The Fate Of The Co-Joined Twins

BY: WILL DURANT

Hence a certain tension between religion and society marks the higher stages of every civilization. Religion begins by offering magical aid to harassed and bewildered men; it culminates by giving to a people that unity of morals and belief which seems so favorable to statemanship and art; it ends by fighting suicidally in the lost cause of the past...Conduct deprived of its religious supports, deteriorates in epicurean chaos; and life itself, shorn of consoling faith, becomes a burden alike to conscious poverty and to weary wealth. In the end a society and its religion tend to fall together, like body and soul, in a harmonious death.

Historian Will Durant in an exposition of the interaction of church and state in societies. From The Story of Civilization, volume 1, page 7.
The Persecutory Impulse: The Medieval Not Quite Reformed

Part Two In A Series

BY: DAVID J.B. TRIM

Part Two in a Series. Click here for Part One, "The Christian Persecutory Impulse."

In the first article we saw that Christian persecution neither originated with Emperor Constantine I in the early fourth century nor was inflicted on the church as part of efforts to extend imperial power. While persecution eventually was indeed imposed by imperial fiat, the laws against paganism and heresy passed by Emperor Theodosius I in the late fourth century reflected not only his own attitudes but also those of many Christians. Persecution arose within the church as well as in the halls of imperial power. There seems to be implicit within Christianity as practiced over the past 2,000 years (even if not as taught by Christ) a persecutory impulse.

It is easy just to condemn the persecutory mind-set and oppressive behavior, since they seem so hateful; yet it is essential to make the effort to understand why people persecuted in the first place, for otherwise we might ourselves be drawn into the same modes of thought or behavior that today we condemn. Intolerance and violence still lurk in the souls of many people (including Christians), even in pluralist Western societies. Meanwhile, in other parts of the world, willingness to oppress religious dissidence is not even hidden below the surface—it is open and unapologetic.

The events of the Reformation and the 200 years that followed it still shape, to a very great extent, religious attitudes and practices in Western society. There are lessons to be learned as we confront our own intolerant instincts and seek to promote religious freedom more widely.

Protestantism and Liberty

The roots of today’s modern tolerant, pluralistic Western society have long been seen as lying in the Protestant Reformation. In recent years, however, historians have exposed as a myth “the liberal tradition of the nineteenth and twentieth centuries” according to which the Protestant Reformers were “battling for individual liberty and public tolerance” and “the advent of Protestantism” was the vital step in creating “the tolerant society.” Using archives previously unknown or overlooked, historians have painted a seemingly more accurate picture of the history of the Reformation, revealing that, institutionally and collectively, Lutheran and Reformed Protestantism matched the intolerance of Catholicism, and that Protestants were often as ready to persecute as were Catholics.

Now, to be sure, eventually one result of the Reformation was to be the emergence first of religious toleration and then of the broader concept of religious freedom. But initially Protestants were no more willing than Catholics to tolerate religious multiformity. Of course most Protestants were so recently themselves Catholics and carried with them many of the same ongoing assumptions about how religion was to be advanced and protected.

In this article we will consider the issue of why Christendom was so committed to uniformity and so willing to persecute at the time of the Reformation—and hence continued to be for many decades. What were the origins of Christian intolerance?

The Medieval Background

In Christendom in the sixteenth century, at the dawn of the Protestant Reformation, as in the medieval century that preceded it, attitudes toward religious diversity derived from the greatest Christian thinker of the church’s first millennium, Augustine of Hippo and were uniformly hostile.
In the fifth century the new persecutory reality that had emerged in the late fourth century was endorsed and given theoretical underpinning by the extraordinary North African philosopher-theologian Augustine. He originally believed (so he later recalled) “that no one can be compelled to the unity of Christ” so that Christians ought to “work only with the word, fight with disputations, and conquer by reasoning.” If they did otherwise, the end result would not be genuine conversion and a relationship with Jesus, but only hypocritical outward conformity.

But Augustine gradually changed his mind. “Hypocritical adherence,” he decided, at least allowed for “instruction by the church”; and while “instruction is to be preferred to punishment,” and the walk of faith is better “when love leads,” nevertheless, he argued, “many have to be brought in first by fear.”

Paul, Augustine ingeniously argued, had been forcibly converted by Christ, who imposed blindness to compel Saul to “see” the error of his ways. The bottom line was that Christianity is true—in consequence, pagan persecution of Christians had always been unjust; but “there is,” he averred, in a hugely influential passage, “a just persecution, that of love, which summons from error to the truth, in order to redeem its enemies from corruption.” Accordingly, he concluded: “Why should not the church compel her lost sons to return?” He applied this to pagans as well as to heretics and the heterodox, since all humans are lost sheep of the great shepherd.

Now, one can find in Augustine’s writings what appear to be arguments for toleration, but it is essential to recognize that Augustine only regarded toleration as acceptable when, due to political weakness, the church was obliged to accept accommodation with its enemies, rather than confronting them. Toleration to Augustine was contingent, temporary, and prudent, rather than principled and permanent. Because “every city or house divided against itself shall not stand,” only a united church could fulfill its divinely ordained purpose. Accordingly, in Augustine’s thought, and in Christian thinking for 1,000 years thereafter, intolerance in defense of the unity of the church is a virtue.

This is allied to Augustine’s belief, already quoted, that intolerance is also potentially salvific: it could “redeem” sinners from their “corruption.” The church’s purpose is to bring as many souls as possible into the heavenly kingdom. It is therefore justified in sometimes acting ruthlessly in order to save the souls of sinners, which it loves, from the fruit of their sins, which it hates and which will otherwise damn them for eternity. As Augustine urged, the church and believers must act “cum dilectione hominum et odio vitiorum” — “with love for mankind and hatred of their failings.”

In Augustine’s thinking, then, in spite of its violence, persecution, if redemptive, is an act of love.

Why Persecution?

Persecution is often presumed to be the fruit of bigotry and prejudice. The actual reasons for persecution are typically more complex. Persecution can, of course, be the fruit of simple intolerance, cruelty, or sadism. Yet, as with Augustine, it can also be a product of seeming Christian charity and love.

Although execution was the ultimate sanction, it was only inflicted on a heretic who refused to accept correction. There were a whole range of punishments short of execution, ranging from public confession of error and penance through fines and imprisonment. Thus, a peasant who unthinkingly and out of ignorance expressed sympathy for an unorthodox view of the Trinity, for example, or who, while drunk, sang scandalous songs about a saint, would not be burned, but told to do penance. The persecutor was also a pastor! People guilty of heresy, sacrilege, or blasphemy would have their errors pointed out to them and the reasons why their beliefs were wrong carefully explained to them. Church officials were often willing to spend long hours in debates with religious dissidents, trying to win them over. If, however, having been shown the errors of their beliefs and practices, they persisted in them stubbornly and willfully (“contumaciously” in the jargon of the time), refusing to retract (or “recant”) them—then, but only then, the church would hand them over to the secular authorities, which generally meant the death penalty (inasmuch as the church had no power to take life).

Of course, even though the death penalty was only rarely imposed immediately or casually, by its nature it was unlikely to help a heretic to repent of his or her errors. Yet even though execution might not save the soul of the subject, it could still be imposed from...
the best of intentions, for it was not only the soul of the heretic that was at stake.

Heresy was generally seen as insidious and infectious—it was constantly characterized in sermons, commentaries, and polemic as pollution; as a highly contagious disease such as leprosy; as a cancer; as gangrene. It could not be localized; whatever it touched it infected and then destroyed. Thus, one could not, in a spirit of generosity and out of horror of violence, allow heretics to live on the assumption that they would only damn themselves. They would inevitably infect others with their soul-killing dogma. Christian charity, then, demanded that the heretic must die, lest the infection they represented spread, and lest they taint or contaminate their entire community.

Just as cutting out a cancer or amputating a gangrenous limb was painful for the area of the body involved but saved the body as a whole, so the Christian must steadfastly, unwaveringly cut the tumor and blight of heresy out of the body of Christ, hurling the individual heretic so that the community as a whole might be saved. Thus, even execution could be an act of love, to correct and to save souls—for while heretics were presumably damned, slaying them could save the souls of all those around them.

Finally, persecution was also held to be a necessary response to false religion, as enjoined by the Word of God. In the Old Testament, Israelite king after king is condemned for not wiping out idolatrous worship; the end result was Israel's eventual destruction. The implications were plain: to permit false religion to flourish would simply provoke God to punish both heretics or pagans and those who tolerated their presence. Violent acts by the faithful only preempted the even more violent wrath of God and would be rewarded by divine blessings.

So fervent was the fear and hatred of heresy in Christendom that not infrequently, when heretics had been identified but not yet been given a chance to recant, mobs gathered to seize and burn them, lest the ecclesiastical authorities go easy on them. However, as we have seen, only contumacious heretics were to be executed, and the church regarded such mob justice as repugnant; on occasions, clergymen braved angry crowds, attempting to save convicted heretics from death.

Political and Social Unity

There was a final reason that persecution was widely accepted either as the lesser of two evils or as a positive. Medieval and sixteenth-century statesmen and philosophers, as well as churchmen, universally assumed that religious division would inevitably end in social and political collapse. This was not a theological position (though it probably originated in part from reading literally the metaphorical words of Jesus: “Every kingdom divided against itself is brought to desolation”), but it was a standard presumption. The prevalent attitude in Christendom toward the relationship of church to state and toward religious uniformity was a French reformulation of Ephesians 4:5 that dated back at least to the ninth century and was proverbial by the sixteenth century: un roi, une loi, une foi—one king, one law, one faith.

When the fate of the nation was at stake, violence was a reasonable response—this was the origin of the concept of just war. If religious diversity endangered the nation, then violence, in the form of persecution or of religious war, was, again, justified. For the social, political, and ecclesiastical elites, even if the pastoral issue could have been avoided, heterodoxy could not be allowed to flourish, for a polarized society would collapse.

The Reformers and Persecution

The leading Protestant Reformers all endorsed the persecutory paradigm and shared the presumptions that underpinned it. While obviously not agreeing with Catholics that they, themselves, were heretics, they still condemned as heretical those doctrines that were, in Martin Luther's words, "contrary to the faith as it is clearly founded on the Scriptures and professed by all Christendom." They also still accepted that heresy should be persecuted out of existence for the common good.

Huldrych Zwingli attacked the Anabaptists "as seditious and treasonous, as murderers and poisoners," and, at his request, in 1526 Zurich made Anabaptism punishable by death. About the same time Luther roundly declared that anyone who asserted that "Christ is not God" should be "stoned." Philip Melanchthon rejected an Anabaptist appeal for toleration in 1536 on the grounds that "the civil magistracy . . . is bound to punish corporally blasphemy, false teaching, heresies, and their partisans." The punishment he envisaged had been made clear in an earlier statement that all those who "proclaim tenets that are frankly blasphemous, even if they are not rebels, should be done to death by the civil authority." Melanchthon's observation that it did not matter if heretics claimed they were "not rebels" (i.e., asserting that they were loyal subjects of the prince in everything save religion) betrays the presumption that
religious heterodoxy would inevitably destroy the state in any case.

Heinrich Bullinger affirmed in 1546 that just as Christians had always regarded heresy as a vice, so Reformers still looked upon it "with horror," and would continue to punish it as if it had always been punished "with fire." As for John Calvin, in treatises published in the late 1540s and early 1550s he wrote that heretics "infect souls with the poison of depraved dogma." He explicitly justified using "the most extreme" measures to ensure "that the deadly poison may not fester." It was better "that the whole Body of Christ [i.e., the church] be lacerated than that . . . one rotten member . . . remain undisturbed," for otherwise the gangrene of heresy would spread and destroy the whole body. Heretics, as "murderers of souls," deserved the punishment meted out to persecutors: death. He warned against feelings of mercy, since Christian charity dictated that heretics could be neither tolerated, nor pardoned once apprehended, lest they continue "to murder souls . . . with their false doctrine."14

The Persecutory Consensus

Thus, persecution was almost omnipresent in the first half century of the Reformation. The Anabaptists or so-called Radical Reformers (today, a modern, not contemporary, term), who were persecuted by all Protestants, as well as Catholics, are sometimes held up as models of tolerance and renunciation of violence. They were not a cohesive movement and were sufficiently diverse to make generalization difficult. Yet it is notable that one of the major Radical groups, the Swiss Brethren (whose beliefs were summarized in the seven articles of the Schleitheim Confession [1527]), espoused harsh and intolerant treatment of those who diverged from the common line, including expulsion from the community.15 Indeed, Calvin attacked their readiness to excommunicate "even on account of involuntary sins"16—if Calvinists were harsher on those condemned as heterodox, they were perhaps less quick to condemn.

Furthermore, at Münster in 1534 and Amsterdam in 1535, where German and Dutch Anabaptists believed that the eschatological scenario foretold in the book of Revelation was coming to pass, their previous pacifistic attitude gave way to extreme intolerance and violence. Normal standards did not apply during the apocalyptic time frame, when the wicked were to be destroyed. The attempted Anabaptist coup in Amsterdam failed, but that in Münster succeeded; the results included enforced polygamy, a reign of terror, and widespread bloodshed, even before the city's Catholic bishop eventually regained control and there was a slaughtering of the survivors.

Thus, while the Anabaptist sects were not as persecutory as the Lutheran, Reformed, and Roman Catholic churches, they still rejected heterodoxy. And there is reason to believe that Brethren, Hutterites, Mennonites, and others were tolerant only because they believed the apocalypse had not yet begun, or because they never obtained the political power to enforce their will on dissidents, instead remaining a persecuted minority.

Then and Now

The medieval and early-modern paradigm of persecution and violence for religious reasons probably seems repellent to us today—it is easy to assume that acts of brutality were hypocritically hidden under a cloak of piety and charity and more difficult to identify with the noble motivations that could generate ignoble actions. We would also probably like to think that, as products of a more enlightened age, we are in no danger of falling into oppressive behaviors. But there is a good deal of recent evidence that the gap between enlightened and benighted, liberal and bigoted, civilized and barbaric, is not as great as we might hope. Recent opinion polls show a majority of self-identified Christians in the United States condone the torture of Muslim prisoners. They do so presumably on the grounds that prisoners are suspected terrorists, not because they are Muslims per se, but it is hard to think that allegiance to Islam is not a factor in this astonishing endorsement of cruelty, not least when torture of prisoners in the past has been "religion-specific."17 In addition, many churchgoing Americans still support using the power of the state to impose Christian morality on wider society. Finally, within the past 12 months, many otherwise tolerant Americans have argued for state prohibitions on the use of private property for Islamic worship, simply because they find it offensive.

Thus, there are indications that the Christian persecutory impulse is still potent today, even in American society, with its extraordinary commitment to liberty. There is a tension in the United States deriving from its dual nature: a society that is significantly Christian in character; but a polity with a wall of separation between church and state that prevents the Christian character of society from being officially expressed. That tension can be expressed in highly intolerant attitudes. The temptation to persecute or limit religious liberty for a greater good is persistent.

It may well be that what an eminent historian of the Reformation called "the virus of intolerance and persecution" is "always present and [can] become virulent when the conditions [are] right."18 Understanding why past generations of Christians persecuted, and that they did so from the best as well as worst of impulses, might not inoculate us against the virus, but it might at least enhance our ability to resist it.

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3 Extracts from Augustine quoted in Doerries (italics supplied), pp. 58, 59.
4 Matt. 12:25.
7 Matt. 12:25.
8 Probably the basis for the Nazi formula *Ein Reich, ein Volk, ein Führer* ("One nation, one people, one leader").
10 Quoted in Marshall, p. 247.
11 Quoted in Roland H. Bainton, "The Parable of the Tares as the Proof Text for Religious Liberty to the End of the Sixteenth Century," *Church History* 1 (June 1932): 77;
12 Quoted in Marshall, p. 253.
13 Quoted in Marshall, p. 245.
15 The text of the Schleitheim Confession is available at, e.g., Global Anabaptist Mennonite Encyclopedia Online (www.gameo.org/encyclopedia/contents/S345.html): See esp. articles II and IV.
16 Bainton, p. 78.
Sunday laws have a long history in America. Originally imported from England during the Colonial era by the Puritans, their observance was strictly enforced among the Colonies. Sunday labor was prohibited, and worship at church was required. Civil penalties, varying from fines to whiplashings; and ultimately to death for habitual transgressors, were inflicted. In that era religion played a much more vibrant role in the ordering of society as compared to contemporary America.

With the passing of the centuries from then until now, Sunday laws no longer are based on religious arguments. Noting this shift from a religiously based society to a more secular one, the Supreme Court in 1961 ruled in McGowan v. Maryland that Sunday-closing laws were not a violation of the establishment clause because of the secular-based motivation behind their enforcement in the modern American context. Relying upon the “argument from history,” that is to say, in order to find Sunday laws constitutional or unconstitutional, the Court based its findings on the history of the practice.

Sunday law proponents nowadays, both in the American and European context, argue on sociological grounds that the nation and its citizens needed a day of rest from labor without appealing to any religious rationale. They argue that one day per week without labor is foundational to building healthy family relations, developing a more vibrant workforce, and promoting the overall well-being of society.

Philosophical Considerations

Judith Shulevitz, author of The Sabbath World: Glimpses of a Different Order of Time, appeals to history, religion, philosophy, and her own personal experiences to argue for a sabbath of time wholly devoid of religious connotations. Shulevitz correctly relates the historic record of sabbath (Sunday)-rest days legislated during the Colonial era in America and how they were based primarily on religious principles. However, she afterward argues that Sabbath observance lost its sacredness through the influence of Isaac Newton and economists. “Once Isaac Newton convinced us,” writes Shulevitz, “that time was a mathematical quantity, wholly measurable, infinitely divisible, and expressible in numbers, and economists showed us that time could be a commodity, exchangeable for money, we were bound to find implausible the notion that certain times were holy while others weren’t.” From this perspective, Shulevitz argues that “holy time, then, is time that we ourselves make holy—time that we sanctify by means of our selves. We have to commit ourselves to holy time before it will oblige us by turning holy.” The danger of this view is that, once the sacredness of the Sabbath declared by God has been removed, human beings feel at liberty to disregard the day God has indicated as holy, or, worse yet, to construct any other day as a day of rest through civil legislation.

The Sabbath memorializes the attributes of God as Creator of time and Creator of life: “Remember the Sabbath day, to keep it holy. . . . For in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it.” The attempt by any government, or any religious organization, to duplicate this work of God—i.e., the creation of a day of rest—through legislation, whether philosophically or religiously based, is the highest form of blasphemy. Thus, to argue that on purely philosophical grounds one may avoid any religious connotations regarding a day of rest from labor is dangerously misleading.

Economic Considerations

Historically, economic considerations weighed heavily in the debates concerning Sunday-closing legislation. Sunday-rest advocates desired society to observe Sunday without the occurrence of any business negotiations, a practice grounded in the biblical injunctions regarding the proper observance of the Sabbath (actually Saturday in biblical reality). The prophet Nehemiah inveighed unrelentingly against those Israelites and non-Hebrews who desecrated the Sabbath day by selling and buying food and other commodities on that day: "Then I contended with the nobles of Judah, and said unto them, What evil thing is this that ye do, and profane the sabbath day? Did not your fathers thus, and did not our God bring all this evil upon us, and upon this city? Yet ye bring more wrath upon Israel by profaning the Sabbath. . . . So the merchants and sellers of all kind of ware lodged without
In attempts to sanctify Sunday as the day of rest and worship for Christians, the Catholic Church claims to have transferred the sacredness of the biblical Sabbath from Saturday to Sunday, going so far as to impose the aforementioned biblical injunctions regarding proper Sabbath (Saturday) observance upon society through Sunday legislation. As early as A.D. 538, it was decided at the Third Council of Orleans: “Whereas the people are persuaded that they ought not to travel on the Lord’s day with the horses, or oxen and carriages, or to prepare anything for food, or to do anything conducive to the cleanliness of houses or men, things which belong to the Jewish rather than Christian observances; we have ordained that on the Lord’s day what was before lawful to be done may still be done. But from rural work, i.e., plowing, cultivating vines, reaping, mowing, threshing, clearing away thorns or hedging, we judge it better to abstain, that the people may be more readily come to the churches and have leisure for prayers. If anyone be found doing the works forbidden above, let him be punished, not as the civil authorities may direct, but as the ecclesiastical powers may determine.”

Not only were such practices followed so many centuries ago, but Protestants, most notably the Puritans, followed suit in the New World. Among the original 13 colonies, three of them enforced Sunday legislation so harshly that it included such severe penalties as death for continuous dissenters. Although such draconian measures were softened by the 1700s, the practice of inflicting civil penalties upon Sunday violators continued unabated. By the 1790s the Constitution and the Bill of Rights, as founding documents of American nationhood, had been ratified. However, in spite of the formulation of the First Amendment forbidding Congress from making any law “respecting an establishment of religion,” Sunday laws continued to remain as statutory prohibitions, although not as strictly enforced as in previous decades.

Nearly a century later, during the 1880s, attempts were made to legislate a national Sunday-closing law. Known as the Blair Bill, so called because of the senator who introduced it, the bill had been developed by the National Reform Association (NRA). At the beginning of their campaign to promote Sunday sacredness, the NRA argued almost exclusively upon sociological grounds, much like Sunday-sacredness proponents in Europe and America are doing currently. The NRA argued that cessation from labor on Sunday would elevate societal moral values because families would have time to spend together. When the bill was introduced, Alonzo T. Jones, a Seventh-day Adventist minister and editor of the Sentinel, the precursor magazine to Liberty, argued persuasively against it, thus preventing it from becoming law.

In the following century Sunday-law debates revived. By the 1960s newly in-vogue department stores began to compete with small downtown businesses. The owners of the latter group desired to observe Sunday as traditionally done, but, facing severe economic challenges that potentially could force them out of business, they were faced with one of two options: that of opening on Sundays to compete with the department stores, or observing Sunday as a day for rest and religion, thereby losing business.

One case study highlights the complexity of interrelated factors when used to justify Sunday-closing laws for economic reasons. In Texas small downtown merchants complained about the Sunday opening of department stores. They appealed to their state senator, Jack Hightower, basing their arguments primarily on social concerns (i.e., overworked employees). In a letter dated February 4, 1965, Senator Hightower wrote to one of his constituents: “I have had quite a bit of correspondence in opposition to the Sunday closing law from individuals and various groups. I think the Seventh Day Adventists are the most concerned, but people of other denominations also expressed opposition to the matter as infringement on religious liberty. I am aware that a vast majority of responsible retailers are greatly concerned with the growth of retail establishments who seem to have little or no regard for the length of time they work their employees, or providing them with much-needed time off during the week.” By the following month Senator Hightower was persuaded more by the economic concerns of his constituents, rather than the religious ones. He reasoned in this fashion: “It is often necessary for our lawmaking bodies to make laws for the good of society that have no bearing on religion, although they may be in harmony with religious teachings of some philosophies. The proponents of this legislation argue that it is an economical, rather than a religious matter. If this is true, then I think the Legislature is acting within its responsibility in passing such a proposal.”

In order to make a final decision regarding how to vote on the issue, Senator Hightower considered the social factor as of more importance than the concerns he had regarding infringement of religious liberty. When responding to Mr. Lynn Rieves on March 10, 1965, he stated: “Regarding Senate Bill No. 56 [Sunday-closing bill], there is much opposition to this proposal from certain religious groups, claiming it is an infringement of religious liberty. This causes me some concern. However, I think there is a social problem involved which has nothing to do with religious liberty and my present plans are to support the measure.”

From this correspondence between Senator Hightower and his constituents, it becomes obvious that the variety of factors related to Sunday-closing laws make it difficult for politicians to clearly discern the true intent behind such legislation. However, from a practical perspective each legislator should consider the results of Sunday-closing laws before deciding to support them. William Harper closely analyzed the Sunday-closing law debate in Texas and published his findings in The Texas Blue Laws.
summarized the outcome of this debate, noting the following primary results: (1) increasing the number of cases that filled the dockets in an overburdened legal system, (2) producing an undue burden upon law-enforcement personnel, (3) engendering arbitrary application of the law because of political favors at the local level, (4) disregarding the hidden religious motives of some groups who masked such intents behind economic considerations, and (5) sufficient vagueness in portions of the Sunday-closing law as to warrant its possible repeal.

Political Considerations

Given further consideration to the social factor, one may certainly argue that it is within the realm of public order to facilitate a time for the populace to rest. The way in which society is conceptualized, however, makes a significant impact upon the way in which it is structured. The structure of society in turn defines how to address the complex issue of a day of rest. Sunday-rest legislation pits two societal theories against one another: the organic model and the societal vision of Madison and Jefferson, which was founded upon Lockean natural rights. The organic model forms the basis of Roman Catholic social and political philosophy. Based on it, society is viewed as a natural result of humanity's social nature. Heinrich Rommen explains: "Because the state is thus both a natural and a morally necessary consequence of man's social nature and in concrete individual existence a free creation of man's free will led by his intellectual reasoning about the necessity of political life, Catholic political philosophy likes to call the state a moral organism to signify the teleological predisposition to it in man's nature." Stated otherwise, humans are predisposed by nature to be in the society of other humans, and collectively this may be termed the state. Catholic political philosophy argues that the state, by nature, has a moral dimension to it, which should aim at directing the moral development of its individual members: "The end of political life is the perfection of man not only as an individual in an abstract sense but as a person living in community and only thus reaching his personal end. Thus the end of political life is a wholeness with a teleological independence, which is more than all the individual ends summed up together." Because human beings can develop more fully when in the society of others, this theory argues that the moral posture of the whole group (state) outweighs specific considerations of the individual in some areas.

Up to this point, one may concede that such a political philosophy harmonizes with most modern views of the state as a moral guide having the responsibility of directing its citizenry to an elevated morality. However, Roman Catholic political philosophy also argues that humanity's ultimate end is God and that it is the responsibility of the state to so direct "the common good" (citizenry): "The state as a moral person has duties to religion, to God. The state is not wholly an arbitrarily created institution of free individuals but is, considered from the point of view of the teaching on the end of man and on man's social nature, a necessary community. Inasmuch as the state is the result of this nature, it is of mediately divine origin." Based on this philosophy, the church defends its right to receive state support in those countries of predominantly Catholic populations, known as "confessional states." In states with a populace of mixed religious groups, the church recognizes the state's need for a more neutral stance in religion, not by principle, but by expediency—that is to say, for the sake of avoiding political instability. Nonetheless, even in such states, the church seeks concordatory rights by which it desires cooperation with the state in those areas of civil life that also overlap with the ecclesiastical sphere. Whether or not the church receives concordatory rights, it nevertheless reserves unto itself "an indirect power in matters temporal" in all states. Because the state is of divine origin, and the church the expression of the divine will, the
Church therefore has the prerogative of directing the state according to natural law and positive divine law: "This indirect power originates in the qualitative superiority of the church's end and consequently of the ecclesiastical authority. It is the power of teaching and of judging. It means that the church has the right and the duty to teach the state in matters of polity in so far as they concern the ultimate end of man, the salvation of souls, and the glory of God. It means that to the church belongs the power to judge the sins of the political power and to proclaim what is morally right or wrong in politics upon the basis of natural law or positive divine law."

How does such indirect power reserved by the church relate to Sunday-closing laws? Since the church bases its exercise of indirect power upon violations of natural or divine law, it must be shown that the lack of cessation of labor on Sundays is in violation of either, or both, of these laws before the church would intervene in the political sphere to address this issue. In the church's opinion, it is precisely the result of a violation of both laws that has prompted the church to vocalize the need for Sunday-closing laws. From natural law the church argues that man's social nature needs a day off for the sake of spending time with his family, as well as for his physical recuperation. From divine law the church contends that Sunday should be sacredly observed as the day of worship, a tradition that has been followed for centuries during its existence in Europe. Thus, those countries in Europe (or states in America) that adopt and enforce Sunday-closing laws, or those that activate dormant laws already on statute books, are acquiescing to the political structuring of society based on a Roman Catholic social and political philosophy.

In contrast to the organic model, the political philosophy of Thomas Jefferson and James Madison envisioned a society structured upon the Lockean concepts of natural rights balanced with classical republicanism. Prior to the American Revolution and while crafting the Declaration of Independence, Jefferson relied primarily upon Lockean principles of natural rights to underscore how King George had exercised poor government over the Colonial subjects. From this foundation Jefferson could argue for the overthrow of English rule. After the Revolution and during the phase of building a new republic, Jefferson relied upon classical republicanism to develop his concept of man as a social being, thus emphasizing the need for community. It is essential to balance both concepts when analyzing Jefferson's political thought. Humanity's need for community does not negate foundational Lockean natural rights, especially those that are inalienable, such as rights of conscience in matters religious.

Echoing Jefferson's emphasis upon Lockean natural rights, James Madison also crafted his political philosophy with emphasis upon the minority groups and the individual. Such ones would be protected from the majority in power, whether that majority should be grouped along political or religious lines. Madison wrote: "All civilized societies are divided into different interests and factions, as . . . members of different religious sects—followers of different political leaders. . . . In republican Government the majority however composed, ultimately give the law. Whenever therefore an apparent interest or common passion unites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals?" Applying this line of reasoning to the topic of Sunday laws, it would not be incorrect to hypothetically state that the majority of Christian denominations in America consider Sunday as a sacred day of worship (their "common passion," in Madison's language), whereas a minority consider Saturday (or, another day). What would keep such a majority of Sunday-keeping Christians from passing legislation that would infringe upon the Sabbath-observance practices of the minority?

In Madison's line of reasoning, the answer is through the mechanisms of government that foster a multiplicity of sects (religious groups): "Is a bill of rights a security for religion? . . . If there were a majority of one sect, a bill of rights would be a poor protection for liberty. Happily for the states, they enjoy the utmost freedom of religion. This freedom arises from that multiplicity of sects, which pervades America, and which is the best and only security for religious liberty in any society. For where there is such a variety of sects, there cannot be a majority of any one sect to oppress and persecute the rest." The mechanisms of government to which Madison alludes require that government remain neutral toward religion, neither aiding one particular group, nor supporting all groups. He wrote: "The great desideratum of Government is such a modification of the Sovereignty as will render it sufficiently neutral between the different interests and factions, to control one part of the Society from invading the rights of the other, and at the same time sufficiently controlled itself, from setting up an interest adverse to that of the whole Society." When this principle is applied to the topic of this article—the validity of Sunday-closing laws—it becomes evident that legislatures enacting such proposals are aiding a particular type of religion. To promote Sunday as a day of societal rest inadvertently supports Sunday-observing religious groups and indirectly harms Sabbath (Saturday)-keeping religious groups (or those groups observing any day other than Sunday).
Thus, while politicians may not clearly see the religious intent behind Sunday-closing laws because of constituents' demands, close scrutiny of the political philosophy behind such legislation indicates that they are a violation of the First Amendment religion clauses because they "respect an establishment of religion" derived from Roman Catholic political and social philosophy. It may be argued that Sunday-rest laws, in order to achieve their intended purpose, should be observed by all citizens. While such laws do not currently include required worship, they are nonetheless a step in that direction because of their deep religious roots. Additionally, since they are all-inclusive in nature—requiring all to rest on a stated day, rather than making exemptions, or allowing for a variety of days for rest to be chosen by the citizenry—they imply a construct of society that reflects the organic societal model inherent to Roman Catholic political philosophy, rather than natural rights of individuals inherent to them.

Sunday laws make up a large part of American religious and legal history. In the secularized environment of a highly pluralistic society, Sunday-rest advocates may appeal to a more general argument of societal well-being divorced from religious connotations to support Sunday legislation. However, if Sunday laws should ever be enforced in America, either at the state or national level, sufficient evidence exists that reveals the implicit religious foundations upon which such arguments are grounded.

No matter how persuasively its advocates present their case, the centuries-long, religiously interwoven history of Sunday-rest laws shows their true character. By virtue of the immense difficulty of distinguishing between a day of rest for worship (religious motivation) and a day of rest for recuperation (sociological/physiological motivation), it is indeed evident that religious groups can argue the latter in order to achieve the former. This reason alone is sufficient grounds to argue against Sunday-rest laws from a historical perspective.

Economic considerations, likewise, have in the past served as a pretext for religious motivations behind such legislation. Analysis of the results of Sunday-closing laws reveals that they do not provide the societal benefit as often imagined. While there may be some minimal benefits, such as reduced crime in certain areas, the overall results weigh heavily against implementing them in society. Especially from an economic consideration, Sunday-closing laws demonstrate that any differences between states enacting Sunday laws as opposed to those that do not, are negligible.

Finally, consideration of political philosophy reveals that Sunday-rest laws are founded upon Roman Catholic political and social philosophy, contrary to the Lockeian concepts of natural rights espoused by Thomas Jefferson and James Madison. If the time should ever arrive when American society would support a national Sunday law, this would imply that the societal construct had mutated from the foundational principles originated by John Locke and that were integral to the founding era of our nation. It would indicate a reconfiguration of society based on Roman Catholic political philosophy, rather than the inalienable rights of the individual with respect to his or her religious convictions.

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

3 Ibid., p. 62.
4 Exodus 20:8-11.
13 In Spain, a semi-confessional state, the organic model governs society. Catholic political theorists acknowledge the tension between this model and that of the natural rights model. They attempt to reconcile the two by the following formulation found in the Spanish Constitution: "The necessary rest [clause] requires public powers to guarantee rest from labor. This constitutional principle regarding necessary rest has a social character. Contrary to what happens regarding individual liberties, that have as their 'end' the person who is subject to rights, the social principles are directed to public powers that really are those which should make them effective." ("El 'descanso necesario' insta a los poderes publicos a garantizar el descanso laboral. Este principio constitucional al descanso necesario tiene caracter social. Al contrario de lo que sucede con las libertades individuales, que tienen como destinatario a la persona como sujeto de derechos, los principios sociales están dirigidos a los poderes publicos que realmente son los que deben hacerlos efectivos."") Jose Eduardo Lopez Ahuamada, Evolucion Normativa de los descansos laborales: Primer centenario de la promulgacion de la Ley de Descanso Dominical de 1904 (Madrid: Ministerio de Trabajo y Asuntos Sociales Subdireccion General de Informacion Administrativa y Publicaciones), p. 96. In essence, social principles given for all of society outweigh individual liberties, especially with respect to a day of rest from labor.
15 Ibid., p. 137.
16 Ibid., pp. 137, 138.
17 Ibid., p. 366.
18 To be fair to a Roman Catholic posture regarding religious liberty since Vatican II, it is necessary to recognize that there are some geographical areas in which this
view of expediency is implemented, but that in other areas religious liberty is actually considered as a civil, or political, right worthy of constitutional protection.

19 Rommen, pp. 586-592.
20 Ibid., pp. 580, 581.
24 Ibid., pp. 55-60.
Red Sunday In Washington

BY: SANDHYA BATHIJA

It's not every Sunday that Washington archbishop Donald W. Wuerl can personally thank the U.S. Supreme Court justices and the vice president of the United States for coming to church.

But on the Sunday before the first Monday of October each year, the day the High Court returns to begin a new term, hundreds of Washingtonians pour into the Cathedral of St. Matthew the Apostle to listen to a special "Red Mass" geared toward the most powerful people in the country. And at 10:00 a.m. on October 3, 2010, Vice President Joe Biden and five justices—Chief Justice John Roberts and Associate Justices Antonin Scalia, Samuel Alito, Stephen Breyer, and Clarence Thomas—took their seats in the front pews.

"Your presence here," Wuerl told them in his welcoming remarks, "is witness to the importance our nation places on the rule of law."

The Red Mass, named for the red vestments traditionally worn by the officiating clergy, dates back to the thirteenth century. Though the Red Mass in the nation's capital is the most famous in the country, Catholic churches across the nation also hold Red Masses of their own, inviting important members of the local legal community. Last year local newspapers reported churches in Green Bay, Wisconsin; Allentown, Pennsylvania; and Scranton, Pennsylvania held Red Masses this year. Justice Scalia also attended the Mass in Wisconsin at St. Francis Xavier Cathedral.

The Catholic hierarchy claims the Red Mass is merely "a traditional religious observance asking God's guidance on the administration of justice, and for the nation." But for critics who support the separation of church and state, the service is an unnecessary mixing of religion and government, law and sectarian doctrine—especially considering that for years the bishops have used the Red Mass to cajole the justices toward the church's positions on various issues.

The Red Mass was first organized in Washington in the early 1950s, when the Catholic bishops were angry with the Supreme Court. In 1947 the justices ruled unanimously in the landmark Everson v. Board of Education case that the U.S. Constitution provided for a clear separation between religion and government.

The following year the High Court reiterated this separationist doctrine and struck down a "released time" religious instruction program in the Champaign, Illinois, public schools. The bishops soon after issued a statement that called church-state separation "the shibboleth of doctrinaire secularism."

Since then the Catholic diocese has sent invitations to attend the Red Mass to all the justices, the president and vice president, and other dignitaries. Susan Gibbs, a spokeswoman for the archdiocese, said that most recent presidents have attended the Red Mass at least once during their terms, including George W. Bush and Bill Clinton. President Barack Obama has not yet attended.

From the start, bishops used the Red Mass as a rich opportunity to lobby for government aid to parochial schools. Then they extended the sermons to oppose abortion. In recent years, opposition to gay marriage has emerged.

In 1986 for example, Cardinal James A. Hickey sharply criticized the 1973 Roe v. Wade decision that struck down laws banning abortions.

In 1989 Archbishop Anthony J. Bevilacqua of Philadelphia launched a direct attack on American church-state separation.
"In spite of attempts to separate one from the other, to put an impenetrable barrier between them," said the archbishop, "[church and state] knew from the beginning that they needed each other, and along the way they became even more convinced of this truth.

In "the last three decades," Bevilacqua complained, "it is the perception of many that church and state, religion and law, are adversaries instead of companions, enemies instead of friends, antagonists instead of partners. In their quest for their respective kingdoms, church and state are seen as walking with an inviolable, impenetrable, and towering wall between them.

"This opposition," Bevilacqua concluded, "this impregnable wall between two friends traveling the road of our American experiment, cannot endure much longer. If it does, both will suffer and crisis will be upon us."

Bevilacqua called on the four justices in the audience to return to "religiously based moral values."

But the bishops' tactics have sometimes alienated members of the High Court.

A new biography of the late Justice William Brennan recounts a Red Mass following the two major school-prayer decisions of the 1960s—Engel v. Vitale and Abington School District v. Schempp. Brennan, a Catholic, wrote a concurring opinion in Schempp to explain why the Court struck down the reading of Bible passages at the start of each public school day.

In Justice Brennan: Liberal Champion authors Seth Stern and Stephen Wermiel say Brennan's hope was to ease the church's anger over the issue. But at the Red Mass in Washington he and the other justices were publicly scolded by the Bishop John J. Russell.

"Thank God, our Constitution forbids the state's setting up or favoring any particular form of religion," Russell said. "But that separation of church and state, which we all cherish in our country, never meant the divorce of government from religion or the separation of law from morality."

Brennan's wife, Marjorie, who was also in attendance, was deeply offended by the bishop's public chastisement. As she kissed the bishop's ring, she blurted out, "You're not fit for my husband or me to kiss your ring!"

Brennan is not the only justice who has been deeply offended by the church's rhetoric over sensitive issues. Justice Ruth Bader Ginsburg was also appalled after attending the Red Mass and discontinued her attendance at the event.

In an interview with Abigail Pogrebin, author of Stars of David: Prominent Jews Talk About Being Jewish, Ginsburg said: "I went one year and I will never go again, because this sermon was outrageously anti-abortion. Even the Scalias—although they're very much of that persuasion—were embarrassed for me."

In recent years, possibly because of Ginsburg's reaction and negative media attention, the Red Mass sermons have become much less direct, with clergy using guarded language to cloak the underlying message.

Archbishop J. Augustine Di Noia followed that approach in his 2010 homily in Washington.

"Positive law," he said, "rests on certain principles the knowledge of which constitutes nothing less than a participation in the divine law itself: the pursuit of the common good through respect for the natural law, the dignity of the human person, the inviolability of innocent life from conception to natural death, the sanctity of marriage, justice for the poor, protection of minors, and so on."

Di Noia, an American who now works at the Vatican, argued that "the democratic state does not so much confer the most fundamental human rights and the duties of citizenship as acknowledge their existence and source in a power beyond the state, namely in God himself."

The archbishop criticized any move toward what he called "exclusive humanism" as a basis for government.

"This exclusive humanism," he said, "has been exposed as an anti-humanism of the most radical kind. Man without God is not more free but surely in greater danger." He added that "the eclipse of God leads not to greater human liberation but to the most dire human peril. That innocent human life is now so broadly under threat has seemed to many of us one of the many signs of this growing peril."

References to the "sanctity of marriage" and "innocent human life" are likely
Red Mass in Washington, October 3, 2010. The Red Mass is held the Sunday before the opening of the Supreme Court Term.

Church officials today claim they do not try to persuade anyone in attendance at the Red Mass. Wuerl told CNN that that event is just an opportunity to put aside partisanship and troubles.

"[Americans have] been very careful about . . . not allowing any one tradition or church to become the state church," he said. "But from the very beginning, we've always said we need to hear the voice of faith in all the discussion that is a part of determining what we want to do."

Despite the church hierarchy's claims, the Red Mass has always been a church-state concern. When it comes to difficult legal questions, it's hard to know how much of a role faith will play in the justices' decisions, if at all.

As Dahlia Lithwick, a senior editor at Slate, wrote: "Even when the court isn't tangled up in church/state disputes on its docket, it's still addressing these issues in its backyard, whether it seeks to address them or not."

Lithwick said it's especially worrisome that some of the justices don't see the Mass as excessive state entanglement with religion.

"It leads one to question how sitting through the Red Mass has become less awkward for some justices than attending the State of the Union," she wrote. "These aren't questions we get to ask of the justices. But maybe they are questions they can ask of themselves."

Sandhya Bathija, a lawyer, writes from Washington, D.C.
On April 1, 2010, Oregon governor Ted Kulongoski signed HB 3686 into law, overturning an 87-year-old state statute that barred teachers from wearing religious garb in the classroom. Under the law, public schools will be required to make "reasonable accommodation" for teachers' religious beliefs that require the wearing of particular clothing. The bill overturns an 87-year-old ban on teachers wearing religious dress such as head scarves, turbans, and yarmulkes, which required removal of these garments under threat of revocation of the state teaching certificate and termination.

Some groups, such as the ACLU, had supported the ban, claiming that it provided students with a religiously neutral environment, while other groups, including Sikh groups, were concerned that they could not become teachers if they had to choose between the education profession and their faith. Under the new law schools are not required to make such an accommodation if it results in unreasonable difficulty or expense or creates a continuing distraction.

The passage of this bill, in the words of House speaker Dave Hunt at the bill-signing ceremony, is a step forward in "redeeming" a period of "intolerance, hatred, and discrimination" that Oregon experienced in the early 1920s.

Following World War I, Oregon experienced an intense period of postwar stress, a desire to preserve patriotism, and a gnawing distrust of newcomers to the region. Chapters of the Ku Klux Klan formed across the state and, viewing Catholic schools as a threat, worked to convince Oregon voters that these schools were creating a new generation of students who disregarded American patriotism.

In the general election of 1922 in Oregon, which the New York Times dubbed "the first real test of the political power of the 'masked organization,'" the Klan, the Federation of Patriotic Societies, and the Scottish Rite Masons sponsored the "Oregon Compulsory Education Act," which was an anti-Catholic measure that would close all parochial schools and private military academies and would require all children between the ages of 8 and 16 to attend public schools. Parents who did not comply or who sent their children to private or parochial schools would be fined or imprisoned.

Backers of the measure advertised the measure under the slogan of "One Flag, One School, One Language.

Promoters unleashed their rhetoric with little regard for Oregon parents. "Now is the time to pass this measure, insuring that in Oregon all of our children will be educated to a common patriotism, common ideals, and a unified allegiance to our institutions... We must now halt those coming to our country from forming groups, establishing schools, and thereby bringing up their children in an environment often antagonistic to the principles of our government... Mix these with prejudices in the public school melting pot for a few years while their minds are plastic and finally bring out the finished product—a true American."

Despite the fact that Catholics, Seventh-day Adventists, Episcopalians, Presbyterians, and Lutherans rallied against the new law, which by that point was attracting national attention, Oregon voters approved the measure by a majority of 13,000.

Despite its passage by a raw majority, the constitutionality of the bill was successfully challenged. In 1924 the Supreme Court of Oregon declared the measure unconstitutional, and in 1925 the U.S. Supreme Court agreed in a unanimous 9-0 decision.

While the Supreme Court recognized that certain rights should not be subjected to a majority vote, a bit of the legacy of intolerance remained in place until April 1, 2010. In 1923 Kaspar K. Kubli, the speaker of the Oregon House of Representatives, who was said to possess "winning initials," successfully promoted anti-immigrant law. Included were laws that banned Japanese immigrants
from owning property and required immigrant business owners to display signs indicating their national origin. Although these were subsequently eliminated or overturned, one part remained. Mr. Kubli had championed a statute that prohibited teachers from wearing religious garb in the classrooms. The statute was designed to keep prior Catholic schoolteachers, including priests and nuns, from teaching in public schools. The mandatory penalty for violation was revocation of the state teaching certificate.

Although the Oregon law was initially passed to keep Catholic clergy from having an undue influence on public schools, the rationale for the law became one of protecting public school students from undue influence by teachers of any background who wore religious garb. Oregon courts performed a balancing act between protecting students from undue religious influence, implicating the establishment clause, and the rights of teachers to practice their beliefs that required wearing particular religious garb.

Oregon was one of only three states to have prohibitions on teachers’ dress, the others being Nebraska and Pennsylvania.

The blanket prohibition on teachers wearing religious dress made it nearly impossible for teachers to be employed if their religion required wearing particular religious garb.

In 1983 the Eugene School District, relying on the 1923 law, revoked a Sikh convert’s teaching certificate and then fired her because of her lack of certification because she wore a turban and white clothing as part of her religious dress. Janet Cooper, who had taken the name Karta Kaur Khalsa, agreed with the district that the public school classroom was not the proper place to proselytize but held that her rights had been restricted.

Khalsa took the school district to court, and the Oregon Court of Appeals ruled that the mandatory revocation of her teaching certificate was unconstitutionally harsh. However, the Oregon Supreme Court disagreed. In the opinion Justice Hans Linde wrote that the law would not be violated if the teacher occasionally wore religious apparel when going to a ceremony, but “only wearing religious dress as a regular or frequently repeated practice while teaching is grounds for disqualification.”

In 1986 The Oregon Supreme Court did note that the law “might indeed” infringe on the First Amendment right of teachers’ free exercise of religion, but ruled that this was outweighed by the public schools’ need to avoid the appearance of endorsement of specific religions.

The U.S. Supreme Court by a vote of 6-3 declined to hear the case. In 1991, a Muslim teacher in Pennsylvania lost a similar case when she wanted the right to wear a head scarf in the classroom.

The Oregon prohibition attracted attention in 2009 when the Oregon Legislature passed the Oregon Workplace Religious Freedom Act (WRFA), which increased protection for religious employees who observed holy days or wore religious garb but specifically excluded teachers from the garb provision. Although WRFA backers wanted to include teachers in the 2009 bill, the American Civil Liberties Union among other groups had requested the exclusion on the grounds that teachers should not wield undue religious influence in the classroom. Under pressure from Sikh rights groups as well as other civil rights groups, the U.S. Justice Department was beginning to signal that it would investigate whether the Oregon ban violated Title VII of the federal civil rights law since it had been unevenly applied. For instance, Christian teachers could wear crosses as jewelry, but Muslim scarves and Sikh turbans were banned.

In 2010 the Sikh American Legal Defense and Education Fund (SALDEF), the American Jewish Congress, the Northwest Religious Liberty Association, and the Council on American-Islamic Relations, as well as other groups, pushed for legislation overturning the ban. The Sikh Coalition alone sent almost 10,000 messages to legislators urging them to end the ban.
On April 1, 2010, 87 years after the original law was passed, Governor Ted Kulongoski signed HB 3686 into law, overturning the ban. The new law will go into effect after the 2010-11 school year. In a signing statement, Kulongoski recognized the need to balance both religion clauses of the First Amendment. He wrote that in order to address issues that arise "at the intersection of the teacher's right to practice his or her religion and the students' right to be taught in a religiously neutral environment," that the Oregon Bureau of Labor and Industries create guidelines to encourage "clarity and predictability" in how the law will be implemented.

At the signing ceremony Greg Hamilton, president of the Northwest Religious Liberty Association, affirmed that "all people of faith can be blessed by this, a constitutional balancing standard between the free exercise clause and the separation of church and state. It's a very reasonable bill. The oppression has finally been lifted." As Governor Kulongoski wrote, ending the ban was "the right thing to do."

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A video of the April 1, 2010, bill-signing ceremony and more information about HB 3686 is available online at the Northwest Religious Liberty Association Web-site at www.nrla.com/article.php?id=86.

The Awakening: Church And State In Twenty-First-Century America

BY: GRADY HOFSTRADER

As the United States entered the 2012 campaign season, the question of religion, and the role of religion in politics and in public life, was as prevalent as it was in the ’04 campaign (that’s 1804), when Thomas Jefferson won a second term in the White House despite the rancorous opposition of the religionists who feared Jefferson was an atheist infidel who believed that (to quote him) "there is not a young man now living in the U.S. who will not die an Unitarian."

Case in point: at Fox News commentator Glenn Beck's "Restoring Honor" rally in Washington, D.C., in August 2010, Beck declared before tens of thousands of people gathered on the Mall that "the Black-Robed Regiment is back again today!"

He then proceeded to introduce a group of 240, he said, pastors, rabbis, and imams, those who were the new representatives of the "Black-Robed Regiment"—kind of the vanguard of a new religious movement in America that was going to save the republic from its impending doom (i.e., "the present administration").

What is Glenn Beck talking about with this Black-Robed Regiment? More so, what does it say to us that this kind of religious rhetoric still finds a voice in American politics today, other than that, even into the twenty-first century, the debate over the role of religion in American life is far from over? The question, the struggle, remains: How do we find the right balance between these two powerful forces in the United States today?

The First Great Awakening

This story really begins more than 270 years ago, with what was called the First Great Awakening, a religious revival that swept through the American colonies in the 1740s and lasted, in places, into the 1770s. The phenomenon could best be described as a revival of spiritual piety and personal godliness among the colonists. This awakening was part of a transnational religious upsurge among their cousins in the Old Continent, particularly England, Scotland, and Germany.

Much has been written on the reasons for the Great Awakening; many argue that it was a visceral reaction to the cold reason of the Enlightenment project, which—in the hands of the French in particular—was taking a decidedly antireligious tone. Whatever the reason, the Great Awakening had a powerful impact on the American consciousness and, interestingly enough, religious freedom—a concept not particularly known or popular in the American colonies (very ironic, too, because many of these people were the direct offspring of the Puritans, who fled England because of religious persecution).

Indeed, as much as it was a religious phenomenon, the Great Awakening was a social one as well, in which ideas of equality—as revealed by the death of Jesus for all humanity regardless of status, wealth, or political position—were becoming more and more prevalent. The magistrate and the impoverished farmer, the plantation owner and the slaves—all were sinners in need of God's grace. Period! It's an idea that carried with it powerful implications.

Benjamin Franklin, for instance, hardly a conservative Christian in any sense of the word, fervently supported the movement's radical notion of egalitarianism and its (arguably) natural corollary, democracy. Some of the luminaries of this great revival, among them George Whitefield, were the greatest advocates of religious freedom, claiming liberty of conscience to be an "inalienable right of every rational creature." They not only preached it—they lived it as well. Some of Whitefield's supporters in Philadelphia, for instance, erected a large hall that could be used as a pulpit by anyone, regardless of their religious beliefs.

This is a crucial point. Concepts of religious freedom, freedom of conscience, freedom of choice in matters of faith, were a powerful undercurrent in the Great Awakening. After all, any true revival arises from a personal, heartfelt experience; it's not promulgated by
the state, not something voted in a legislature or by executive decree. How much the Great Awakening itself influenced the concepts of religious freedom that arose in the country after the American Revolution is still greatly debated, but no question it formed part of it. The whole idea was expressed in the famous words of Thomas Jefferson that "God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his almighty power to do."

**Religious Freedom**

However far the concepts of religious freedom and church-state separation have evolved in the centuries since then, the basic ideas, promulgated in the Great Awakening, have helped make America the bastion of religious freedom for the world.

Which is why, for instance, the Seventh-day Adventist Church (the publisher of this magazine) finds its position on religious freedom and church-state separation based on the spiritual ideals of religious freedom rooted in the Great Awakening. Having themselves been victims of religious persecution in America—i.e., jailed and/or fined for Sunday blue law violations—Seventh-day Adventists have known firsthand what happens when government intrudes too far in religious matters. Unlike some groups today, which base their fervent advocacy of church-state separation on what can be deemed hostility to religion and religious values (for them, church-state separation is the establishment clause only, as if the free-exercise one didn't exist), Adventists come from the opposite side. They've been church-state separationists because, like their First Great Awakening spiritual forefathers, they understand that only faith freely offered to God, from personal conviction, is of any value. A religion that needs the government to promote it is, no doubt, severely corrupted.

Perhaps no one said it better than did John Locke in England, who in his famous *Letter Concerning Toleration* (1689) wrote: "I may grow rich by an art that I take not delight in; I may be cured of some disease by remedies that I have not faith in; but I cannot be saved by a religion that I distrust and by a worship that I abhor. It is in vain for an unbeliever to take up the outward show of another man's profession."

Adventists believe that religious freedom, the freedom revealed in the Gospels, in which people come to know the Lord through personal conviction, not through the power of the state, is foundational to all freedom. In this sense, they trace their roots to the First Great Awakening in America.

**The Line of Separation**

Of course, Seventh-day Adventists understand that, given the nature of society itself, an "absolute wall" of separation between church and state is not possible. James Madison, perhaps the one man most influential in writing the Bill of Rights, said: "I must admit moreover that it may not be easy, in every possible case, to trace the line of separation between the rights of religion and the civil authority with such distinctness as to avoid collisions and doubts on unessential points."

Indeed, many of the church-state battles in American courts over church-state issues have been, and remain, directly related to the question of just where Madison's "line of separation" is crossed. Or drawn!

Some argue that the line must be drawn so that the government never legislates morality, a phrase that sounds great in the realm of ideas but in practical matters is useless. Morality is always legislated. In fact, morality is almost all that is legislated. What gets sticky, however, is that in most countries morality, which is reflected in its laws, often finds its roots in its religion. For a nation that doesn't care about church-state separation, such as the Iran of mullahs and theocratic law, that's not a problem; for one that does, such as ours, it has presented and still does present challenges. Many of the major church-state separation battles over the years have come down to, again, knowing where to draw the line.

**Drawing the Line**

hat, then, is the safest position to take, that of ensuring the values of religious freedom while at the same time not allowing for moral anarchy? Adventists have, generally, followed the High Court's basic ideals on this (at least when the Court has lived up to those ideals), which is to make sure that the government keeps out, as much as possible, of anything that has to do with religious expression, worship, or practice. That is, it leaves matters of faith and practice alone, unless there is what has been deemed "a compelling state interest" to intervene.

Thus, at times Adventists have found themselves defending some rather obscure and at times offensive religious practices, such as in *Church of Lukumi Babalu Aye v. City of Hialeah*, in which the Supreme Court of the United States held unconstitutional an ordinance passed in Hialeah, Florida, that forbade the unnecessary killing of "an animal in a public or private ritual or ceremony not for the primary purpose of food consumption." The church agreed that it was the right decision, one that defended religious freedom.
Pastor Muhlenberg shocked his audience when he revealed a military uniform under his clerical robe.

Issues, though, can get more difficult when it comes to such things as legislated prayer in public school or tax money to religious institutions. Or when questions about laws that reflect a society’s moral values, especially if those moral values are, perhaps, overtly tied to a religious belief. Are laws to be deemed unconstitutional merely because they happen to reflect some religious tradition?

Adventists understand all this, and struggle, as do all Americans who care about church-state separation, with striking the right balance, with knowing the right place to draw the line, as if there even might be “the right place.”

Beck’s Scary Regiment

Herever exactly that line might be, Beck at his rally this past year clearly crossed it when he talked about the Black-Robed Regiment, as if this is just what America needed.

Not quite! The Black-Robed Regiment in the time of the Great Awakening, in the time of drift toward war with England, was a radical wing of preachers who fervently advocated war with England, openly and unabashedly linking their case with God’s.

One of these Black-Robed preachers, Pastor Muhlenberg, in 1776, used his pulpit to expound on the need to wage holy war in the cause of God (where have we heard that before?).

“Coming to the end of his sermon, Peter Muhlenberg is said to have turned to his congregation and said, ‘In the language of the holy writ, there was a time for all things, a time to preach and a time to pray, but those times have passed away.’ As those assembled looked on, Pastor Muhlenberg declared, ‘There is a time to fight, and that time is now coming!’ Muhlenberg then proceeded to remove his robes revealing, to the shock of his congregation, a military uniform.”

The issue isn’t the validity of the Revolutionary War. The issue is what happens when religion is co-opted as the vehicle for public policy, such as the Black-Robers did. To the credit of our nation’s forefathers, after the war ended, the Black-Robed Regiment died away, their views on religious and politics way too medieval for the new nation, which in the area of church-state relations was moving in the opposite direction than that of these fanatical preachers.

Thank God we have not adopted the mindset of “the black regiment.”

Grady Hofstrader writes under this pen name from Silver Spring, Maryland.
Beware When All Speak Well Of You

Editorial

BY: LINCOLN E. STEED

Religious freedom is proved in the actions, not in the profession. And often the very ones most vocal about freedom are least likely to grant it to others when the moment comes.

Jesus Christ knew this—experienced this. To many of the religious of His day, He was nothing more than a troublemaker. His was a nation under occupation: its daily norms restricted and its religion barely tolerated as a local necessity by the Roman powers. The nation wanted freedom from the secular oppressor. They wanted religious freedom. But they would not grant it to Jesus. Could not recognize the larger principles of freedom He embodied.

My title comes from the Gospel of Luke, chapter 6 and verse 26. The context is Jesus teaching the crowd on the realities of religious identity. His statements were quite polarizing. In much the same language as recorded in Matthew 5, otherwise known as the Sermon on the Mount, Jesus made it clear that all who follow the ways of the kingdom of heaven will pay a price. They pay a price because so few understand what is entailed by the kingdom of the Spirit.

The narrative in Luke underscores this reality. The teaching moment followed hard on the heels of a healing moment. While in the synagogue, Jesus was approached by a man with a withered right hand. The religious leaders watched Jesus closely to see if He would heal on the Sabbath day. And He did, in full knowledge of their disapproval. After all, God is the author of religious freedom, and a good God wants only good for His creation.

The reaction was quite amazing. "They were filled with madness; and communed with one another what they might do to Jesus" (Luke 6:11).

Our world today is filled even more with religion, or at least religious activity, than when Jesus was here. Everyone wants their view of faith, their religious agenda, to be protected, even advanced, but few are willing to grant that right to others. All too often there is that same madness of intolerance that so easily leads to judgment halls and beyond.

Today we have the irony that Jesus warned of. No one dares speak ill of religious liberty. And a liberal, more historically enlightened world no doubt believes that this must be so. Even as the larger world, and some of that enlightened center, continues to act in ways that lead directly to the same madness and the same violent conclusions.

The year 2011 began on a gloriously incongruent point for religious liberty. Pope Benedict XVI themed his New Year's message on religious liberty. "The privileged way to build peace" is how he put it. At the outset he said his purpose was "to underline how the great religions can constitute an important factor of unity and peace for the human family." And, correctly, he identified both secular and "fundamentalist" forces as variously threatening religious freedom. It remained for the pope's January 10 address to the diplomatic corps in Rome for him to get more specific. He decried violence against Christians in Iraq and Egypt, specifically, but neglected a whole waterfront of religious conflict around the world. Perhaps he had an inkling of what was in store for the area, particularly Egypt.

The president of the United States also began the year with an early proclamation on religious liberty. His January 14 release for Religious Freedom Day, 2011, repeated Jefferson's 1786 Virginia Statute for Religious Freedom, which held that "all men shall be free to profess, and by argument to maintain, their opinion in matters of religion." The president, too, condemned attacks in Iraq and Egypt, and said that "the United States stands with those who advocate for free religious expression and works to protect the rights of all people to follow their conscience, free from persecution and discrimination."
On January 1 there was a well-planned bombing of a Christian Coptic church in Alexandria that doubtless figured in the president’s proclamation and the pope’s second speech. It followed years of harassment of the minority Copts, both by government forces and by radical Islam. It preceded planned Egyptian presidential elections in September and could not have been seen as much other than a planned provocation by Islamic radicals in anticipation of the elections. President Mubarak blamed Al-Qaida outsiders, which ran counter to his usual policy of blaming the increasingly restive Muslim Brotherhood. While no one, absent the hindsight we all have now, could have anticipated how a single street vendor incident in Tunisia could have inflamed revolt in Egypt and elsewhere, we all should have remarked on the ominous, violent religious turn in Egyptian politics.

Now the world—at least the world of the Middle East—is turned upside down. And the amazing thing is that everyone sees it as a secular moment. How could it be? This is not a secular part of the world. Its very baseline historic assumptions relate to religion and religious conflict. It is an area that sees itself variously in conflict or competition with a world it defines as either Jewish or Christian. It is an area tinged with madness over religious insults.

How did Mubarak come to power? He was the vice president when President Anwar Sadat was assassinated by a rogue Muslim Brotherhood-instigated military faction because of his peace with Israel. To be sure, Mubarak ruled with an authoritarian hand—as is the style in that part of the world. To be sure, he advanced the fortunes of an oligarchic elite, as is the style in that part of the world—and elsewhere, if we are totally honest about human tendency, whatever the system. But it is worth remembering the main focus of his repression and paranoia. It was the Muslim Brotherhood he repeatedly cracked down on. Not because he, in a Muslim-dominated society, rejected his faith, but because he feared its political agenda. The Muslim Brotherhood, for those who care to read even briefly in its founding documents, is not set for religious pluralism or a secular state. Its agenda is religious domination and sharia law throughout a Muslim world to be expanded into a global caliphate. So much for religious freedom—for Muslims as well as Christians and other faiths!

The West is now caught in a giant ideological trap. We dare not speak out against an apparent upwelling of liberal self-determinism in the area. And no doubt many of the young people Twittered into action are idealistic. We seem reticent even to acknowledge the less liberal, religiously absolutist powers that have been stoking the fires for at least two generations.

It is time for more than fine speeches. It is time to call the shots as they really are. It is time to recognize that in religion as in politics the majority are seldom correct, are seldom inclined to grant to others what they want.

Even in the United States the "street" acts as though it is all that counts. While the Founders, in a self-assured revolutionary manner, did use the street and such events as "the Boston Massacre" to nudge their fellow colonists toward separation, they understood that freedom was never protected by the majority opinion alone. They set up a representative government and a series of checks and balances to frustrate the efforts of individuals or factions to diminish the principles of freedom. Even as they ratified a Constitution, similar aspirations in France were bubbling up in a less-controlled way that blended hatred of the ruling class, hatred of religion, and worship of citizen opinion into a witch's brew that led to "the terror" and culminated in a most unrepublican attempt at European conquest.

Somehow we must keep the calls for religious freedom uppermost, even as a revolutionary self-determinism sweeps Egypt and beyond. Religious freedom is an absolute, not to be redefined by the interests of a majority. Self-determinism is at root an outgrowth of a God-given individuality; but when the individual surrenders to the mob, injustice ensues.