

The Church versus State Debate

September/October 2013

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Dinner with Friends

Highlights from the Eleventh Annual Religious Liberty Dinner.



More Than Any Day

Sunday Laws are symptomatic of the bigger question regarding the power of the state to enforce religious dogma.



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Sao Paulo Has Its Day of Religious Freedom

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A Lawless Law

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Fire in the Streets

Published in the **September/October 2013** Magazine

Editorial, by **Lincoln E. Steed**



Hundreds Dead After Street Clashes in Cairo.” Headlines such as that are attention-grabbers. Not only is it shocking to hear of so many lives lost amid a maelstrom of violence, but this, after all, was supposed to be the Arab Spring!

Rewind a moment and think about what has happened in Egypt in just one year. Muslim Brotherhood candidate Mohamed Morsi became the first democratically elected president of Egypt on June 30, 2012. He was removed July 3 of this year after defying a military ultimatum. His rule was characterized by overreach. With his ouster the Muslim Brotherhood is back on the margins of legality as in the days of President Hosni Mubarak. The difference is that this time the Muslim Brotherhood seems determined to resist the change in blood.

A few days ago, in Hot Springs, Arkansas, for meetings, I stopped in at a restaurant for a late lunch and ended up even later after a long discussion with the waiter, who turned out to be Egyptian. We discussed the latest turn of events. He shook his head in dismay at the meltdown in his homeland. Yes, he agreed, it was bad and a sign that political Islam is on the move there. He saw little hope for the near future at least. “They are all pharaohs,” he summarized rather cryptically. The point being that Western-style democracy is not the norm and the autocratic style preferred by the president, general, and religious leader. Here in the West we were guilty of a little wishful thinking. We hoped that the Muslim Brotherhood, the party repressed for so many years by President Hosni Mubarak, might somehow turn out to be able to govern by consensus and with a moderate touch. It was a dream, of course. Ideologies do not change that easily, and the Muslim Brotherhood,

founded by teacher and scholar Hassan al-Banna in 1928 as a force for Islamic political change, has not changed. It is the party that supported the assassination of Sadat for his betrayal of Islam; it is the party that spawned Ayman al-Zawahiri and led to Al-Qaeda; and it is a movement that remains dedicated to changing and uniting Islam in a grand political “caliphate.”

Looked at from the Muslim Brotherhood point of view, the toppling of Morsi is probably a good thing, because it provides justification for a more revolutionary application of their premise that Islam should guide all affairs of state. It must have frustrated Morsi and his brethren no end that he was expected to govern a disparate and sometimes secular people and not impose a rigorous Islamic state.

I have read the Koran carefully, and I can see how taken literally, it might stand as a great barrier to what we know in the West as a separation of church and state. It is not so much that the Koran is against it, as that it comprehends no other form of government than one directed by the Koran and the men who follow its dictates.

Rather an impasse, I fear.

However, it is worth remembering that Christian Europe was in much the same pickle 500 or 600 years ago.

I have just finished watching a documentary on English Bible translator William Tyndale. At the intersection of Roman church power and the emerging Protestant identity in England, he faced the ire of king and prelate for testing the absolute control of dogma over the individual. The princes of the church functioned as secular princes with power rivaling the king and were able to cow him into doing the church’s bidding. Tyndale saw that knowledge of the Scriptures would democratize religion and take away its political power. Back then political power made it possible for the church to terrify individuals into compliance.

Tyndale was ultimately condemned and burned at the stake as a heretic. However, the ready availability of the Scriptures he helped facilitate was itself a freeing dynamic. Churchmen had the ability to assert themselves over the individual with the power of God and knowledge of Him. They had less ability to threaten the state into compliance. The Reformation naturally led to the separation of church and state—not because the Reformers demanded it (Luther if anything remained in thrall to the appeal of state control of religion, so long as it was the

correct one, and Calvin got it all muddled up in Geneva), but because a demystified Bible freed the individual from coercion in general. Jesus did say, “My kingdom is not of this world (John 18:36),” but not loudly enough for even Protestant kings to hear. They continued to wage wars of religion for some time. But the shift of religion from the state and the depletion of statist church power that flowed from the easy accessibility of holy writ virtually guaranteed the liberal Western norms we enjoy today. A time, by the way, as wicked as the Middle Ages but one in which religion has energy and enthusiasm those times could only muster under pain of the rack or the superstition encouraged by ignorance.

It’s been said before, and I’ll say it again: Islam needs its Reformation. It needs it not just so that it is less dangerous to international peace and harmony, but so that it can enjoy its faith and test its tenets. Like Christianity before the Reformation, the Koran is not well known or understood by most Muslims. Before the Reformation most Christians knew their Bible by hearsay, saw it only in forged relics, and heard its truths garbled in mystery plays and fantastical pamphlets that imagined a heaven and hell not found in Scripture.

In the West we think the Koran is the direct analog to the Bible, but that is only partly true. The Hadith, numbering about 6,000, are the source of most Islamic mores—they and tradition are the primary source of the problematic Sharia law that pits secular governance against the word of the imam. Yes, the Koran says many things that are challenging to a Western mind-set that is tempered by Christian norms, but it would be less so freed of the “traditions of men” that so encumber Islam and set it at odds with democracy or at least a secular society that respects all faiths.

The Arab Spring is likely to cover all the seasons, and its winter may yet be coming. However, I pray that it liberates the Islamic world from often rote talk about the Koran to a place where its best principles are known by its adherents and respected by all others.

We in the West know that the Crusades were not much about Christianity and a lot about power—popes sent Crusaders to the Holy Land to enlarge their ecclesiastical domains and sent them closer at hand to places such as Constantinople to settle rivalries. In this century we are intuiting that stirrings in Islam may have less to do with theology than with theologians and their efforts to

keep back a people ready to embrace the modern world. The world is not flat. I think it time for the Islamic world to embrace the openness of human potential that birthed not only the Reformation but the era of human progress that has elevated billions beyond subsistence living. We must cease to cavil about which civilization is better—about who riffled the Library of Alexandria for ancient lore first. The best civilization, I am certain, is the one that grants to its masses the right to be individuals. The best civilization is the one that frees the self to seek the Divine—not the one that mandates obedience under pain of death. The best civilization surely understands the difference between keeping the streets swept and leaving ideas in people's minds.



Author: Lincoln E. Steed

Editor, *Liberty Magazine*

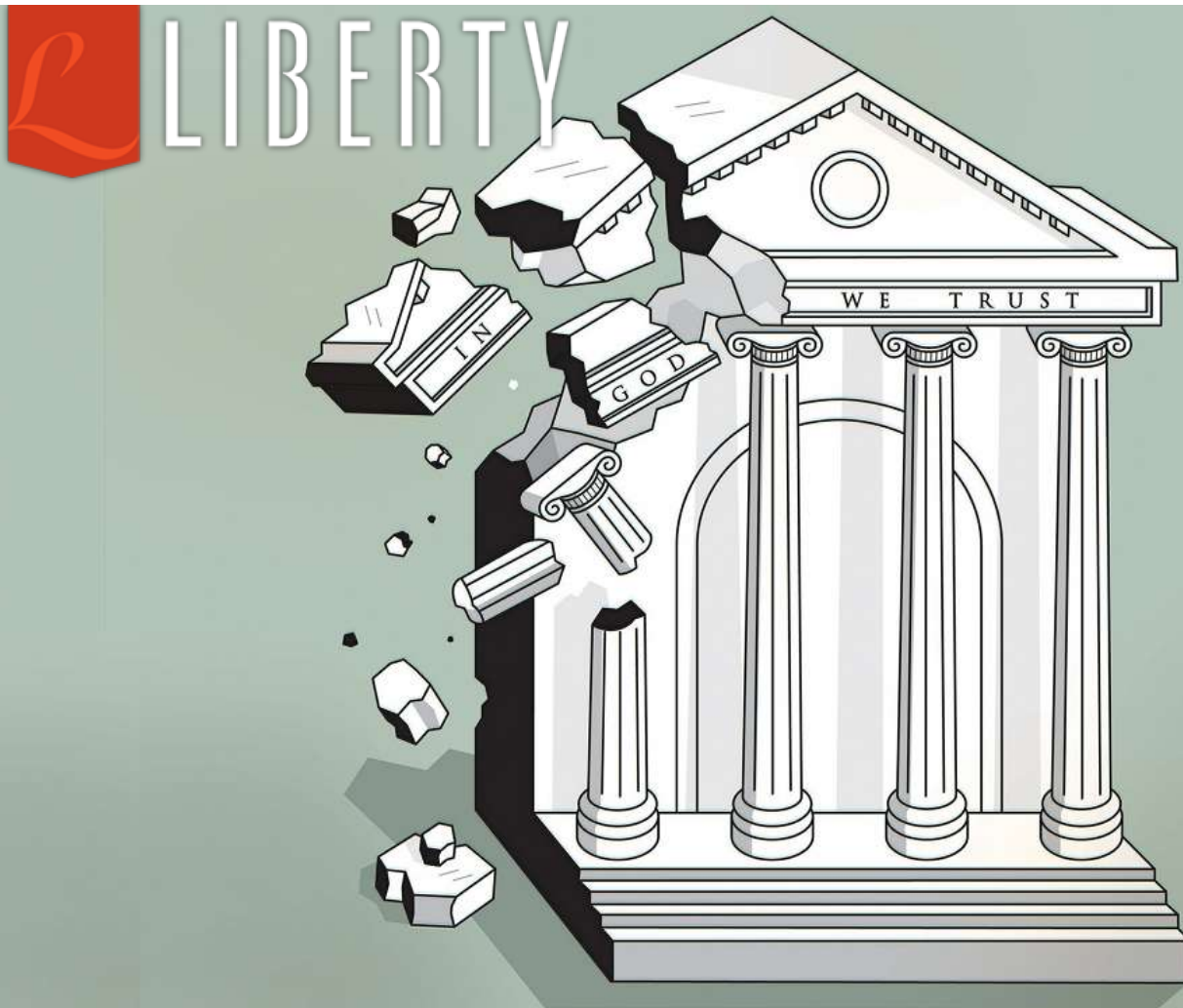
Lincoln E. Steed is the editor of *Liberty* magazine, a 200,000 circulation religious liberty journal which is distributed to political leaders, judiciary, lawyers and other thought leaders in North America. He is additionally the host of the weekly **3ABN** television show "The Liberty Insider," and the radio program "Lifequest Liberty."

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The Church Versus State Debate

Published in the **September/October 2013** Magazine

by **Peter C. Glover**



As an outside observer of U.S. and Canadian media I am often bemused at how often some of my Christian friends across “the pond” allow themselves to be diverted into often vacuous debates over what America’s Founders “intended” when they wrote the separation of church and state into the American Constitution. Not that I suggest the debate, per se, is pointless. It’s just that two other key

issues are rarely raised. First, the mandate provided by populations in the U.S. and Canada, where about 80 percent claim some form of Christian belief. Second, the critical intellectual link between culture and religion. According to ARDA (the Association of Religion Data Archives), about 80 percent of the U.S. population identify themselves in some way as Christian, whether or not they lay claim to a specific church affiliation or regular church attendance. The figures for claimed Christian belief are equally impressive in Canada and the United Kingdom. About 75 and 80 percent, respectively, according to ARDA. These statistics alone provide in each country an overwhelming national mandate that gives a privileged position, role, and *public* status—a mandate that acknowledges the Christian church’s singular influence on American, Canadian, British, or Western culture and its values. Such a heritage demands not only *public* acknowledgment, but confers a civic right, with appropriate symbolism, to social and cultural recognition.

As the abject failure of multiculturalism in Europe reveals, cut the umbilical cord with culture’s formative religion—its beliefs and teachings—and it quickly loses its moral compass and the roots of its identity. That is precisely why Islamists cause so much friction in Western societies. Islamists recognize only too well how culture and religion are intellectually and politically indivisible. In Germany, France, the U.K., and other countries, Islamists constantly confuse Western liberal social design, persistently confuting liberalism’s multicultural goal by opting for the right of social separation, not integration.

Secularists and atheists further confuse the issue by persisting in the liberal multicultural agenda through a self-destructive culture war in which the opening battleground is the public square of national symbolism and any suggestion of a prevailing national religion. Liberal secularists themselves represent their own subset of viewpoint of course, a minority faith of sorts if you want to see it that way. To make an impact from a minority position they first need to score some frontline victories. The Founders never envisaged the exclusion of God from the public square. But the modern failure to reassert the religion-culture nexus in the church versus state debate, including by Christians themselves, is leading inexorably to that end.

Church Versus State

Even the way we couch the debate is unhelpful. Church versus state suggests

church and state are inimical. Clearly, as the Bible and 2,000 years of Christian church teaching make clear, they are not. All government is invested with authority to act as God's agent (Romans 13), though not all government acts accordingly. Consequently, "church *and* state" would be more helpful terminology. Whatever the drafters of the Constitution intended, they knew the importance of God as central to good public social order. In choosing the formal separation of church and state, however, they declined to have either dictating the detailed terms to the other. That did not mean they did not recognize the key role the faithful should play in keeping government acting according to godly principles—in public life, as well as in private lives. They would have fully concurred with the great friend of America at its inception, the British statesman and philosopher Edmund Burke, that "all human laws are, properly speaking, only declaratory; they have no power over the substance of original justice."

The Founders were attempting to avoid the problems some of them had personally experienced in expressing their faith under monolithic church authorities. Nonconformism or dissent via failure to attend church services under the authority of the seventeenth-century Church of England could, for instance, result in physical incarceration. They viewed the separation of church and state as keeping apart public legal responsibility and personal faith; embedding tolerance for the latter in the former. While the privatization of belief brings its own problems—to which the ongoing fracturing of global Protestantism is vivid testimony—the writers of the Constitution were determined to make the new union of the states a place where religious freedom could flourish.

Had they foreseen how the age of enlightenment would take tolerance to a whole new level making the individual the arbiter of his or her own truth (postmodernism), they may have sought to balance "separation" of church and state by qualifying the parameters of the separation. What they did not foresee was the impact that enlightenment modernism would have on intellectual relativism—ultimately, how culture and religion would be viewed as independent of each other. But what is culture, other than the visible outworking and character of an identifiable pattern of socially stable, usually religion-rooted, belief? Better still, muddy the waters further by lumping all cultures together as moral equals.

The Failure of Multiculturalism

An unholy alliance of religionists, secular humanist/liberals and atheists recognize the value of multicultural idealism—mostly in aiding the influence of their own faiths. Individually their representatives claim that the problem with Western culture is it is intolerant in some way of other cultures and religions (a tacit admission, if we would but see it, of the culture-religion link), claiming victim status for their own, which they present as a more tolerant alternative. We should see through this deceit. We can first look at the medieval intolerance of Islamist societies. But, closer to home, at how quickly liberal secularism descends into the very essence of intolerance when it gains power, supplanting the symbols of God-fearing faith with the godless symbols of their own *minority* faith. After all, what would the removal of “In God We Trust” from the American dollar bill signify other than the false impression that “trust in God” is no longer a majority belief?

As threatening as many Christians see aggressive Islamism, the fact is that civilizations are most always destroyed by first becoming weakened *from within*. Secular liberalism, or atheist belief, and its aggressive push for a multicultural religion-free secular society *is* a great force undermining Western cultural civilization from within. Not by virtue of an open assault—that would be to alert too many to the real fray. It does its work by usurping the place of God first in the public place while obfuscating the critical nature of the culture-religion link. Thus the politics of the public square becomes the initial apparently nonreligious political battlefield in which we Christians are seemingly quick to cede first the argument and then the ground to minority opinion. As that arch-manipulator of cultural political opinion, Mahatma Gandhi, observed: “Those who say religion has nothing to do with politics do not know what religion is.”

In recent times a post-Judeo-Christian Europe has chosen to go further down the path of multicultural secularism. European liberals even went to the extreme of excising any reference to the continent’s entire Judeo-Christian heritage in drawing up its new (failed) federalist constitution. In marginalizing its own religious legacy, cultural bedlam has resulted. The gold standard of moral teaching Judeo-Christianity provided has become increasingly obscured. Culture has been cut free from its roots. Street riots, the Islamization of religious ghettos, growing centralization at the expense of democratic institutions, failing economies, the breakup of the family, and social disintegration are all testimony to Europe’s folly.

The U.K.'s David Cameron and Germany's Angela Merkel, having viewed the experiment firsthand, have each branded the multicultural experiment "a failure."

A religion-free culture is an oxymoron. Culture will always be viscerally and inherently "religious," being rooted in the soil of faith beliefs of one kind or another. For the secular humanist, any cultural link with Judeo-Christianity must be broken. For them the Christian faith is the key impediment to achieving the romanticized utopian and ludicrous vision articulated by John Lennon's "Imagine." The truth is that, as T. S. Eliot noted, "no culture can appear or develop except in relation to a religion." Western culture and the values bequeathed remain rooted in the God-given Judeo-Christian legacy, including the public symbolism associated with God at the center of national life, church and state separation or not.

The direct link between cultural values and their identifiable religious roots cannot be overstated. T. S. Eliot and Edmund Burke each described the link as indissoluble. It is a serious mistake to believe that society and its culture, including its moral values, develop entirely independent of one another. To sever the link is to cast the ship of state free from its spiritual moorings. And we should ask ourselves (as the majority will): Why should society meekly capitulate to the will of *minority* faith beliefs?

In God We Trust

Even in the U.K., where fewer than 10 percent attend church, about 80 percent consider themselves to be Christian. In Canada the statistic is close to the same. That is a mandate. Judeo-Christianity is *not* merely a private, heart faith. It never was. It is a very *public* faith. Beliefs that do not translate into public policy are of little use when it comes to doing the godly thing for the common good. But that will require us to stop thinking the church versus state debate relegates our faith to the personal and private realm only—and to get out there and make our case in the public square using every tool, not least that of the majority will.

Edmund Burke warned, "It is a general popular error to suppose the loudest complainers for the public to be the most anxious for its welfare." The secular humanist may shout the loudest, but what they offer is to open the gates to an irreligious, multicultural Trojan horse in the name of "moral progress." We must actively oppose them and shore up the weaknesses on our crumbling cultural walls. Burke reminds us, "Sin has many tools, but a lie is the handle which fits

them all.” We have a singular mandate of a clear majority that we can utilize to oppose this particular sin. We should stand on it. Call on it. *Use it.*

We may not always succeed in winning the debate; but then, success is not our business. Being faithful—in both private *and* public life—is.

Author: Peter C. Glover

Peter C. Glover is British writer, former director of the U.K. Christian Research Network and the author of the *The Great Evangelical Disaster Revisited* (HardWired Books, 2012)

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Dinner with Friends

Published in the **September/October 2013** Magazine

by **Dwayne Leslie**



The Eleventh Annual Religious Liberty Dinner took place on April 18, 2013, at the Canadian Embassy—again. It's always good to be invited back to meet with friends, especially when there is something to share. Last year Canadian foreign minister John Baird spoke to the Adventist-sponsored group that as usual included a good mixture of the Washington diplomatic corps, staffers from the U.S. Congress, and an interdenominational mix of religious freedom advocates. The minister's news then was the imminent establishment of a new office of religious

freedom for the Canadian government.



Liberty editor Lincoln Steed (left) and Counselor for the Cuban Interests Section in Washington, D.C. Jesus Perz

Fast-forward to our 2013 dinner. The featured speaker was the just-appointed ambassador for that new office, Andrew P. W. Bennett—it was his first public appearance outside of Canada.

Ambassador Andrew P. W. Bennett delivered a wide-ranging address, reinforcing the Canadian government’s commitment to fighting religious oppression around the world. “Religious groups who face persecution will know that they have a friend and supporter in Canada,” said Ambassador Bennett. “We will continue to strongly condemn all attacks on places of worship, whether at temples, synagogues, shrines, mosques, gurdwaras, or churches. It is of utmost importance that every individual be able to practice his or her faith free from the threat of violence and discrimination.”



LEFT TO RIGHT: Alvin M. Kibble, Liberty Editorial Board Chair; Neophytos Constantinou, Embassy of Cyprus; Sayyid Syeed, Islamic Society of North America

The ambassador further noted that religious freedom doesn't simply happen; effort is required. "We will continue to voice our concern when our fellow human beings are persecuted for their religious beliefs. I am heartened and emboldened by those who speak out, thus putting their own safety at risk so that others may enjoy the same rights and freedoms."

Present at the event was U.S. ambassador for international religious freedom Suzan Johnson Cook, who seized on the moment to affirm her intention to work closely with the Canadian initiative. Cook had herself spoken at the Religious Liberty Dinner two years earlier, as the first significant appointment after her being named ambassador.



LEFT TO RIGHT: Jennie Chen, Minister (Political), Embassy of Canada; Melissa Reid, Associate Editor, Liberty; Her Excellency La Celia A Price, Embassy of Saint Vincent and the Grenadines

Two others were honored at the Eleventh Annual Religious Liberty Dinner. Receiving the national award, presented by *Liberty* magazine editor Lincoln Steed, was Charles C. Haynes, director of the Religious Freedom Education Project at the Newseum in Washington, D.C., and chair of the Committee on Religious Liberty of the National Council of Churches. International Religious Liberty Association (IRLA) director John Graz presented the International Award to Katrina Lantos Swett. She is the chair of the United States Commission on International Religious Freedom. Swett's gracious and dynamic acceptance speech was the capstone to the event, her own deeply held commitment to religious freedom much in evidence—something clearly derived from the experience of her father, the late Senator Tom Lantos, the only Holocaust survivor to serve in Congress.

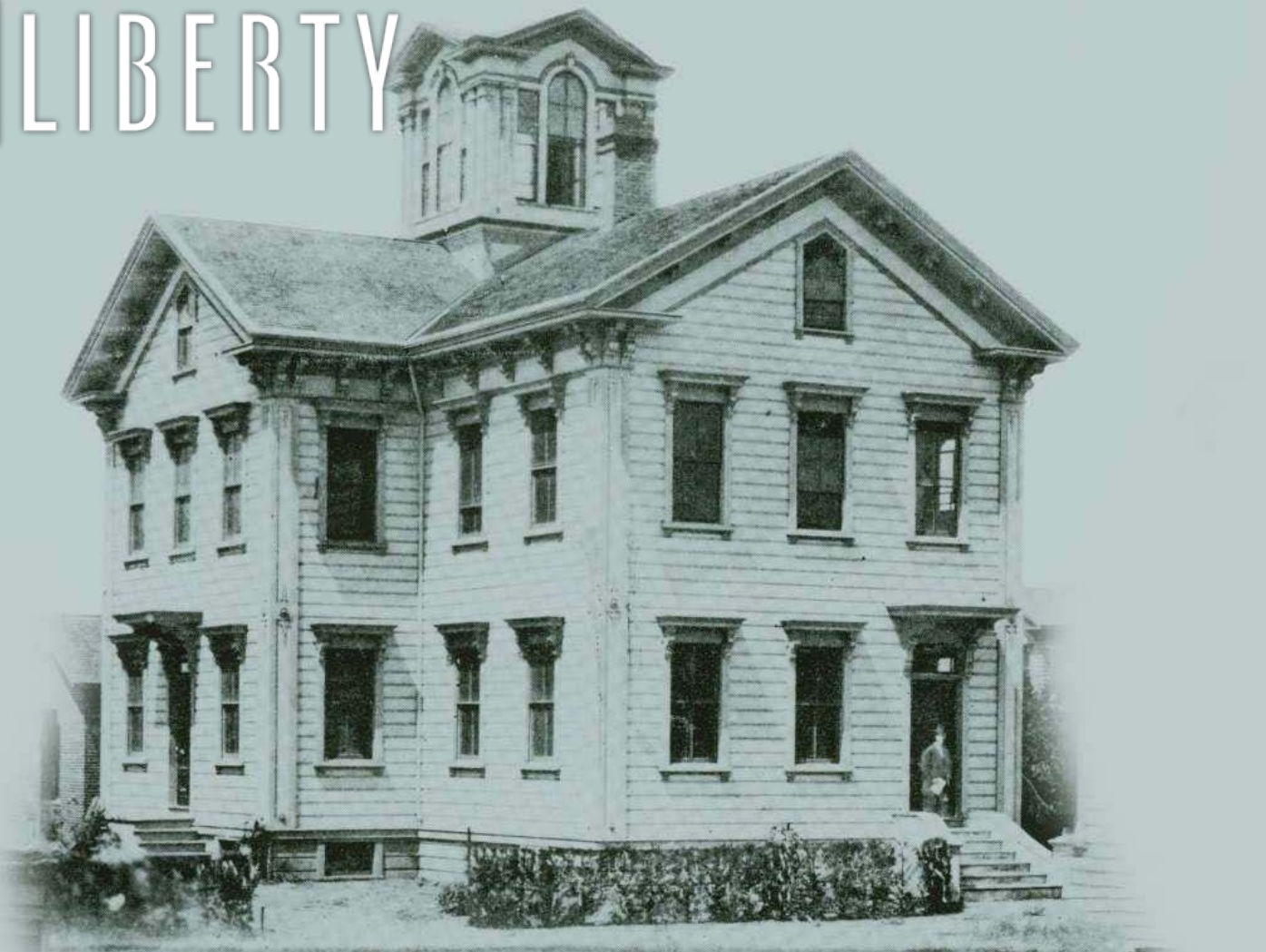


Tim Schultz (left) of the Ethics and Public Policy Center and his Excellency Hubert John Charles, Embassy of Dominica

There will be more Religious Liberty Dinners at other locations—perhaps even back at the Russell Senate Caucus Room, scene of the Watergate and Titanic hearings—but this more than any dinner yet showed the interconnected nature of the defense of religious freedom and the role that the Seventh-day Adventist Church can play through *Liberty* magazine, our legislative liaison work, the IRLA internationally, and in the United States and Canada through the North American Religious Liberty Association.

Author: Dwayne Leslie

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More Than Any Day

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by **Clifford R. Goldstein**



It wasn't exactly headline news, even in 1882, though for the then very small (17,169 members) and relatively new (founded in 1863) religious group, called the Seventh-day Adventists, it was a harbinger of things to

come. In Oakland, California, Willie C. White, a son of two founders of the church, and superintendent of the Pacific Press Publishing Association, had been arrested. The charge? Keeping the press open on Sunday.



“We have always supposed,” wrote George I. Butler in the *Review and Herald* (vol. 59, no. 9), an Adventist publication then located in Battle Creek, “[that] the old established communities of our country, habituated to church privileges and accustomed to religious influences and laws, would be the ones to enforce the Sunday law. . . . Our surprise has been great, therefore, to learn that a widespread agitation has sprung up in California relative to the strict enforcement of the Sunday law. Persons have been arrested, mass-meetings have been held, stirring speeches on both sides of the issue have been made, and great agitation has prevailed. Our brethren of the Pacific Press have been thrown into some perplexity to decide whether or not to run the risk of legal penalties by opening the office on Sunday as on other secular days, and Bro. W. C. White has been arrested for continuing to work on that day.”

There seems to be no court records of the arrest or of a trial, which probably means that nothing much resulted from it. And though that might be true, at least in regard to this one incident, the arrest of W. C. White for violation of a Sunday law was and (to a degree) still is symbolic of a much bigger issue: the free exercise of religion for a religious minority when a central practice of that religion clashes with the prevailing religious practice of the majority. In the case of Seventh-day Adventists, the clash arises from their keeping the seventh-day Sabbath in a nation of “Sundaykeeping” Protestants and Catholics.

Taking It Seriously

Of course, the phrase “Sundaykeeping Protestants and Catholics” is a bit of a stretch. For many Christians the keeping of any day holy is, really, a moot point. The vast majority of Sunday churchgoers are also Sunday store-goers and Sunday ballgame-goers and Sunday lawn-mowers and pretty much Sunday do-what-you-want-after-church-doers. This does not have to be a condemnation or a judgment; it is, simply, a statement of fact.

With Seventh-day Adventists, it is different. The name of the church itself, *Seventh-day* Adventists, pretty much reveals the seriousness with which they take the seventh day. They take it so seriously, in fact, that Adventists have lost their homes, their jobs, their families, and, in some cases (particularly overseas), their lives because of faithful adherence to what they believe is—just as much as “Thou

shalt not steal” and “Thou shalt not kill”—a commandment of God. Though, in the United States, Sunday-closing laws are few and far between, and the few on the books remain fairly toothless, that hasn’t always been the case, and Seventh-day Adventists in the United States have been jailed, fined, and even put on chain gangs for violating Sunday laws. Today, with the present eclipse of Sunday-closing laws, at least for now, Adventists in the United States still find themselves dealing with workplace conflicts when their refusal to work on the seventh day can cause problems with employers.

In short, this issue remains what it has been through the centuries: how to protect the rights of religious minorities whose practices clash with the cultural, political, and religious practices of the majority.

Remember the Sabbath Day

Why, though, do the Adventists take the seventh-day Sabbath so seriously? It’s because, as said above, they believe it’s one of the Ten Commandments, God’s law. And if one believes in the reality of sin, then one has to believe in the reality of God’s law, because the Bible teaches that His law defines what sin is. As Paul stated: “What shall we say, then? Is the law sinful? Certainly not! Nevertheless, I would not have known what sin was had it not been for the law. For I would not have known what coveting really was if the law had not said, ‘You shall not covet’” (Romans 7:7).¹

Thus, if sin exists, God’s law must too, and because the fourth commandment—which commands keeping the *seventh-day* Sabbath—is part of that law, it should be kept as well. For Adventists it’s that simple.

A common argument, however, is that the seventh day is the “Jewish” Sabbath, and that Sunday is the “Christian” one. Though this isn’t the place to flesh out the challenge in detail, a few points are worth considering:

First, the sanctity of the seventh day was established at the Creation week, before any Jews existed. “By the seventh day God had finished the work he had been doing; so on the seventh day he rested from all his work. Then God blessed the seventh day and made it holy, because on it he rested from all the work of creating that he had done” (Genesis 2:2, 3). Thus, the specialness of the seventh day, according to biblical chronology, was established a few thousand years before the Jewish nation existed.

Also, the seventh-day Sabbath was in force before Sinai, as seen in Exodus 16, when Moses chided the children of Israel for getting manna on the seventh day. “Six days you shall gather it, but on the seventh day, the Sabbath, there will not be any” (Exodus 16:26). The whole chapter presents powerful evidence for the sanctity of the seventh-day Sabbath even before the covenant expression of the law at Mount Sinai.

Others insist that Jesus Himself either abolished the Sabbath or changed it to Sunday, an argument based on the Sabbath controversies that He had with the scribes and Pharisees (*see, for example, Matthew 12:1-13; Mark 3:1-4; Luke 6:1-10; John 5:1, 2*). However, in all these incidents the issue was always over *how* the seventh-day Sabbath was to be kept, never about whether it should still be kept or whether another day, Sunday, would replace it. In a startling admission, James Westberry, at the time the head of an organization devoted to keeping Sunday sacred, wrote: “There is no record of a statement on the part of Jesus authorizing such a change, nor is there such a statement on the part of the apostles.”²

Orthodox?

Though others will vociferously argue against the Adventist position, whether, in the context of religious liberty, the Adventists are right or wrong is, really, beside the point. True religious freedom shouldn't be dependent upon the perceived orthodoxy of the beliefs or practices in question (something that's all but impossible in a pluralistic society like America, anyway). In *Watson V. Jones* (1872) the U.S. Supreme Court famously said: “The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.”

Though, of course, given the nature of things, the free exercise of religious practices cannot and should not be absolute (child sacrifice, for instance, would not be protected), the supposed orthodoxy or unorthodoxy of belief or practices must not enter the equation. After all, with more than 300 religions and denominations in the United States, just who would determine what's orthodox or not? American jurisprudence wisely forbids the law from making that distinction.

Sunday Blue Laws

Nevertheless, for a good portion of American history Sunday was not only universally viewed (as it is today) as the biblical Sabbath—the colonies (and then the states) enacted legislation designed to enforce it. They had strict laws that in

some cases, besides shutting down business, required church attendance. After the American Revolution, and the ratification of the U.S. Constitution, compulsory church attendance on Sunday stopped, but state Sunday-closing laws continued, with varying degrees of severity, across the United States, even as it expanded westward (as the 1882 incident with W. C. White showed).

Though Seventh Day Baptists were already keeping the seventh day when the Adventists discovered its importance, the Adventists quickly outgrew their Baptist counterparts, and before long ran afoul of the law. Committed to civil obedience, respect for the government, and love of country, many Adventists endeavored to obey the Sunday laws, however unjust they deemed them to be. Others, out of either what they believed was principle, or of necessity, found themselves in violation of the laws and were often jailed or fined or both. One iconic photo from the 1800s shows nine Seventh-day Adventists, including an ordained minister, working on a chain gang in Rhea County, Tennessee, as punishment for Sunday law violations.

A fair question would be Why not just obey the law, even if deemed unfair? After all, what nation would survive if people obey only the laws they deemed just?

On one level that's a valid argument; on another, it misses the point. Seventh-day Adventists shut down their business on the seventh day because of religious convictions. If, however, business necessitates them being open six days a week, a Sunday-closing law—which mandates they close on Sunday as well —will bring financial hardship. Why should they be made to suffer for a law that reflects a religious position that they don't adhere to? Isn't the whole point of the First Amendment's free exercise and nonestablishment clauses to protect people from having to adhere to religious practices that they don't hold?

Religious Laws

One would think so. Unfortunately in the 1960s the U. S. Supreme Court in a number of Sunday law cases upheld the constitutionality of Sunday-closing laws, arguing that, though originally religious, they now were essentially "civil regulations." They no longer promoted any particular religious belief, but simply advocated a day of rest.

Of course, one could retort (and many Adventists did) that the very concept of a "day of rest"—especially with Sunday (the "Christian Sabbath") just happening to

be that day of rest—is a purely religious idea, even if one dresses it up in secular garb. Fortunately, despite the High Court fumbling this one, the power of the demos kicked in. Because most people found Sunday-closing laws a pain, not to mention silly (in one county it was illegal on Sunday to buy toy submarines, staples, and staplers, but toiletries, flowers, and souvenirs were OK), Sunday laws in the United States, with some exceptions, are mostly a thing of the past.

At least for now. Who knows what could happen that could bring them back, and with a vengeance, too?

Whatever the future holds, Sunday laws are symptomatic of the bigger question regarding the power of the state to enforce religious dogma. It's kind of ironic and sad that the High Court, which is supposed to protect minorities from the majority, dropped the ball, and it was the majority who helped rid the nation of these antiquated and ill-conceived laws. And though the arrest of W. C. White was, in and of itself, a small incident, it remains a symbol of the grand question of religious liberty and how best to protect it.

1 Unless otherwise indicated, all texts in this article are from the *Holy Bible, New International Version*. Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc. Used by permission. All rights reserved worldwide.

2 James P. Westberry, "Are We Compromising Ourselves?" *Sunday*, April-June 1976, p. 5.

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About *Liberty*

Founded in 1906, *Liberty* magazine continues to be the preeminent resource for matters of religious freedom.



“When Will We Overcome Religious Intolerance?”

Published in the **September/October 2013** Magazine

Book Review, by **David A. Pendleton**



Recent events have called into question just how much progress humankind has made. The April 15, 2013, bombing in Boston, Massachusetts, disrupted more than just a marathon; it caused several fatalities, including the death of a child, and maimed and injured more than 100 others. Along with the immediate task of coping with yet another attack on American soil, we have had to confront the grave

concern of humankind's persistent propensity for violence.

At the time of this writing, the primary suspects in the Boston Marathon bombing have been two Chechen brothers, one of whom chose death over surrender when confronted by law-enforcement authorities. The people of Chechnya have suffered a history marred by bloodshed, even before it found itself within the Soviet sphere. A yearning for independence arose early on, first with secular leaders, then continuing with those increasingly and militantly Islamist, whose zealous faith embraced terrorist tactics. In the weeks following the April 2013 bombing, Russia's leader, Vladimir Putin, reportedly engaged in a finger wag, reminding the United States that disruptions in Chechnya were more akin to terrorism than an Arab Spring.

Americans and Chechens are not the only ones familiar with suffering. For example, before the Boston bombing there was the shooting of 77 Norwegians by a mentally disturbed xenophobe, who was subsequently caught, found guilty, and sentenced to 21 years in prison. However one interprets the conflict in Chechnya, the shootings in Norway, or the events of the Boston Marathon bombing, they are reminders of how few places on earth are immune to violence, how the actions of a few can be devastatingly lethal to many, and how intractable is the all-too-human penchant for hate. The fact that those responsible for the bombing may have been influenced in part by a perverse piety only fuels fears of religion.

History of Religious Intolerance

In a certain sense religious intolerance is not new to human history. The use of force and the practice of faith have long been closely, if disturbingly, associated; the cynical might say they are inextricably intertwined. While social scientists have rightly taught us that a correlation is not the same thing as causation, the fact that violence and religion have often been co-occurring conditions is nonetheless troubling. History shows that the sword and Sacred Scriptures have often been wielded by the same pair of hands—manifesting in and even predating the Protestant-Catholic wars in Europe, the Spanish Inquisition, the Crusades, and Constantine's Christendom.¹

The question of why religious beliefs motivate or abide violence is not readily answerable—and religious intolerance in our own time is resistant to quick fixes. Whether addressed by scholars or governmental institutions, ending violence has

never been easy.²

A Trajectory of Peace

There was a time after the Enlightenment in the seventeenth and eighteenth centuries, when Western cultures grew increasingly tolerant and accepting of difference—whether religious, racial, or cultural. During the reign of Queen Elizabeth I, for example, England made the decision to end the back-and-forth persecution of Protestants or Catholics in their midst. Laws concerning religious heresy were revisited, the active hunting of dissenters as under her sister Mary’s reign was curbed, and while Parliament passed an Act of Uniformity, compelling attendance at Church of England services, provisions were made for so-called recusants. Thomas Cranmer’s *Book of Common Prayer* was a constant at services, but imposing the death penalty on account of one’s religion declined sharply. Increasingly, to be executed for treason the prosecution had to prove more than mere religious nonconformance.

The Salem witch trials in colonial Massachusetts were the fruit of misogynistic sentiment, the inheritance of religious superstition, and a shameful legacy of injustice. And yet ironically they evidenced a growing awareness that process and procedure could not be dispensed with, that somehow the rule of law applied even in such situations in which society appeared under attack. At the time, Puritan leaders relied upon passages in the Bible authorizing the death penalty for witches (Exodus 22:18). Executions could not be summarily carried out against the accused; a trial had to be held.

With the passage of years, and after the American Revolution, the nascent United States adopted a written Constitution that disallowed the deprivation of life, liberty, or property without due process of law and forbade any religious tests for federal governmental office. As amended, it guaranteed that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” In ensuing Supreme Court cases, the American people fleshed out what religious liberty meant. Thomas Jefferson’s “wall of separation between church and state,” words from his 1802 letter to Danbury Baptists, became a dynamic metaphor that proved as protean in interpretation as it was popular in application. It served as a lens through which to delineate the proper spheres of governmental administration and religious conviction.

In due time, the international community took notice, most prominently with the United Nations endorsing religious freedom. In 1948 the U.N.’s Universal Declaration of Human Rights responded to the heartrending World War II experience, expressly safeguarding religious freedom in three articles.³

The American precedent inspired the U.N. to take this step. And the American president Franklin Roosevelt (FDR) ensured that his wife, Eleanor, served on the committee that drafted the declaration. Supporters saw in this evidence of FDR’s commitment to religious tolerance; skeptics saw this as a way to blunt criticism of his belated intervention against Hitler.

Whatever the reason, the result was a favorable forecast of things to come, such as the European Union’s Charter of Fundamental Rights, affirming that everyone has the right to freedom of thought, conscience, and religion. European courts have since held such freedom applicable to those professing no religious beliefs at all.

The French have a saying—*De gustibus non est disputandum* (In matters of taste there is no dispute)—that is apropos of the current contemporary situation in which religion is construed as purely subjective and entirely a matter of taste, over which there can be no legitimate disputing. While some welcome this as a good thing (leading to fewer disputes), others worry about a subtle undermining of religion (inviting a backlash). Whether to laud or lament the contemporary attitude toward religion depends on where you think such attitudes ultimately lead.

One Step Forward; Two Steps Back

World War II made clear the resurgence of religious intolerance. And one cannot help wondering whether an ever-increasing tolerance is the inevitable trend of history or just wishful thinking. Might peace be a “brief shining moment,” a momentary aberration, in an otherwise harrowing history of humankind, which, as Thomas Hobbes put it, is “nasty, brutish, and short”?

Human rights organizations have increasingly reported instances of religious persecution, growing in both number and ferocity. Since 2008 one rights watch group reported that even governments have reverted to uneven treatment of religious groups:

“Adherents of religions deemed by governments to be nontraditional in Eastern Europe and the former Soviet Union, including Jehovah’s Witnesses, Roman

Catholics, Seventh-day Adventists, Evangelical Protestants, minority Orthodox Christians, and members of the Church of Jesus Christ of Latter-day Saints, were among those targeted for violence, sometimes in the context of government restrictions on religious activities and official rhetoric that vilifies such groups.”⁴

Even if we determine that the recent uptick in religious violence is momentary, how long will this moment last? What can we do to promote peace? Could it be that a religious second law of thermodynamics of sorts is at work, predicting an inevitable decay of societal tolerance? The theology of not a few religions concedes tomorrow’s forecast of rain.

Diagnosis and Cure

Martha C. Nussbaum, a philosopher, historian, and legal scholar with the University of Chicago, has wrestled with questions of religious freedom. Her books—including *The Clash Within: Democracy, Religious Violence, and India’s Future* (2007) and *Liberty of Conscience: In Defense of America’s Tradition of Religious Equality* (2008)—received critical acclaim.

Her latest book, *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*, is a timely diagnosis and welcome prescription. A summoning call to truly “know yourself, so that you can move outside of yourself, serve justice, and promote peace,” it is learned, lucid, and hopeful.

Nussbaum describes our time as anxious and suspicious, one punctuated by narcissistic but understandable fear, requiring a genuine return to “first principles.” An effective response to religious hatred requires impartiality, self-examination, and respect for conscience. Overcoming what she dubs the “politics of fear” is essential if we are to preserve a civil society.

Dispassionate and impartial, but neither disinterested nor indifferent, Nussbaum shares that she became Jewish later in life and proudly underwent an “adult bat mitzvah in August 2008.” Her rabbi “believed in introspection,” taught that we “share a world with others,” and worked for “the good of others.” His eyes “sparkled” with the “variegated colors of affection.”

Her analysis benefits from a genuine appreciation for faith, community, and country, including her own, the United States of America. This is not a jingoism that whitewashes our own collective past to sharpen the contrast with other countries. Nor is this a patriotic ode to Irving Berlin’s “God Bless America.” She

asks not how to make the world more like America but rather how Americans can help make the world a more peaceful place for all.

In order to be true to "the better angels of our nature," as Abraham Lincoln put it in his first inaugural address, we must first admit and take responsibility for America's past "anti-Catholicism and 'nativism,' anti-Semitism, and a host of other prejudices against 'strange' minorities," present in but a stain upon "all Western societies." Confession is the initial step toward reconciliation.

Tolerance's Test Tube

America is an experiment in forming an essential unity out of kaleidoscopic diversity. Whether it is a successful experiment remains to be answered.

In the "land of the free," Emma Lazarus' poem "The New Colossus" welcomed immigrants from the four corners of the world. Arriving at Ellis Island beneath the blazing torch of the Statue of Liberty, the "huddled masses yearning to breathe free" found a life better than the one left behind. While we have cause to "be worried about the upsurge in religious fear and animosity in the United States, as well as in Europe," we have genuine reasons for hope.

Nussbaum's *New Religious Intolerance* draws on history, philosophy, literature, law, and human psychology in addressing the roots of and solution to religious intolerance. She alludes to a diverse array of thinkers and doers, books and concepts, and historical and contemporary events, such as Aristotle's *Nicomachean Ethics*, Thucydides' *History of the Peloponnesian War*, France's anti-Semitic Dreyfus Affair, John Rawls' *A Theory of Justice*, the ideas of John Locke and Roger Williams, and Marcel Proust's *Remembrance of Things Past*. Technical expressions, such as "availability heuristic" and "reputational cascade," actually help her tell her story.

She is interested in neither a paltry permissiveness nor a grudging forbearance toward those who are different. She champions the continuing recognition that the right not to be discriminated against is an inherent, not conferred, right. And for this proposition she cites none other than founder George Washington, whose 1790 letter to the Hebrew congregation insisted that no more is toleration spoken of, "as if it was by the indulgence of one class of people." Religious liberty is among the "unalienable Rights" with which peoples are "endowed by their Creator." "Life, Liberty and the pursuit of Happiness" cannot cohabit with a tyrannical government.

John Locke's ideas were in the air during the Revolutionary Period in early American history, inspiring the Declaration of Independence. His theories laid the foundation for a government structure whereby a secular state reigned without lording it over churches. However groundbreaking Lockean ideas were for the time, they still assumed a Christian world. Roger Williams went a step further, extending religious freedom to non-Christians and "even nonbelievers, whom Williams refers to as 'anti-Christians.'" Nussbaum applauds this maturing of religious liberty, without which society could not address the more "subtle forms of discrimination," otherwise imperceptible to the majority.

Gotthold Ephraim Lessing's *Nathan der Weise* (*Nathan the Wise*) is an eighteenth-century parable about a father and his sons who, each believing himself the bearer of a special ring, thereby lived in complete harmony. Such is Lessing's and Nussbaum's fervent hope for humanity.

The Mosque and September 11

If a ring can represent religious tolerance, what can (should) a mosque represent? Returning to more recent (post September 11m) developments, Nussbaum highlights the Muslim community's efforts to build a mosque not far from the fallen Twin Towers in Manhattan. Most New Yorkers, including Mayor Michael Bloomberg and Jewish journalist Thomas Freidman, are supportive. But there are opponents, who cannot disentangle violent Islam from its peaceful practice by millions of Muslims around the globe.

Naysayers deem it ill-mannered to have a mosque within "striking distance" of the memorial to all those who died on September 11, 2001. For them, ground zero is a sacred spot, a consecrated area, holy ground. (Yet in that same general location are reportedly risqué adult establishments—pole dancers being apparently less vulgar than prayers to Allah.)

Allowing such a house of worship in Manhattan is, in Nussbaum's spot-on estimation, fully in keeping with the best of American traditions. We embrace diverse peoples and recognize that being an American has nothing to do with skin color and has everything to do with, in Martin Luther King, Jr.'s phrase "the content of their character." Americans—whatever our accent, ethnicity, or faith—share a deep commitment to human rights. Our core beliefs eschew the temptation to selfishness and avoid asserting a "privileged case" for ourselves. America is big

enough to welcome all who seek peace, civic harmony, and freedom from intolerance.

1 In fact, scholars suggest that differences over faith may in part have motivated the genocidal reconquest of the Promised Land by Hebrew slaves returning from Egyptian bondage. Perhaps religious intolerance predates all three monotheistic faiths—Christianity, Islam, and Judaism—and written history itself.

2 Even Jesus Christ, when confronted by a religious law imposing execution, chose not to advocate abolition of the death penalty in cases of adultery. Instead, Jesus resorted to urging only those without sin to carry out the sentence—a clever though less-than-courageous solution. This only goes to show how daunting it is to change hearts and minds long-conditioned by cultural practices and habituated by revered traditions.

3 For example: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (article 18). Freedom of religion is also safeguarded in articles 2 and 16.

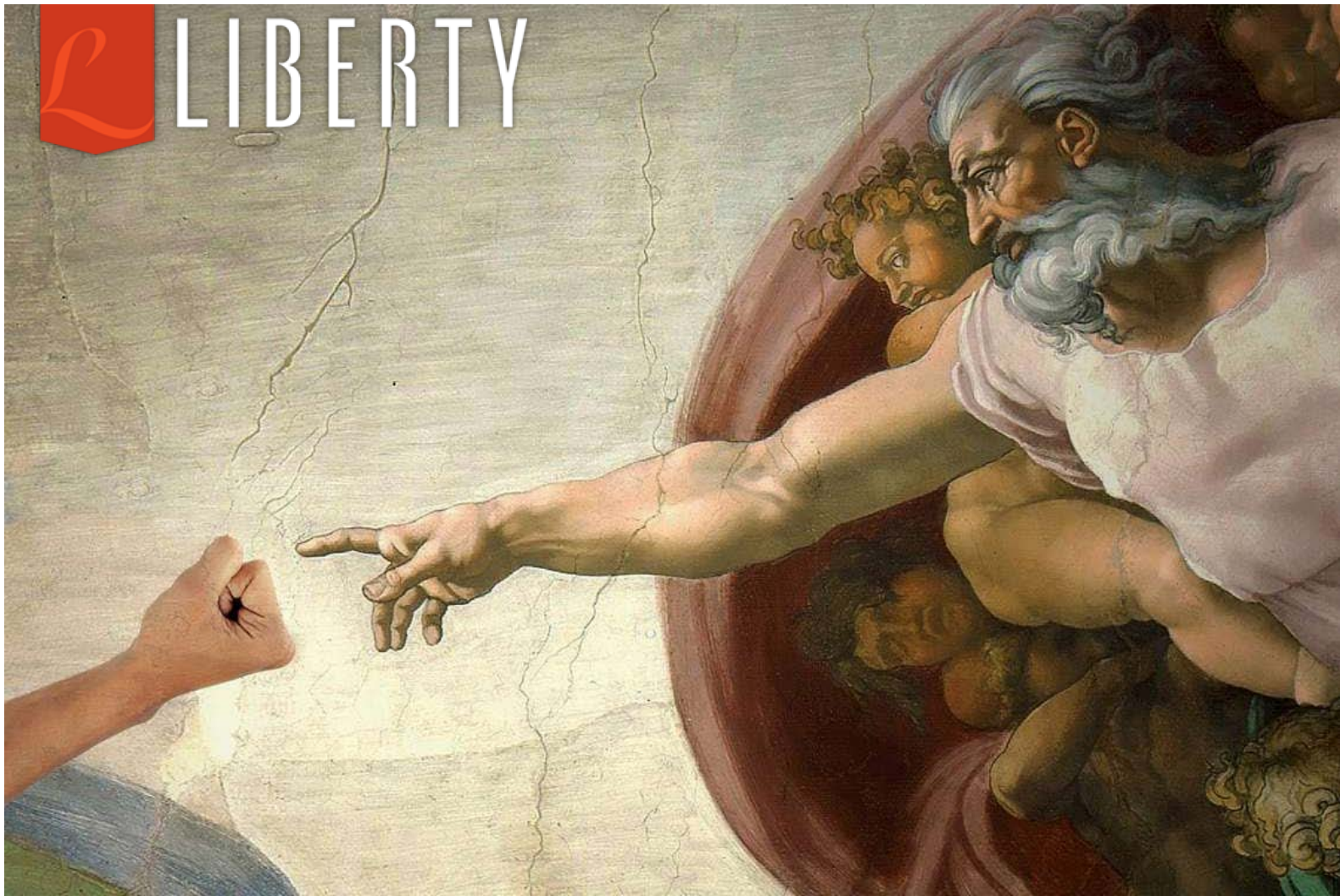
4 www.humanrightsfirst.org/our-work/fighting-discrimination/reports/religious-intolerance/.

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About *Liberty*

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Assessing the Secular Threat

Published in the **September/October 2013** Magazine

by **Kevin D. Paulson**



Advocates of religious freedom, be they genuine or merely self-designated, are astir in America just now. And many are deeply worried. They perceive a secular tide in the land, threatening to stifle the voice and visible practice of faith, at least the conservative kind.

When he was president of the U.S. Conference of Catholic Bishops, Cardinal Francis George referred to what he called “threats to religious freedom in America that are new to our history and to our tradition.”¹ Legal commentator Hugh Hewitt

described one of these threats as follows:

“For three decades people of faith have watched a systematic and very effective effort waged in the courts and the media to drive them from the public square and to delegitimize their participation in politics as somehow threatening.”²

In a recent address to the Becket Fund for Religious Liberty annual dinner, accepting the organization’s Canterbury Medal on account of his defense of religious freedom, Mormon elder Dallin H. Oaks observed:

“Powerful secular interests are challenging the way religious beliefs and the practices of faith-based organizations stand in the way of their secular aims. We are alarmed at the many—and increasing—circumstances in which actions based on the free exercise of religion are sought to be swept aside or subordinated to the asserted ‘civil rights’ of officially favored classes.”³

Oaks continued by citing a cluster of statistics allegedly proving a growing secular trend in the United States, particularly among young adults. Among the figures quoted was a 19 percent total of Americans supposedly claiming no religious affiliation,⁴ a figure purportedly including 33 percent of young people.⁵ The 19 percent figure was cited as solidly ahead of mainline Protestants and exceeded only by evangelical Protestants and Roman Catholics, who hold the allegiance of 30 and 24 percent of the American public, respectively.⁶ Equally significant, according to these sources, is the claim that at least half the 19 percent noted in this context presumably possess “a genuine antipathy toward organized religion.”⁷

A Closer Look

Attaching meaning to these statistics may not, however, be as easy as some presume. What is not often understood, for example, is that many evangelicals who attend church regularly and hold devoutly to conservative Christian beliefs, consider themselves “unaffiliated” with any particular denomination. Many of these attend independent congregations that claim no ties to any larger institutional or hierarchical structure. Many such persons, despite their strong faith in Scripture and orthodox Christianity, might well classify themselves as hostile to what they perceive to be “organized religion”—meaning in their thinking such major denominations as Baptists, Lutherans, Methodists, Roman Catholics, etc.

Moreover, defining the word “secular” can be equally elusive when applied to a

person's worldview. Does this definition signify overt disbelief in the fundamentals of religion? Or does it simply mean no firm commitment to any particular set of beliefs? The old adage about "no atheists in foxholes" makes the thoughtful analyst hesitant to characterize too quickly even the most vehement of anti-religionists. I recall an interview given by former President Jimmy Carter, as he recounted a negotiating session between himself and then-Soviet Premier Leonid Brezhnev. In the course of one particular conversation, Carter recalled Brezhnev insisting loudly that "God will never forgive us if we don't win!"—"we" referring apparently to the former Soviet Union. Carter noted in the interview how strange he considered that comment, coming as it did from the leader of an officially atheistic society.

Religious faith is as deeply ingrained in the human psyche as any expression of the human spirit. Perhaps this is why Scripture spends so little time addressing the challenge of overt atheism, other than to call one who denies God's existence a fool (Psalm 14:1; 53:1).

Religious Freedom Is a Two-Way Street

But whatever its true strength may be, the secular challenge deserves to be taken seriously by advocates of religious liberty. The question is What do we do about it?

I truly believe no workable solution exists except for all parties concerned—devout biblical religionists such as myself, along with persons of a nonreligious mind-set—to acknowledge that religious freedom is a two-way street. Both camps must recognize and protect the rights of the other. The notion of certain ones that "we have to take their rights away before they take ours away" can only deepen the divisions and hostility that define so many of today's cultural and political differences, particularly in the United States. A better solution must be found.

As a committed religious conservative myself, it pains me to admit that people who think like me have contributed to the current divisiveness in America over cultural and social issues. For more than three decades now, religious conservatism has become associated in many minds less with the proclamation of biblical teachings and the practice of biblical moral standards than with the use of civil force as a means of applying these teachings and standards to society. The notion that America is a "Christian republic" from which lifestyles and literature

unbecoming to Christian principles must be legally purged, has evoked a negative response far stronger than would likely be aroused simply by the voluntary teaching, publishing, and reception of Christian values. The specter of coercion attached to these values by the political agenda of the Religious Right has grown particularly offensive at a time when the religious zeal of certain ones—Christian and otherwise—has exploded into occasional violence. Anti-religionists in our day point repeatedly to such incidents as proof of the essentially toxic nature of religious faith—not apparently considering that overtly godless “reason” has a no-less-brutal track record in the human story.

Dallin Oaks’ reference to what he calls the “civil rights” of “officially favored classes,” more than likely a reference to practicing homosexuals and their current quest for marital and employment rights, bespeaks a mind-set that is troubling to those seeking a truly evenhanded approach to liberty in our land. The very use of quotation marks around the phrase “civil rights” relative to such persons might well persuade observers of the speaker’s animus toward the notion of granting such rights to groups whose conduct he finds abhorrent.

I would suggest this is most dangerous. Bible-believing Christians do believe homosexual practice to be sinful and antithetical to God’s will for men and women. But equal protection under American law is not only for persons holding to a religiously conservative worldview, nor is it limited to cultural conservatives in general. If Christians and other cultural conservatives wish protection for their right to denounce such behavior on the basis of their particular beliefs, they should confine such expression entirely to the realm of spirituality and voluntary choice, as they would with any other set of religious or cultural convictions. If religious conservatives were just as zealous in protecting the rights of those whose morality differs from theirs as they are in protecting their own right of free exercise and expression, much if not most of the antagonism attending these issues in society would likely be defused.

The homosexual issue is of deep moral import to Christians. And there are many other religious and theological disagreements with secular society and indeed within the Christian community. There are doctrinal disputes in Christian circles concerning biblical inspiration, the Trinity, the virgin birth of Christ, the law and salvation, and much more. Indeed, the biblical understanding of human

sexuality is deeply rooted in biblical theology, and cannot easily be separated from it. Religious believers in our land hold deep theological variances on many issues, differences that rarely if ever find their way into the sphere of civil legislation. It is in this realm of theological and moral debate that the controversy over the rightness of homosexual practice belongs. It is better expressed in the voice of the evangelist than the judge-inquisitor. It is not within the purview of a nontheocratic state such as we have in America.

The notion that political and cultural liberals are presently seeking to “drive religious people from the public square” sounds a bit strange when one considers that some of the greatest champions of liberal politics in America have been strongly and openly religious. A survey, for example, of the presidential campaign speeches of the late U.S. senator George McGovern, in his 1972 campaign against Richard Nixon, finds numerous biblical references and the evoking of Christian themes.⁸ Describing the senator’s worldview in his chronicle of the 1972 campaign, the late historian Theodore White spoke of how “the rhetoric of morality and Scripture comes naturally to him,” and that “the evangelist lingered always in George McGovern” because of his Methodist upbringing.⁹

Numerous other examples of a similar nature could be cited from throughout American history. I believe it can be fairly stated that what has lately aroused such resentment of religion in the public square is not so much the acknowledgment of God or of transcendent morality by public figures, but rather, the intrusion of a religio-political agenda into matters where the state simply does not belong.

Two Trees

According to the Bible, God placed two trees in the primeval Garden of Eden—the tree of life and the tree of the knowledge of good and evil (Genesis 2:9). While Adam and Eve were forbidden to eat of the latter tree (verse 17), God still placed that tree within their reach, thus giving them a free choice. True religious liberty can do no less. Freedom *of* religion, as well as freedom *from* religion, must become the avowed agenda of religious liberty advocates, regardless of faith or the lack thereof.

Recently on ABC’s *This Week With George Stephanopoulos*, a panel of clergy and several others, including an atheist, were discussing the issue of gay marriage. Perhaps the signature observation of this discussion was made by

Calvin Butts, pastor of the Abyssinian Baptist Church in Harlem, New York. Pastor Butts pointed out that while, according to Scripture, he cannot endorse the homosexual lifestyle or declare it to be morally correct, he is equally convinced that in a free country such beliefs cannot be legislated by civil law. The atheist woman on the panel responded that Pastor Butts' comments were "music to my ears." Religious liberty has a bright future in America if both the devout and the disbelieving can reach such agreement.

¹ Cardinal Francis George, "Catholics and Latter-day Saints: Partners in the Defense of Religious Freedom," address at Brigham Young University, Feb. 23, 2010, at <http://speeches.byu.edu/?act=viewitem&id=1888&tid=7>.

² Hugh Hewitt, *A Mormon in the White House? 10 Things Every American Should Know About Mitt Romney* (Irvine, Calif.: Trilennium Productions, 2007), pp. 242, 243.

³ Dallin H. Oaks, address to the Becket Fund for Religious Liberty Canterbury Medal dinner, New York City, May 16, 2013, at www.becketfund.org/wp-content/uploads/2013/05/elder-oaks-CMD-2013-Speech-PDF.pdf.

⁴ Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides and Unites Us* (New York: Simon & Schuster, 2010), pp. 7, 75-80, 558-561.

⁵ *Ibid* ., p. 558-561.

⁶ *Ibid* ., p. 17.

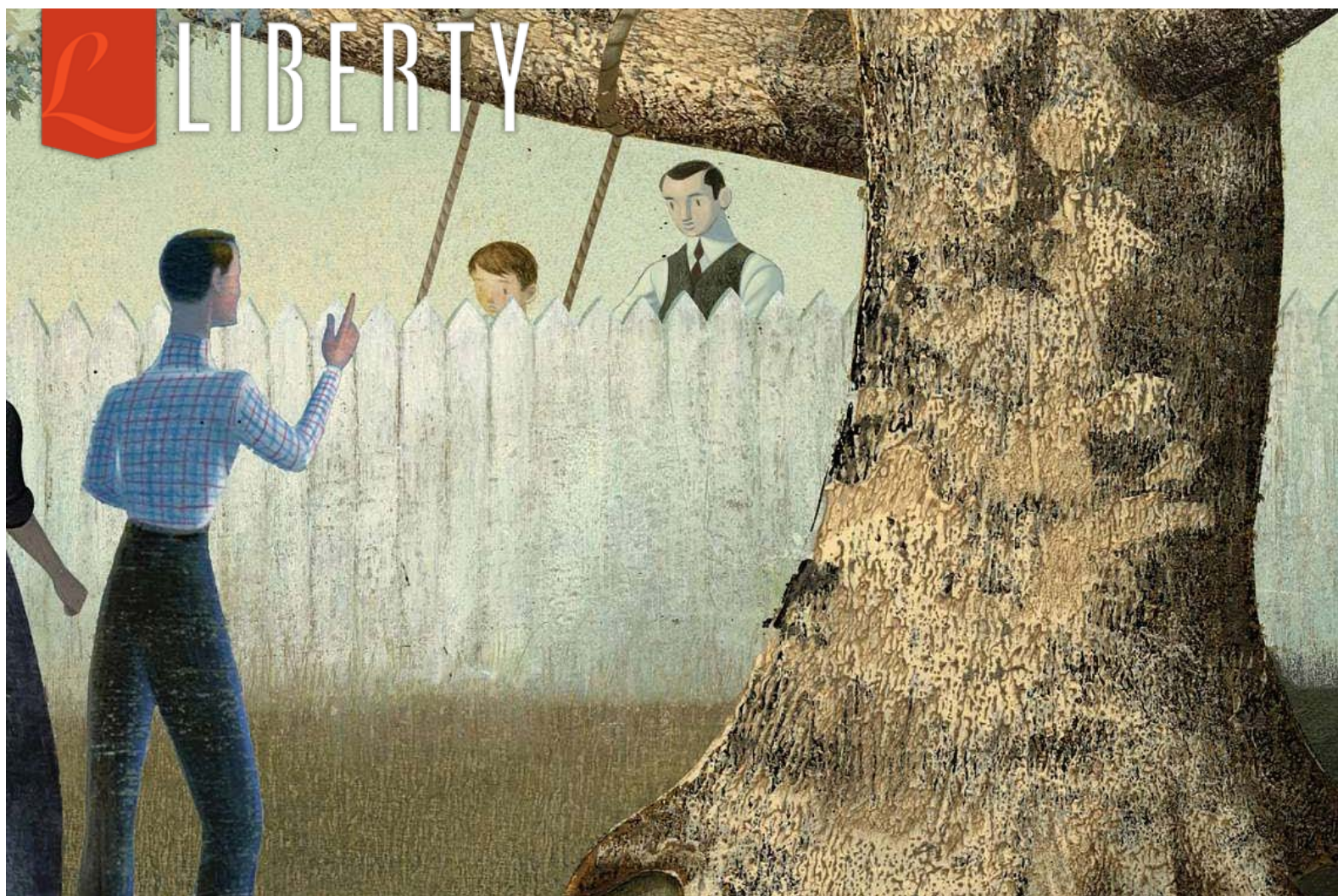
⁷ *Ibid* ., p. 566.

⁸ *An American Journey: The Presidential Campaign Speeches of George McGovern* (New York: Random House, 1974), pp. 19, 30, 42, 112, 118, 136, 162, 205-212.

⁹ Theodore H. White, *The Making of the President, 1972* (New York: Atheneum Publishers, 1973), p. 119.

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The State as Step-Parent

Published in the **September/October 2013** Magazine

by **Barry W. Bussey**



The protection of freedom of religion afforded by s. 2(a) of the [*Canadian Charter of Rights and Freedoms*] is broad and jealously guarded in our Charter jurisprudence.”¹ So said the Supreme Court of Canada in 2004. Times have changed. Given the recent decision of the court in the case of *S. L. v. Commission scolaire des Chênes* ² it would appear that the court is no longer so jealous.

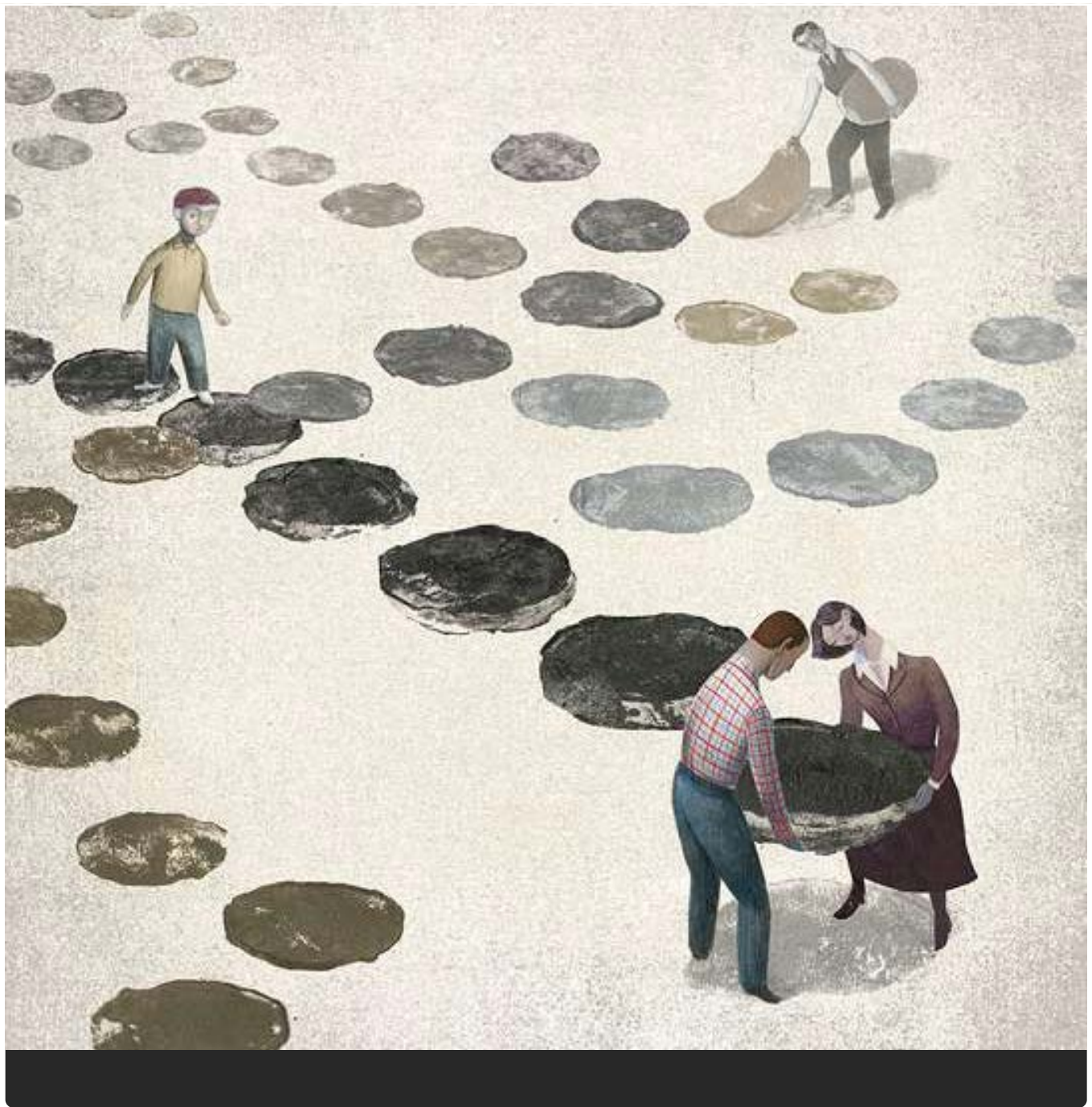
The *Commission scolaire des Chênes* case involved Catholic parents who objected to their children being required by the Province of Quebec to take the

Ethics and Religious Culture (ERC) course. The parents were offended that the course treated Bible stories as legends and taught Christianity as a cultural matter, rather than something that had any truth validity for ordering one's life.

The court decided that there was no evidence that the course interfered with the parents' ability to pass their faith on to their children: "It is not enough for a person to say that his or her rights have been infringed. The person must prove the infringement on a balance of probabilities." The court accepted the ministère's position that the purpose of the course was not to teach relativism or influence the beliefs of the students. In the words of the court, "The early exposure of children to realities that differ from those in their immediate family environment is a fact of life in society. The suggestion that exposing children to a variety of religious facts in itself infringes their religious freedom or that of their parents amounts to a rejection of the multicultural reality of Canadian society and ignores the Quebec government's obligations with regard to public education."

The court's analysis in this case marks a departure from how the law had, up until now, respected religious conscience in the early Charter cases. To prove an infringement of religious freedom was a relatively straightforward exercise. The claimant only had to establish what his or her sincerely held belief was and then show that the exercise of that belief was hindered. In *R. v. Big M Drug Mart, Ltd.* Chief Justice Brian Dickson wrote, "If a person is compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free."³ He stated that "subject to such limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, no one is to be forced to act in a way contrary to his beliefs or his conscience."





Therefore it should have been an easy matter for the parents to prove the violation of their religious freedom by: (a) outlining their sincere beliefs as to why their religious conscience could not allow their children to attend the ERC Program; and (b) refer to the government's refusal to exempt their children as sufficient testimonium to prove religious infringement.

Unfortunately, the court refused to adopt that historic approach to give deference to the claimants' religious conscience as to what constituted infringement. It sought an "objective" analysis as to whether "the ERC Program interfered with their ability to pass their faith on to their children." The court claimed

jurisdiction to determine what “infringement” of the parents’ conscience looked like. By doing so, the court has moved dangerously close to speaking for the subjective understanding of the personal conscience.

The court clearly had a philosophical problem with the parents’ refusal of their children to attend the “neutral course” on ethics and religion. The court was troubled that the parents were asserting “their own freedom, not that of the children.” The assumption appears to be that parents are to be careful not to intrude on the religious freedom of the children. However, it did not clarify as to when the children’s religious freedom right begins and ends in the process of being taught religion by their parents. It assumes that parents are on equal footing with the state when it comes to transferring religious instruction to the children. This is remarkable given the the long historic understanding that parents are best suited to pass on religious faith to their progeny. The court did not appreciate why the parents would want to limit their children from other faith perspectives, as it “is a fact of life in society.” “Exposure to some cognitive dissonance is arguably necessary if children are to be taught what tolerance itself involves.” With this understanding the court saw the parents’ position as amounting to “a rejection of the multicultural reality of Canadian society” and ignoring “the Quebec government’s obligations with regard to public education.”

It is not surprising therefore that the court framed the debate as it did. It’s philosophical perspective was incapable of comprehending the religious sensibility of the parents’ position. Clearly what was an infringement in the mind of the parents was not going to be so considered by the court.

The court took umbrage against the idea that the parents had the competency to single out the infringement to their right as they understood it. There had to be “an objective analysis of the rules, events or acts that interfere with the exercise of the freedom. To decide otherwise would allow persons to conclude themselves that their rights had been infringed and thus to supplant the courts in this role.” The parents “had to show that, from an objective standpoint, the ERC Program interfered with their ability to pass their faith on to their children.”

That objective analysis of the court included the following steps: First, the court determined sincerity and held that the parents were sincere in their belief that the course taught material against their faith. Second, the parents had to prove that

their right was infringed on the balance of probabilities. Third, it was not enough to say they had religious reasons for objecting to their children's participation in the course. There had to be some evidence that the course interfered with their ability to pass their faith on to their children. Fourth, "the court does not see how the ERC course interferes with the applicants' freedom of conscience and religion for their children when what is done is to make a comprehensive presentation of various religions without forcing the children to join them."

With respect, such an "objective" analysis is lacking. The court has imposed its own philosophical perspective of esteeming the value of exposing children to "realities that differ from those in their immediate family." Those differences, the court maintains, make up the "multicultural reality of Canadian society." The court simply does not accept the parents' view that "exposing children to a variety of religious facts" infringed their religious freedom. Surely it is not for the court to pass judgement on the value of any religious perspective. The overwhelming fact remains that the parents were of the view that it was offensive to their faith that their children had to attend this course. Whether we as a society agree with that position is not the issue. It is the parents' right. When the state dictates that those children must attend that course, the state has forced compliance. In the words of Dickson, these parents and their children "cannot be said to be truly free."

By means of illustration we can highlight the problematic nature of this decision. Consider the objection made, for more than 100 years, by members of the Jehovah's Witnesses (JW) community to their children singing the national anthem. Certainly, using the approach of the court in the *Commission scolaire des Chênes* case, a court could hold that "it is not enough for the appellants to say that they had religious reasons for objecting to their children's participation in the" singing of the national anthem. The national anthem is neutral. It does not force the children to adopt a religious faith in opposition to the family's heritage. It is simply an exercise in good civic participation. The parents may continue to pass on their faith to the children at home. In any event "the early exposure of children to realities that differ from those in their immediate family environment is a fact of life in society."

Clearly such a result of forcing young JW children to attend such programming violates every fiber of our long-standing and proud heritage of religious freedom in

this country. But there are many other religious minorities who might now stand in the way of a government intent on exposing their children to the “multicultural reality of Canadian society.”

The various Mennonite groups in southwestern Ontario have a long-standing position against being caught up in the affairs of the society around them. They educate their children only through the eighth grade. They live in their homes without electricity because they seek separation from the world. They are a people who have taken their desire to be separate so seriously that they refuse government subsidy programs from Old Age Security to provincially funded health care. They pay their own way. If the Ontario government were to adopt a similar course, as in Quebec, making it mandatory for all children to attend, should it then be reasonable that these Mennonite children be forced to the exposure of the “realities that differ from those in their immediate family environment”? It must be said that these Mennonite people have every right to educate their children in their unique way of life without the dictating hand of the state compelling them to adopt a religious perspective (that all religions are of equal importance and authority as their own) that they find offensive.

Children are nurtured in a family environment with a cultural milieu that encompasses not only a neighborhood but a faith perspective. I suggest that children are better capable of being able to deal with a multicultural society when they are self-confident in understanding their own background. With a firm base of who they are and where they came from, they will better appreciate the differences of the other communities. Confusion in young persons, on the other hand, about who is to be the moral authority over what is true may well lead to the demise of their community. This is because they and their peers will become confused by the state’s assertion as to what is and is not moral in contradiction to their parents and religious community. The state must be careful not to usurp the long-understood role of the parents to raise their next generation. This is not to be taken lightly. Such interference will affect the very “DNA” of the societal structures of those religious communities that have withstood the test of centuries as a way of life. History has shown that in extreme cases such interference may very well lead to religious communities having to make the very difficult decision of leaving their home country for a more hospitable environment that will respect their particular

way of life. If such an event were to happen in Canada, the Canadian “multicultural reality” would become a fraud and a broken promise.

1 Reference re Same-Sex Marriage 2004 SCC 79, [2004], 3 S.C.R. 698 at para. 53.

2 2012 SCC 7 (February 17, 2012).

3 *R. v. Big M Drug Mart, Ltd.* [1985], 1 S.C.R. 295 (Apr. 24, 1985), at para. 95.

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Sao Paulo Has Its Day of Religious Freedom

Published in the **September/October 2013** Magazine

by **John Graz**



The very first mega festival of religious liberty was held in 2006 in São Paulo. At that time 12,000 people filled an indoor stadium. This was soon followed by festivals on five continents. The two largest ones were held in stadiums in Luanda, Angola (2008), and in Lima, Peru (2009). Crowds of tens of thousands of people attended them. At least 10 more festivals are planned before the end of 2014. It is

expected that four of them will attract more than 20,000 attendees.

In a ringing statement of continuing support, the city council of São Paulo, Brazil, designated May 25 this year as the Annual Religious Freedom Day. It was officially announced during the largest outdoor rally for religious freedom ever held. On May 25, 2013, in São Paulo, Brazil, history was made as 30,000 people gathered in the Vale do Anhangabaú to say thank You to God and thank you to Brazil for religious freedom. It was a happy highlight to the second World Festival of Religious Freedom.

The program began on Wednesday, May 22, with the International Symposium on Law and Religious Freedom organized by the Bar Association of Brazil. Then, on May 23, an International Forum for Religious Freedom was held at the hall of the Legislative Assembly of the state of São Paulo. Among the speakers were Professor Cole Durham, director of the Center for Law and Religious Studies; Ganoune Diop, International Religious Liberty Association (IRLA) United Nations Liaison; attorney Todd McFarland, IRLA legal adviser; and Brian Grim, senior researcher at the Pew Research Center's Forum on Religion and Public Life. The IRLA delegation and the organizers of the festival also met with several religious leaders, including Cardinal Odilo Scherer, archbishop of São Paulo.

On Friday evening a great liberty concert was performed by an orchestra, choir, and various musicians at the Adventist University of São Paulo. It surely will begin a new tradition of religious liberty concerts. The last liberty concert was in 2008 at the Spencerville Seventh-day Adventist Church in Maryland, U.S.A. About 700 people attended that concert.





Young people were featured prominently at the festival.

On Saturday morning all the Seventh-day Adventist churches in Brazil focused the sermon on the theme of religious freedom. It has already become a tradition for the Adventists. Every year the last Saturday of January is Religious Liberty Sabbath and a time when members recommit to religious freedom and distribution of Liberty magazine. All churches and religions should dedicate one day for such a promotion.





Representative of the Seventh-day Adventist Church met with Sao Paulo state Governor Geraldo Alckmin, center. At left is Edson Rose, the Adventist Church's Public Affairs and Religious Liberty director in South America; at right is John Graz, Public Affairs and Religious Liberty director for the world church.

The climax of the São Paulo festival was a large gathering held in the Vale do Anhangabaú on Saturday afternoon. The program was “grandiose,” to use an often-overworked word, but appropriate here. Music, songs, and short speeches alternated effectively to communicate a grand theme. The entire program was covered by the newest TV channel, which covers São Paulo: TV Nuovo Tempo.

The Seventh-day Adventist Church, the main sponsor and organizer of this festival, was represented by its world president, Ted N. C. Wilson. With him were Delbert Baker, a general vice president; Erton Kohler, president of the church in South America, and Domingos Jose de Souza, president of the Central Brazil Union Conference of Brazil.

Roman Catholic cardinal Odilo Scherer sent a representative who, along with many other religious leaders, including Jewish, Muslims, Evangelicals, and Afro-

Brazilian religions, were part of the large gathering. The Church of Jesus Christ of Latter-day Saints also sent a sizable group of attorneys and other religious liberty experts to the four days of meetings.

The IRLA collaborated with its Brazilian partner association, ABLIRC (Brazilian Association of Religious Liberty and Citizenship), to cosponsor the event. Together we have worked to promote the event since 2002, and more specifically since 2010, following the first World Festival held in Lima, Peru. Edson Rosa, the IRLA secretary-general for South America, played a significant role in the promotion of the first festival, and he was the key organizer of the second one. He worked with the support of Attorney Alcides Coimbra, secretary-general of ABLIRC, and Samuel Luz and his team. The Religious Liberty Commission of the Brazilian Bar Association's São Paulo Division (OBA) and its president, Attorney Damaris Moura Kuo, assisted them.

The Festival of Religious Freedom has contributed to the promotion of this fundamental freedom by gathering such a large number of people to celebrate together. It has been an opportunity for hundreds of thousands to publicly thank God and their country for this fundamental and fragile freedom. With its tradition of religious pluralism and freedom, with its popularity in many countries around the world, Brazil should become a major actor to defend this great value of religious freedom.

Now we have to look at 2018 for the third World Festival of Religious Freedom. I am sure the IRLA will find more partners and will be able to give even more power to the voice of freedom.

Author: John Graz

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A Lawless Law

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by **Imam Shamshad A. Nasir**



The scene has been repeated so often in Pakistan in the past several years that the word “shocking” is no longer applicable, because it’s no longer shocking, just (sadly), tragically predictable. As for the perpetrators, the only thing that changes is the name of the so-called Muslim extremist group that proudly takes responsibility for the latest suicide bombing, target killing, or mob attack. As for the victims, that category rotates through a familiar list: Shia Muslims, Ahmadi Muslims, Christians, Sikhs, and Hindus.

This time around, on Saturday, March 9, an angry mob of 3,000 so-called Muslims affiliated with the Taliban attacked Joseph Colony, a Christian enclave in the industrial section of Lahore. Fueled by charges of blasphemy against a Christian who lived in the colony, the mob proceeded to loot the houses while the police looked on and did nothing. The police were equally uninspired to uphold the rule of law and safeguard people and property when the lawless mob set fire to an estimated 180 Christian homes and two churches. (A few days later, though, elsewhere in Lahore, the police regained enough of their sense of civic duty to wade in with batons, tear gas, and riot gear to disburse a vocal crowd of demonstrators—all Christians—protesting the blatant injustice and lack of police protection only days earlier in the attack at Joseph Colony. If the protestors had been wielding torches, I'm sure the police would've had the fire department at the ready.)

So how did this latest spasm of violence and inhumanity erupt, costing the homes and worship places of hundreds of innocent Christians? It is reported by a French news site that the charge of blasphemy against a Christian was made by his Muslim friend—while both of them were drunk! Getting intoxicated, it seems, was a shared pastime they engaged in on a daily basis after work. It isn't difficult to imagine how, while drunk, the animosity of the Christian could be easily roused by the frequent maltreatment and disrespect of him and his fellow Christians at the hands of so-called Muslims. And it is just as easy to imagine how the drunken Muslim would naturally take offense at any unkind remarks directed at his religion or the prophet Muhammad.

And as everyone in Pakistan knows—especially Christians and Ahmadi Muslims—saying or doing anything that could be seen as an insult against Islam or the Koran or the prophet Muhammad is just not something you do without worrying about the often deadly consequences. In fact, those consequences are so well known that you would be crazy to even consider blaspheming Islam, the Koran, or Muhammad—knowing how quickly a mob of angry and impassioned Muslims would show up on your doorstep to teach you a quick and violent lesson in Islamic intolerance of perceived blasphemy in Pakistan.

This state of intolerance began in 1974, when the Pakistan constitution was amended to appease the mullahs for their political support by declaring Ahmadi

Muslims apostates from Islam. Since then, Ahmadis have been the victims of discrimination in political advancement, voting, housing, education, and business. And starting in the mid-1980s with draconian enforcement and reinterpretation of nineteenth-century British India-enacted blasphemy laws, Ahmadi Muslims and other religious minorities (including Christians) have suffered intense persecution, boycotts, and even targeted killings and mass murder at the hands of extremist Sunni Muslims.

These amended blasphemy laws initially criminalized the public practice or expression of Islam by Ahmadi Muslims as a way to keep them isolated from the Sunni mainstream, but later the blasphemy laws were directed against anyone not classified as the “right kind of Muslim,” such as Shias, or against members of minority religions, such as Christians, Sikhs, and Hindus.

Nowadays radical mullahs and their congregations routinely threaten violence against religious minorities and political insurrection against the ruling party if they are opposed or brought to justice. It is then no surprise when government leaders and politicians either ally themselves openly with the terrorists or don't confront or oppose them, choosing silence instead. And those brave souls, such as Punjab governor Salman Taseer and his minister of minorities Shahbaz Bhatti, who do stand up and speak out against the terrorists, end their careers in a hail of gunfire.

Concerning the terrible price Pakistan will pay for doing nothing to repeal the blasphemy laws, Ali Dayan Hasan, Pakistan director at Human Rights Watch, has summed up the current situation quite succinctly: “The ugly fact is that the blasphemy law is an enabler of mob violence against vulnerable groups. As long as such laws remain on the books and the authorities remain unwilling or unable to rein in mobs playing judge, jury, and executioner, Pakistan will remain plagued by abuse in the name of religion.”

It is just this abuse in the name of religion that is at the heart of the survival of Pakistan as a nation. As the Christians of Joseph Colony can attest, it is easy to see by their actions who are the ones truly guilty of bringing dishonor to the name of the prophet Muhammad and the religion of Islam. The true blasphemers continue to be those Muslims who burn down the homes and churches of Christians, and who force Christian and Hindu girls to convert to Islam and marry Muslims, and who become suicide bombers and violent jihadists, killing innocent

Shia and Ahmadi Muslims because they are not following the Islam of the suicide bombers and violent jihadists.

Today the rule of law and a hope for justice do not exist in Pakistan, nor in Indonesia, nor in Saudi Arabia, nor in any professed Muslim country where the freedom to practice one's faith peacefully and in peace is only a fleeting dream held hostage to hatred, intolerance, and fanaticism. These are not the qualities or directives of the prophet Muhammad, nor are they what define the true teachings of Islam. Sadly, it is when Muslims think and act like those who looted and burned the homes of Christians in Lahore that we are confronted with a blasphemy that must be condemned.

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