)





Cardinal Angelo Scola (Italy)

Cardinal Angelo Scola recognizes religious pluralism as a current reality, as well as the worldwide influence of democracy. He argues that the modern state cannot be “neutral” toward religion, because by default, this means the state allows the culture of secularism to dominate the public square. The result is a conflict between secular organizations and religious ones, as they vie for control of public space. Cardinal Scola posits the solution as what he terms “the nondenominational

state,” meaning a plurality of religious groups that should have their proper place in the public square. Religious liberty is truly realized, he argues, when the state recognizes the liberty of religious groups to have their voice and to influence public policy for the good of the commonwealth.⁸

Cardinal Timothy Dolan (America)



Cardinal Timothy Dolan (America)

On September 13, 2012, Cardinal Timothy Dolan spoke about religious freedom at the John Carroll Society lecture at the Newseum, in which he referred to religious liberty as the right to exercise a “faith-formed” conscience, and at times referred to a “properly formed” conscience. He argued that such religious liberty has always formed the foundation of American history and that American “Catholics do not ‘want privileges from the state,’ but simply want to be left alone in order to ‘practice their faith, and follow their properly formed consciences in the public square.’”⁹ Although various parts of Dolan’s account of American history are factually inaccurate, he does accurately define modern Roman Catholicism’s stance toward religious freedom. For the Roman Catholic Church, religious freedom means the right to practice their faith, even if this should mean obligating society to accept it. This is evident not only from Dolan’s statement cited previously (“[to] follow their properly formed consciences in the public square”), but also from the document, *Dignitatis Humanae*, itself. In article 6, paragraph 3, the church declares that “government is also to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men’s faithfulness to God and to His holy will.”

In essence, from Dolan’s perspective, religious freedom exercised by the church means that the church does not take a direct role in influencing politics, but it does affect public policy by insisting that Catholic members have the right to exercise their faith convictions through dissemination of the church’s teachings, as well as through the electoral process. When Dolan speaks of the “faith-formed” conscience, or the “properly formed” conscience, he is referring to the individual whose conscientious convictions are based on the teachings of the Roman Catholic Church.¹⁰

Catholicism and Religious Freedom

Without doubt, current viewpoints of leading Roman Catholic cardinals on the subject of religious liberty reveal a concept that highly favors the liberty of the church to fulfill its mission in society. While the Catholic Church seeks to follow *Gaudium et Spes* (Latin, “Joy and Hope,” or “Pastoral Constitution of the Church in the Modern World”) by removing itself from direct involvement with politics, the

church by no means has relinquished her influence over public policy. Although *Dignitatis Humanae* is only a declaration promulgated by Vatican II, it may best be understood as a corollary to *Gaudium et Spes* because of its emphasis on the rights of the church to accomplish its salvific mission, not through politics, but through the actions of enlightened citizens who have accepted the church's teachings and who have sought to use legislative means to enact them in society. In a democratic, religiously plural society, the Catholic Church seeks to enlist to her aid citizens who can operate within an electoral system to implement church teachings through law.

Under Pope Francis I, one can expect to see the promotion of religious freedom defined as an active, governmental support, or at least favor, of religion in public policy. The current goal of modern Roman Catholicism is to eradicate, or at least contain, secularism through establishing a "nondenominational" state. In order to accomplish this, the church continues to seek alliances with other religious groups built upon a common social agenda that includes a pro-life platform and heterosexual marriage. While seeking allies among other Christian groups, the Catholic Church also seeks to maintain its own membership and in those countries where conditions allow, it will implement the new evangelization to curtail losses in membership.

In the American context, a Catholic-Evangelical alliance translates into a removal of the concept of church-state separation by the implementation of accommodation of religion in public policy. The past two decades of Supreme Court jurisprudence tends to reflect this shift, especially with regard to educational policy (vouchers). Additionally, the executive branch of government has followed this trend through the formation of the faith-based initiatives under President George W. Bush. The most recent demonstration of seeking to establish a "nondenominational" state is the effort of the United States Conference of Catholic Bishops (USCCB), along with some other Christian groups, who have united in opposition to the Affordable Care Act. Rather than comply with governmental policies, they wish to receive governmental financial support and implement their moral norms for society.

In light of European history, a religious commonwealth (Roman Catholicism, and in some locales, magisterial Protestantism) naturally resulted in the

persecution of all dissenters. In the modern context, with religious pluralism so predominantly manifest, one may be led to believe that religious diversity is a foolproof safeguard against religious tyranny. Such is true, unless religious groups no longer focus on their differences, and instead unite upon those points of doctrine that they hold in common, producing a “nondenominational state” (or, a re-Christianization of society). If such a condition should prevail in the future, the real question will be. How much *liberta* (liberty) will exist for dissenting non-Christians while the church exercises its *libertas ecclesiastica* (liberties of the church)?

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10 Cook, pp. 101-173, 292-294

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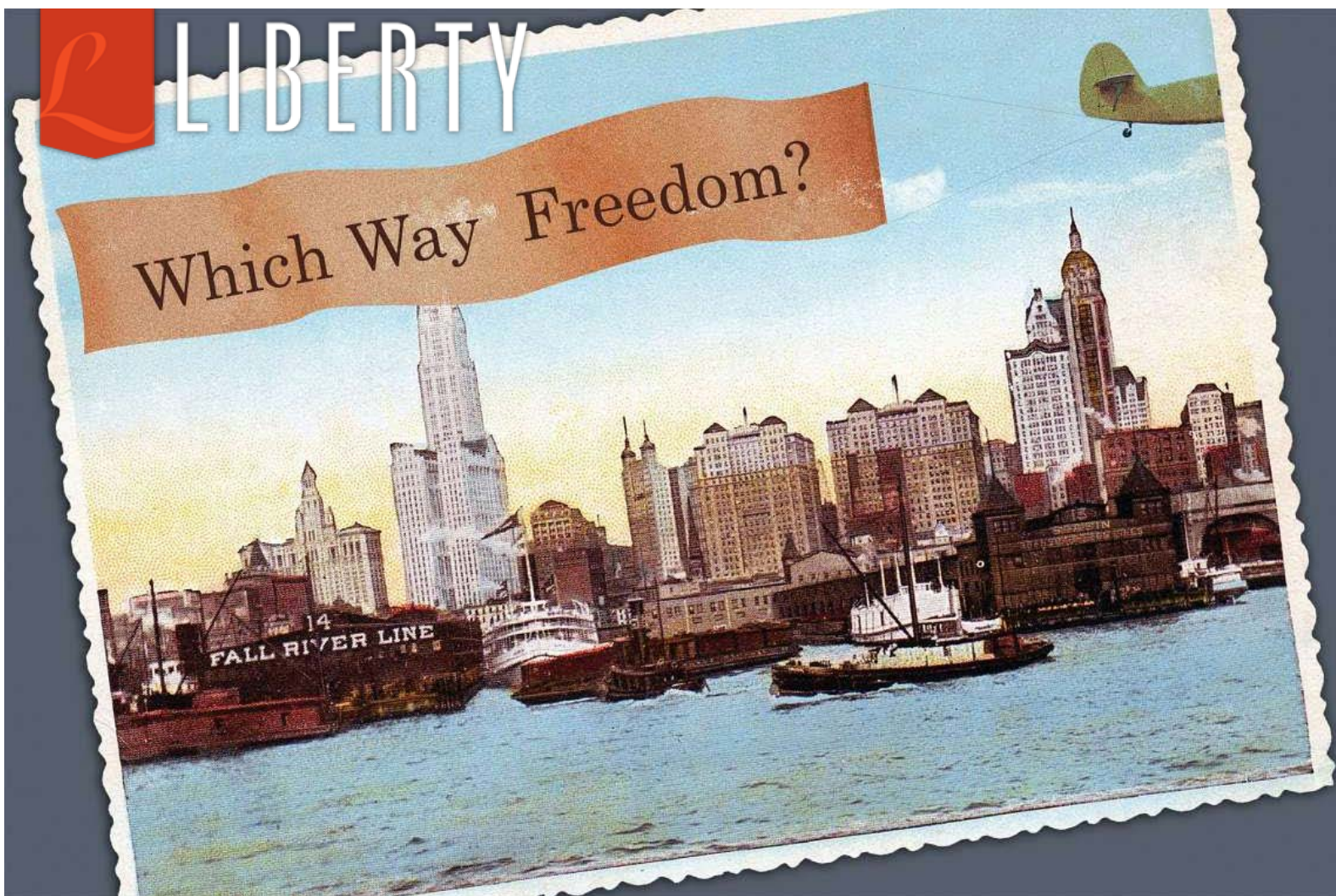
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Which Way Freedom?

Published in the **July/August 2013** Magazine

by **R. Allan Anderson**

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Modern democracy is the product of centuries of struggle. Thousands of brave men and women have laid down their lives in the cause of freedom. It is significant that it is just 100 years ago that one of America's most notable martyrs to freedom of the press, Elijah Lovejoy, paid the supreme sacrifice in freedom's march. Now we are facing a crisis, not only in America, but in every country of the world.

In rapid succession, nation after nation has repudiated the principles of

democracy. It is said that not more than 25 percent of the world's population have even a semblance of freedom and religious liberty. While dictators sway the nations, human liberties lie prostrate in the dust. Great Britain and the United States are among the very few nations in all the world in which freedom of conscience and democracy prevail, but evil forces are at work in these lands, threatening a flight of liberty and consequent struggle, suffering, and sacrifice as in other lands. Stanley Baldwin said: "The world has never been less safe for democracy than it is today." The areas of liberty are rapidly shrinking. Political and religious elements are combining their forces for a great social, economic, and religious reconstruction of society, when individual freedom will be sacrificed for the benefit of the collective group. The days of democracy seem to be ending in the twilight of a sullen darkness that is rapidly enveloping our world.

Ten countries in Europe are now under the sway of dictators. Who knows how long it will be before strong men will arise even in Anglo-Saxon countries and set up additional dictatorships and steal the liberties of the people? The totalitarian state is the fashion of governments today. This is not new in the history of men. It is but a resurrection of the autocratic despotism of the pharaohs and the caesars.

Work of Two Centuries Undone

Sir Herbert Samuel, the leader of the Liberal Party in the British House of Commons, asks, "Did any one foresee in 1914 that 20 years later, in some of the greatest countries of the world, democracy would be overthrown? For two centuries political liberty has grown and spread; in two decades the advancement has been stopped and the movement reversed." Think of it. The work of two centuries undone in two decades! This should constitute a challenge to every lover of liberty, to every exponent of human rights, to every soul who loves his God, to everyone who would safeguard the principles of justice, fairness, and equity, to rally to the defense of those principles, to lift the trailing standard of true freedom, and to unite in an effort to stem the tide that is sweeping civilization from its moorings and threatening the well-being of mankind everywhere.

We need to restudy the whole question of human government. What is the purpose of civil government? It exists solely for the protection of human rights in this world. To give rights is not within the province of any civil government. Rights are God-given, not state-given! The state cannot create primary rights, such as

life, liberty, and the pursuit of happiness. Its work is to protect those rights for its citizens. These are the high principles and the foundation of the Constitution of the United States. We surely can thank God for the blessing of good government, but we should see that nothing comes in to rob us of that blessing.

Freedom of religion, freedom of the press, and freedom for the individual constitute the triumvirate that has piloted America's ship of state through a century and a half of revolution and reconstruction. The palladium of all civil, political, and religious rights is a free press. An enslaved press is doubly fatal. It not only takes away the true light, in which case we might stand still, but it sets up a false light and decoys us to our destruction. This is invariably the case with dictatorships. No criticism of the government is permitted. Freedom of speech and freedom of the press cease. The moment the dictatorship is in power, its opponents are eliminated by force as it crushes every movement and every individual it suspects. Having thus crushed all criticism of its actions and concealing from the people all knowledge of its failures, while trampling on the people's liberties, it magnifies its own successes, "it presses into molds of its own, making the fluid opinions of the rising generation." Schoolbooks are revised. Colleges, university, and churches are bludgeoned into line; and every organ of propaganda . . . is made to serve its purpose.

The greatest glory of a freeborn people is to transmit that freedom to their children. Americans need to beware lest the torch of liberty be extinguished by well-meaning, but dangerous, advocates of changes in the Constitution of their country. As an example, the National Reform Association voices in its official organ, the *Christian Statesman*, this anticonstitutional propaganda: "We need . . . to correct our most unfortunate attitude under the First Amendment, which restrains Congress from prohibiting the free exercise of religion." Will America march backward to Puritanical tyranny through such measures as this?

William Gladstone, England's octogenarian premier, declared: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." This great nation must watch lest the priceless heritage of freedom be bartered for a mere mess of pottage. Be not deceived. The hands may be the hands of Esau, but the voice is the voice of Jacob. The two great principles that made the Constitution are civil and religious liberty. These two are twins—

Siamese twins; neither can exist without the other.

Civil and Religious Liberty

The greatest axiomatic truth on civil and religious liberty ever uttered was stated by Jesus Christ: “Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s.” As the champion of freedom He came “to preach deliverance to the captives, and . . . to set at liberty them that are bruised.” Yes, “true Christianity is the companion of liberty in all its conflicts, the cradle of its infancy, the divine source of its claims.” The principles of the Bible are the groundwork of human freedom—the false, where a man is free to do what he likes; and the true, where a man is free to do what he ought. The Reformation of the sixteenth century sought to free men to do what they ought, and that Reformation was cradled in the printing press and established by no other earthly instrument. Nor can liberty perish so long as our newspapers are free. America must have an unfettered press.

Not religious toleration, but religious liberty, is true Americanism. It is spiritual regeneration, not civic reformation that transforms the transgressor. Compulsion and coercion in religion can make hypocrites and formalists, but it cannot make Christians. It is not the churches’ concern to get men ready for the White House, but to get men ready for heaven.

The Constitution of the United States, which forever separated church and state in this country, was the fruit of a long struggle for liberty and intensive study by great minds. Its greatness lies in this, that it protects the divine right of man against the so-called right of kings and dictators; it permits Congress to establish a court, but not a religion; to suppress an insurrection, but not a newspaper; to close a port, but not our mouths; to regulate commerce, but not our lives; to take a vacation, but not our property. It stands as a buffer between freedom and despotism. It is a stumbling block in the path of ambitious and designing men who would destroy our liberties. It protects the weak against the strong, the minority against the majority. It upholds the sovereignty of the individual. It ensures your freedom and mine. With the great Milton we may say, “Where liberty dwells—there is my country!” Let us stand by the Constitution and honor the men whose blood-bought sacrifice has purchased this land of liberty—

“Where the air is full of freedom

And the flag is full of Stars.”

R. Allan Anderson spent some years in London before moving to church administration in the United States. This 1938 article from Liberty magazine was a fine restatement of enduring principles of civil and religious freedom at a time in history when they were severely tested—a time not unlike ours. Editor.

Author: R. Allan Anderson

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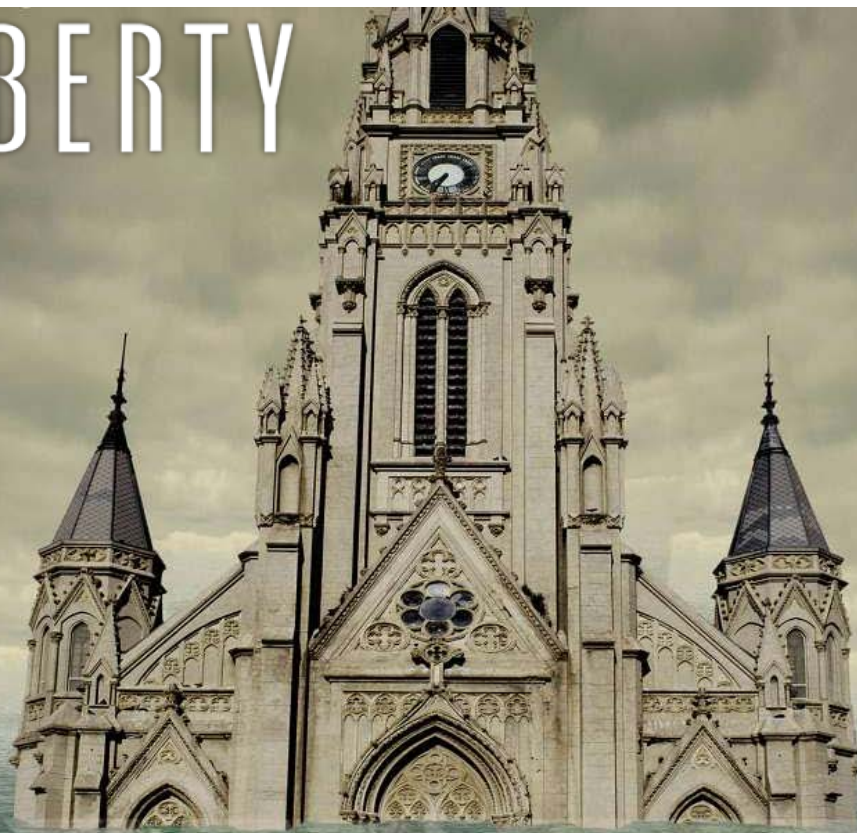
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Paying for Acts of God - FEMA Funds for Houses of Worship

Published in the **July/August 2013** Magazine
by **Simon Brown**

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When Hurricane Sandy struck the East Coast last October, it did some damage to the Reverend Mark Lukens' Bethany Congregational Church in East Rockaway,

New York. Many property owners in the area need some assistance to rebuild. That doesn't mean, however, that Lukens is expecting a government handout for his church.

"It is bad for religious communities to take government money for religious purposes and buildings, because it undermines the ability of religious communities and their leaders to be independent moral voices," Lukens said. "How can I call the government to task on a moral issue when I'm trying to do it from a pulpit the government paid for?"

A New York *Times* report estimated that the storm did more than \$80 billion in damage to the states of New York and New Jersey. Included in that figure is damage to an unknown number of houses of worship, some of which say they can't afford to make repairs on their own.

As a result, many of these religious organizations are seeking assistance from the Federal Emergency Management Agency (FEMA) to rebuild, even though traditionally houses of worship have not been eligible for federal taxpayer subsidies.

The reason for this is simple: The church-state separation safeguards in the U.S. Constitution bar public funding of religion. But that hasn't stopped some religious lobbies from pushing a bill through the U.S. House of Representatives that would give direct taxpayer aid to houses of worship.

At first glance, it would seem that those who want to rebuild religious sanctuaries with taxpayer dollars face long odds of success. In August 2005 many religious buildings near the Gulf Coast were damaged by Hurricane Katrina, which remains the costliest natural disaster in U.S. history. In the aftermath of that storm the George W. Bush administration declined on constitutional grounds to allocate federal money to rebuild religious structures. It was a somewhat surprising move, given that Bush was an outspoken Religious Right ally and championed "faith-based" funding.

The situation is different this time. In the wake of Hurricane Sandy, U.S. Representative Christopher H. Smith (R-N.J.) introduced H.R. 592. The Federal Disaster Assistance Nonprofit Fairness Act makes churches, synagogues, mosques, and other houses of worship eligible for FEMA grants "without regard to the religious character of the facility or the primary religious use of the facility."

Sponsors of the measure included Representatives Peter King (R-N.Y.), Grace Meng (D-N.Y.), and Trent Franks (R-Ariz.).

Learning of this constitutionally problematic proposal in February, Maggie Garrett, legislative director for Americans United for the Separation of Church and State, advised all members of the House of Representatives to vote against the measure. Garrett, who was born and raised on the Jersey shore and whose parents' home was damaged by Sandy, had just a few days to try to convince lawmakers to reject the bill because it was rushed to the floor without the usual round of hearings.

In a February 12 letter to lawmakers Garrett wrote, "Although it may not seem easy in times of tragedy to tell those seeking aid that they are ineligible for government grants, the bar on the government rebuilding of houses of worship is an important limitation that exists to protect religious freedom for all. It upholds the fundamental principle that no taxpayer should be forced to fund a religion with whom he or she disagrees and that the government should never support building religious sanctuaries."

Despite that warning, the bill passed 354-72 on February 13. Critics, including Americans United, noted the spread of a great deal of misinformation before the vote, such as claims that current disaster relief regulations discriminate against houses of worship purely because they are religious.

In fact, Garrett said that current law allows disaster aid to all nonprofits, including religious entities, if they provide "essential services of a governmental nature to the general public." Religiously affiliated homeless shelters, senior citizen centers, and rehab facilities are eligible for assistance, but houses of worship themselves are not.

Purely religious institutions are expected to turn to congregants to pay for reconstruction and repairs or rely on private insurance. Some may also be eligible for low-interest loans from the Small Business Administration.





The Obama administration did not take a formal position on H.R. 592, but a FEMA statement on it warned that the measure is likely to result in church-state lawsuits. Passage would require the agency to fund repairs of sanctuaries and altars, the statement said, and decide whether to pay for damaged religious art, icons, prayer books, Torah arks, and stained-glass windows.

At a time when Congress is supposedly looking for ways to cut the budget deficit, FEMA said the bill would add at least \$75 million in new federal expenditures for houses of worship even in “noncatastrophic” years.

Among the lawmakers who voted against the bill were 66 Democrats, including Representatives Jerrold Nadler (N.Y.) and Bobby Scott (Va.), and six Republicans, including Representative Justin Amash (Mich.).

Nadler was critical of the way the bill was pushed through hurriedly, bypassing the committee hearing process. “This bill should be subject to hearings in the Judiciary Committee, with input from constitutional scholars, and due consideration of these significant constitutional issues, before we take such a radical step,” he said.

As for the proposal itself, Nadler said it raised serious church-state concerns.

“Direct government funding of churches, synagogues, and mosques has always been held to be unconstitutional,” he said, “and the decisions of the Supreme Court establishing that principle remain good law to this day.”

Scott expressed a similar sentiment during floor remarks. “While the devastation caused to many communities after Hurricane Sandy is severe, and while I empathize with the desire to assist all who have suffered severe losses, direct government funding to houses of worship, whether for building or rebuilding, remains unconstitutional,” asserted Scott.

Amash’s stance was a bit of a surprise, given his ties to the Tea Party. But he was staunchly against the measure, stating on his Facebook page that the bill “skews the law away from fairness” by making religious buildings automatically eligible for reconstruction aid when other entities aren’t. “Houses of worship,” he said, “aren’t ‘of a governmental nature.’ To suggest that they are challenges the independence of these institutions, undermines First Amendment protections, and threatens religious liberty.”

In addition to the strong overall backing H.R. 592 received from the House, it was also supported by a range of religious lobbies, including the U.S. Conference of Catholic Bishops, the Union of Orthodox Jewish Congregations of America, and the American Jewish Committee, among others.

Nathan Diament, executive director of public policy for the Orthodox Union’s Institute for Public Affairs, has been especially vocal. National Public Radio reported that Diament has spoken with the Obama administration to push for a change in FEMA rules, and he charged that Americans United and its allies are out of step with current interpretations of the First Amendment.

A press statement from Americans United stated that a “fundamental rule of American life is that congregants, not the taxpayers, pay for the construction and repair of houses of worship. We must not let a storm sweep away the wall of separation between church and state.”

If aid proponents get their way, critics say, a precedent would be set for government funding of all sorts of religious groups, including those that preach hate. Some have noted that the House bill’s terms would open the door to public aid to such congregations as the Reverend Fred Phelps’ Westboro Baptist Church.

“The Westboro Baptists disrupt military funerals with homophobic slurs,” said Alfred Doblin, an editorial writer with the North Jersey *Record*. “I do not want my tax dollars to rebuild their Kansas-based church if a tornado blows it away. Nor would I want tax dollars to replace the sanctuary of some Florida preacher who wants to burn Qurans. These religious spaces are wombs where hate-driven ideologies are given life.” Some might dismiss this as obscuring the issue, sure that such groups would not receive the subsidy. But if that were the case, then government would be stating its religious preferences and that is also a dangerous direction to take.

H.R. 592 faces an unclear future in the U.S. Senate. Senator Kirsten Gillibrand (D-N.Y.) came out in support of the measure, but it is not known just how many senators share her views. The Becket Fund for Religious Liberty said thus far senators have not been receptive to moving the bill. Daniel Blomberg, legal counsel for the Becket Fund, which offered a constitutional analysis of H.R. 592 for Congress, told Breitbart News that several members of the House have reached out to the Senate, but as of late March had not received a response.

The bill’s future is murky because of the sensitivity of the issue. Diament said more than 200 churches and synagogues in New York alone have already applied for FEMA grants.

Americans United was joined in opposing the bill by the American Civil Liberties Union, the Religious Action Center of Reform Judaism, the Interfaith Alliance, the Secular Coalition for America, and the Baptist Joint Committee for Religious Liberty (BJC).

“Theological and constitutional principles ensuring religious liberty must apply and be followed in the hard cases as well as the easy cases,” said the Reverend

Brent Walker, BJC executive director. “We enjoy unprecedented religious liberty in this country precisely because, over the past 222 years, we have stuck to our principles of voluntary, self-sufficient religion and disallowed governmental help or harm, even in the tough cases.”

The New York *Times* is also on the side of church-state separation. In a March 5 editorial the newspaper observed, “Supreme Court rulings interpreting the First Amendment’s prohibition against establishment of religion have long barred the direct use of tax money to build, repair, or maintain buildings devoted to religious services or other religious activities. . . . The First Amendment does not allow a Hurricane Sandy exception to pay for the rebuilding of damaged houses of worship.”

At least one group, it seems, simply found the situation too difficult to oppose. The Anti-Defamation League withdrew its opposition to H.R. 592 in February, although it does continue to oppose government funding of religion in general.

“This position does not represent any lessening of ADL’s concerns regarding the risk to religious liberty posed when government funds transmitted to religious institutions directly advance the religious mission of those institutions,” the organization said in a statement to the media. “We continue to believe as a matter of principle that keeping government out of religion is the best way to safeguard religious freedom.”

Americans United Garrett said she understands why some would be reluctant to speak out against FEMA funding for houses of worship, but even in the face of tragedies, the Constitution cannot be ignored.

“This is a challenging time and a challenging issue,” Garrett said. “I feel for everyone who suffered losses from the storm. But I also know that we must resist the temptation to use a disaster—even one of this magnitude—as an excuse to violate core constitutional values.”

Author: Simon Brown

Simon Brown is on the editorial staff of *Church and State*. He writes from Washington, D.C.



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Disaster Relief for Churches?

Published in the [July/August 2013](#) Magazine

Opinion, by [Alan J. Reinach](#)

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The American tradition of separation of church and state was established, in part, on a pillar of “no aid” to churches, fueled by Jefferson’s rhetoric in his Virginia Statute for Religious Freedom, which said: “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.”

But this principle of “no aid” has morphed, over the years, due to the changing circumstances of American society, and the increasingly pervasive hand of government in every aspect of American life. Now comes a bill in Congress to include houses of worship in the FEMA aid package for victims of Hurricane Sandy. Sandy was followed by a firestorm over whether buildings used for worship should be included in Uncle Sam’s largesse.

The “no aid” rejection of FEMA aid to churches is easy to argue: no aid means no aid. Separation of church and state means the church is on its own. The state is aloof from the business of religion. But this position woodenly ignores the values and ideas behind “no aid.”

One core premise of the First Amendment is liberty of conscience. Government abstention from involvement in religion is designed to avoid the state influencing or coercing religious beliefs and choices. Of course, this goal is not easy to achieve. Take vouchers, for example. Voucher programs for private school tuition have

been upheld as constitutional, but inherently favor those schools willing to comply with state-mandated curricula and nondiscrimination requirements. Schools unwilling to meet the requirements are placed at a further economic disadvantage—not only are they more expensive than public schools, but remain among the few unsubsidized private schools. This is not what the First Amendment was designed to do.

So what about FEMA aid to rebuild houses of worship? Such aid does not discriminate among victims. The Supreme Court long ago determined that neutral principles of law must be used, for example, to resolve disputes about who properly owns church property. Neutral criteria determine whether a house of worship qualifies for aid, and how much. There is no favoritism here. To exclude houses of worship would be both punitive and discriminatory. If the government is going to provide relief, all should be eligible regardless of the purpose. It would be ironic if FEMA aid was available to strip clubs, bars, and liquor stores, but not to houses of worship.

FEMA aid to houses of worship does not require taxpayers to financially support the propagation of abhorrent religious beliefs. Such aid simply recognizes that houses of worship belong in our community, and deserve respect. After all, the foundation of religious freedom is the golden rule, as nearly universal a moral premise as ever existed. Respect for everyone's place of worship is not unconstitutional; it is as American as pulling together to help one another in a time of crisis.



Author: Alan J. Reinach

Alan J. Reinach is Executive Director of the Church State Council, the religious liberty educational and advocacy arm of the Pacific Union Conference of Seventh-day Adventists, representing five western states: Arizona, California, Hawaii, Nevada and Utah. His legal practice emphasizes First

Amendment religious freedom cases, and religious accommodation cases under Title VII of the Civil Rights Act of 1964 and related state civil rights laws. Reinach is also a Seventh-day Adventist minister who speaks regularly on religious freedom topics, and is the host of a nationally syndicated weekly radio broadcast,

“Freedom’s Ring.” He is the principal author and editor of *Politics and Prophecy: The Battle for Religious Liberty and the Authentic Gospel*, and a frequent contributor to *Liberty* magazine.

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A Festival in Chiapas

Published in the **July/August 2013** Magazine

by **John Graz**

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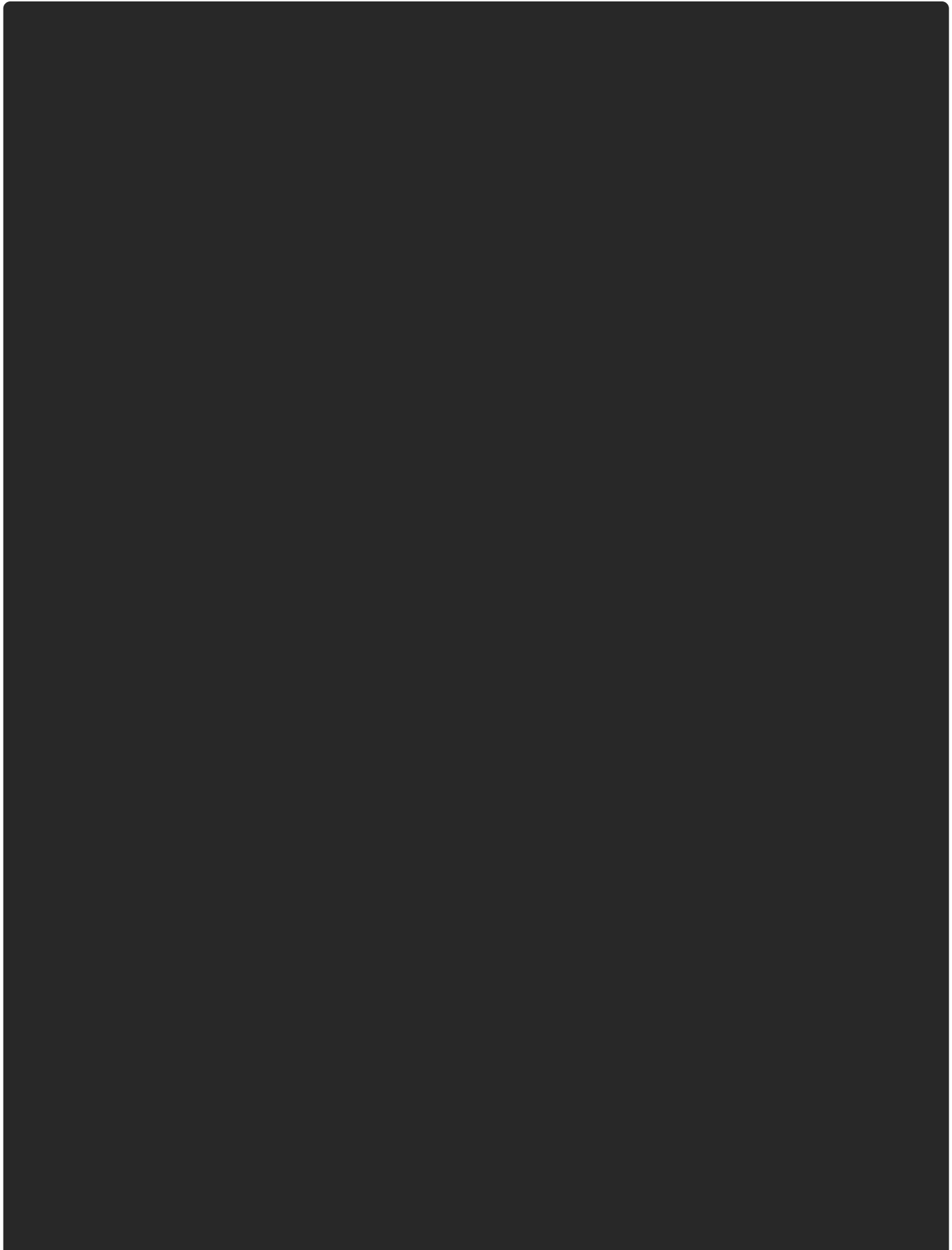
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The Chiapas region of south Mexico has been in turmoil for decades. It would not be outrageous to describe the situation there as civil war. The resulting human tragedy has gained the attention of all defenders of civil rights; even though the world media have not dwelled much on the area.

In the eyes of the Maya Indians of Chiapas, they were defending their culture and asking for justice from the central government. Much progress has been made

in restoring civil peace and addressing their grievances. But not many people are aware of the religious dimension of the tragedy in Chiapas.





Crowds marched through the streets of Tuxtla Gutiérrez on the day of the festival to celebrate and thank government leaders for their increasing commitment to religious freedom in the state of Chiapas.

Traditionally Catholic, the region of Chiapas, Mexico, saw a strong growth of Evangelicals and Pentecostals at the end of the twentieth century. These groups were often the target of discrimination and violence from the leaders of their communities, who equated the majority religion with their village identity. Some of the religious minorities lost everything they had—farms, land, and houses were taken from them.

A few years ago I met the representatives of 26 Seventh-day Adventist families who were expelled from their village in 2003. According to tradition, individuals don't own any property. They can use it, but it belongs to the community. When an individual or a family is expelled, they lose everything. According to the testimony of these families, there was only one way for them to return home and get back their houses and farms. It was demanded that they give up their new faith and return to the majority religion of the community. This was something they were not willing to do.

One of the problems was cultural as well as religious. When native Indians became Evangelicals, they didn't only change their religious affiliation. Their conversion also affected many other aspects of their community lives. They were no longer willing to be part of the traditional festivals that last several days and at which alcohol is abundantly consumed. They no longer wanted to pay local taxes to finance such events. But in other ways they continued to keep their culture and their identity. They are proud of their origin as native Indians and citizens of Mexico. Obviously, becoming Evangelical did not make them American or European. They remained indigenous citizens of a very distinct cultural region of Mexico.

I had long wanted to visit Chiapas, but for some time it was too dangerous. It is sometimes hard for the majority religion in an area to fully empathize with minority challenges.

Then in 2011 I was able to visit the old and beautiful city of San Cristóbal de las Casas to attend the first symposium on religious freedom there. Organized by

the religious leaders of Chiapas, it was attended by 600 people, including government officials from the state of Chiapas and from Mexico City.

This meeting led to plans for a 2013 Festival of Religious Freedom in Tuxtla Gutiérrez. The festival took place, and was held on March 30 of this year at the Victor Manuel Rayna Stadium. It was a great event—a great success—which in itself indicated that major improvements have come about in Chiapas during the past 10 years.

The event was called “The Day of Friendship and Religious Liberty.” Ted Wilson, world president of the Seventh-day Adventist Church, was there, and he thanked the governor and the mayor—who were not able to attend—for the great improvements so obvious and for their commitment to the protection of freedom. I had the privilege of leading the 25,000 participants in saying: “Thank You, God, and thank you, Chiapas and Mexico, for religious freedom!” This was followed by: “We love religious freedom, and we want to keep it.” The program began at 7:00 a.m. and ended at 2:30 p.m. It was a religious meeting with choirs, singers, musicians, and public baptisms.

Author: John Graz

John Graz is secretary-general of the [International Religious Liberty Association](#).

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Myanmar Deprives Rohingyas of Their Rights

Published in the **July/August 2013** Magazine

by **Reuel S. Amdur**

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It is not uncommon for those of a particular faith majority to fall short in their duty to others. No one doubts that this applies in parts of the world and at different times to both Christians and Muslims. Perhaps because of the horrors of the Holocaust, there has been a reluctance to speak of Jews in this way. Still, the U.S.

State Department recently termed as terrorists those Jewish settlers who commit violent acts against Palestinians in the West Bank. However, the one religious group that has often been given a pass on this observation of insensitivity is the Buddhists.

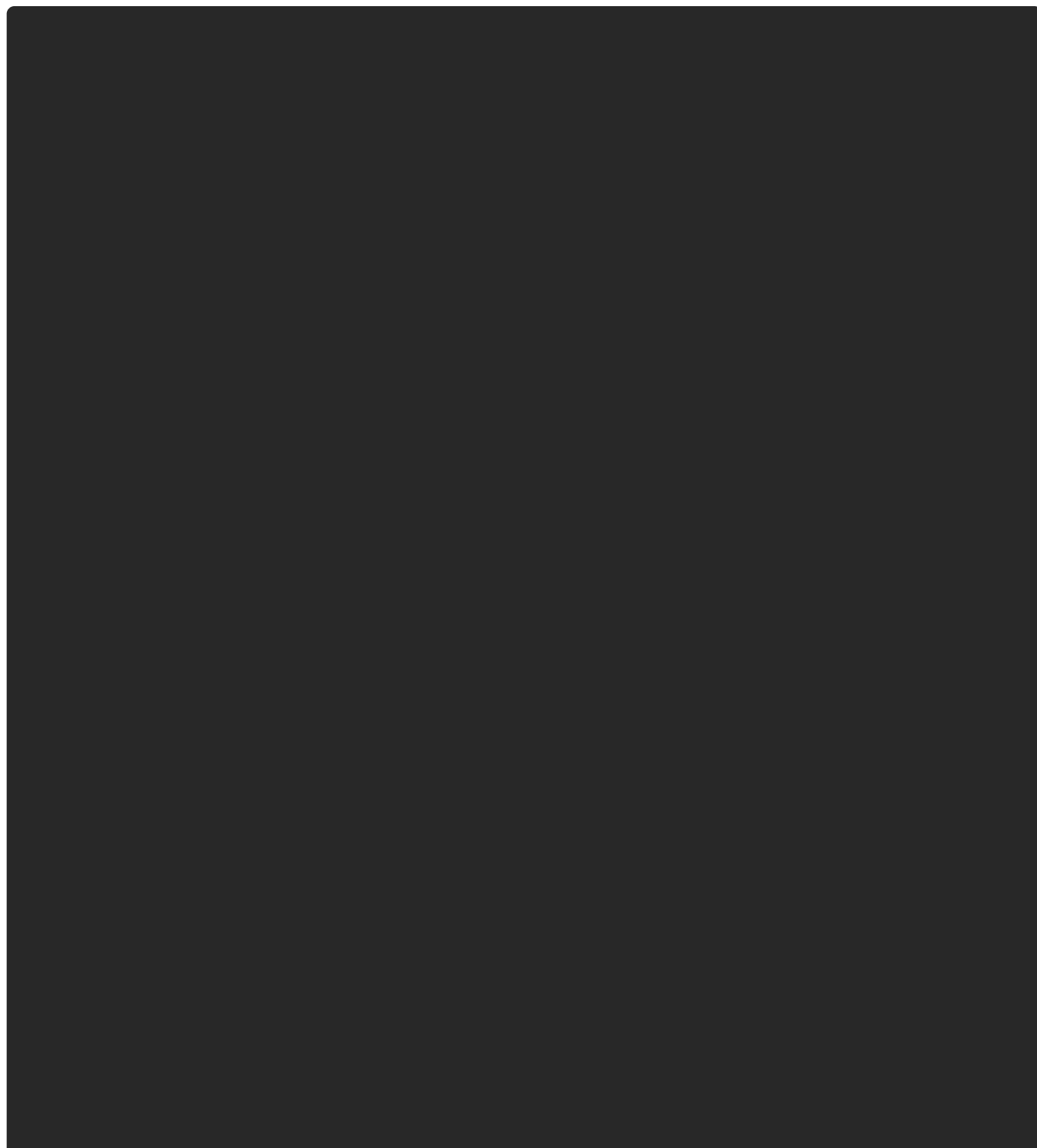
It is not profitable to get into a game of weighing which body of believers is the most hypocritical. Nor would it discredit all Buddhists to point out a case of their lack of concern. Nevertheless, it is a reality that Buddhists share with other mortals the ability and propensity to do great evil at times. The behavior of wartime Japan was seen as immoral, but there was a tendency to ascribe the behavior to Shinto, since many Japanese are at the same time Buddhists and followers of Shinto. However, there are other predominantly Buddhist countries that treat minorities unjustly and even cruelly. In fact, there is even a commonality in the excuses for the mistreatment—"they" do not really belong in this country.

Thus, the Bhutanese government charges that their Nepalese minority are recent arrivals that came to work on construction projects in the 1960s. This might be true for some of them; but even then it means that even the "newcomers" have been in the country for a couple of generations. In Sri Lanka the government withdrew the citizenship of those Tamils descended from workers on the tea estates who came to the island beginning in the nineteenth century. And as for Japan, there is still the matter of the treatment of ethnic Koreans in their midst.

In 1982 the military junta in Myanmar (formerly Burma) adopted a law depriving the Rohingya minority of their citizenship, claiming that they are all recent illegal immigrants from the Indian subcontinent. While even Burmese historians accept their presence since the 1950s, others have found reference to them as far back as the 1700s. While the minorities in Bhutan and Sri Lanka are mainly Hindu, the Rohingya minority in Myanmar is Muslim. Buddhists believe that Buddha came to teach humanity how to end suffering; but governments in most Buddhist countries fall short on that score—just as Christian legislators often fall short of Jesus' example and Jewish ones of the demands of the prophets.

So when the Rohingyas are looked at as an example of a neglected or marginalized group, it becomes even more problematic to discover that there are some 800,000 of them in Myanmar. The fact that these people are denied citizenship makes them particularly vulnerable.

Nay Saan Oo is a Rohingya, now living in New York City. While the Rohingya minority is centered in the western province of Arakan (or Rakhine), he comes from Rangoon. Yet even there he felt the pain of discrimination. People disparagingly called him “kalar,” a derogatory term referring to his skin color, as Rohingyas are darker than other Burmese. Because he, like other Rohingyas, was deprived of an identity card, Nay Saan Oo could not gain entrance to higher education or even to a hospital.





Hla Hla May, a Rohingya Muslim woman displaced by violence, holds her 1-year-old daughter, Roshan, at a former rubber factory that now serves as their shelter, April 29, 2013.

Many Rohingyas had been forced into special camps, even before recent racial strife became known. Nur Hashim, who chairs the Canadian Burmese Rohingya Organization, described to me what happened to him when he was in school in 1991. “A group of soldiers surrounded our village and took all the young males to a camp. I said that I was a student, but they said that Rohingyas could not study. On the way to the camp I said that I had to urinate, so they let me move away a bit, but I ran. They shot at me but missed. I made my way to Bangladesh, where I stayed for 16 years.” There are some 300,000 Rohingya refugees in Bangladesh, but Bangladesh is trying to keep them out.

Aziz Nur, a student living in the Waterloo region of Ontario, described his family’s experiences. Troops beat his father and conscripted him to do forced labor. They also seized the family’s land. A sister was refused permission to marry. Such permission ordinarily takes more than a year—plus a bribe. And couples are made to agree to have no more than two children. Family members are not able to go to visit another village without permission. Soldiers came to the house to shake the family down for money. They have also stolen cattle.

Wakar Uddin heads up the Arakan Rohingya Union, an international umbrella organization. When he notes some of the problems facing his people in Arakan, they often mirror the experiences that have already been described by others from other areas. He is quick to identify the problems caused by their high level of illiteracy—a direct product of their mistreatment. “Less than 1 percent of the Rohingya population has graduated from high school. Most of them have not seen schooling of any kind,” says Wakar.

The government, Wakar charges, confiscates land and gives it to other Burmese brought into the area. According to Uddin, troops conscript not just adults but also children as young as 5 for forced labor. Rohingyas are subject to arbitrary arrest and taxation and to extortion. Amnesty International largely confirms these complaints and also accuses troops of killings, rape, and destruction of mosques.

There is a history of interracial mob violence between Arakan’s Buddhist majority and the Rohingyas. Such violence broke out again following the rape and murder of a Buddhist woman by three Rohingyas in May last year. Then a mob pulled 10 Muslim men from a bus and butchered them. Apparently they were pilgrims and not even Rohingyas. Matters then escalated with tit-for-tat killing,

burning of villages, looting, and such. The government declared a state of emergency.

During the violence, troops sided against the Rohingyas in many instances, and afterward about 100,000 were put into camps, off limits to foreign observers. Buddhist monks stationed themselves at the entrances to keep food and other supplies out. Human Rights Watch reported that the troops also engaged in rape, torture, and killing.

Clearly the situation calls for intervention by Burmese democracy advocates. Well, they have spoken up—in support of the repression! Tin Maung Htoo, director of Canadian Friends of Burma, has branded Rohingyas as failed jihadists. His board later made him retract the charge. In Japan pro-democracy militants demonstrated in front of the Tokyo U.N. office in support of Burmese president Thein Sein's desire to have the U.N. resettle the Rohingyas outside Myanmar. (His alternative was for the U.N. to look after them in camps inside Myanmar.) The prejudice against these people runs deep, leaving them with few supporters in Myanmar. Even Nobel laureate Aung San Suu Kyi refuses to speak up for their rights.

Meanwhile, refugees continue to try to sneak into Bangladesh. Others are in camps along the Thai border. Still others take to rickety boats, looking for a welcoming harbor. Thai sailors have towed some of these boats out to sea, where those on board are likely to find a watery grave.

Canada has recently established an Office of Religious Freedom and has named Andrew Bennett as its first ambassador for religious freedom. It may be that Canada, working on behalf of Rohingyas now in Canada, will be able to speak up for the minority in Myanmar. Editor.

Author: Reuel S. Amdur

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

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