

FIRST THINGS

In Defense of Religious Freedom

Evangelicals and Catholics Together

March 2012

Eighteen years ago, this fellowship of Evangelical and Catholic pastors, theologians, and educators was formed to deepen the dialogue among our communities on issues of common concern, to explore theological common ground, and to offer in public life a common witness born of Christian faith. Since our founding in 1994, we have addressed, together, such important public policy questions as the defense of life, even as we have proposed to our communities patterns of theological understanding on such long-disputed questions as the gift of salvation, the authority of Scripture, and the call to holiness in the communion of saints. We hope that this collaboration has been a service to both Church and society; it has certainly drawn us closer together as brothers and sisters in Christ, and for that we are grateful to the Lord of all mercies.

At the beginning of our common work on behalf of the gospel, it did not seem likely that religious freedom would be one of our primary concerns. The communist project in Europe had collapsed; the commitment of Christian believers to defeat totalitarianism through the weapons of truth had triumphed; and throughout the world, a new era of religious freedom seemed at hand.

We are now concerned—indeed, deeply concerned—that religious freedom is under renewed assault around the world. While the threats to freedom of faith, religious practice, and religious participation in public affairs in Islamist and communist states are widely recognized, grave threats to religious freedom have also emerged in the developed democracies. In the West, certain religious beliefs are now regarded as bigoted. Pastors are under threat, both cultural and legal, for preaching biblical truth. Christian social-service and charitable agencies are forced to cease cooperation with the state because they will not bend their work to what Pope Benedict XVI has called the “dictatorship of relativism.”

Proponents of human rights, including governments, have begun to define religious freedom down, reducing it to a bare “freedom of worship.” This reduction denies the inherently public character of biblical religion and privatizes the very idea of religious freedom, a view of freedom such as one finds in those repressive states where Christians can pray only so long as they do so behind closed doors. It is no exaggeration to see in these developments a movement to drive religious belief, and especially orthodox Christian religious and moral convictions, out of public life.

Given these circumstances, we offer this statement, *In Defense of Religious Freedom*, as a service due to God and to the common good. The God who gave us life gave us liberty. The God who has called us to faith asks that we defend the possibility that others may make similarly free acts of faith. By reaffirming the fundamental character of religious freedom, we contribute to the defense of freedom and to human flourishing, in our countries and throughout the world.

In making this statement, we confess, and we call all Christians to confess, that Christians have often failed to live the truths about freedom that we have preached: by persecuting each other, by persecuting those of other faiths, and by using coercive methods of proselytism. At times

Christians have also employed the state as an instrument of religious coercion. Even some of the greatest leaders in the history of Christianity failed to live up to their own best ideals. As the Second Vatican Council's declaration on religious freedom, *Dignitatis Humanae*, put it, "In the life of the People of God, as it has made its pilgrim way through the vicissitudes of human history, there has at times appeared a way of acting that was hardly in accord with the spirit of the Gospel or even opposed to it." It is this memory of Christian sinfulness that gives us all the more reason to defend the religious freedom of all men and women today.

What Religious Freedom Is

As believers in the God of Abraham, Isaac, and Jacob, who reveals himself fully in the Lord Jesus, we find the deepest source of religious freedom in the form or nature of the human person created by God. Human beings have been created with the capacity to know God, the will to seek God, and a spiritual thirst for God. In Genesis 1:26, the Bible teaches us that only human beings are made "in the image of God." No one bears this image (*imago Dei*) more than others; no one has the right to assert that by reason of race, tribe, ethnicity, class, or sex his imaging of God is superior to another.

In a world of manifest and innumerable inequalities, this radical equality of all men and women before God is the bond that allows us to speak meaningfully of a human family, a human race, in which we share mutual obligations—including the obligation to recognize and honor that sanctuary of conscience in which each person can meet the divine source of life. Any power, be it cultural or political, that puts unwarranted impediments in the path of the human quest for truth, which culminates in the human quest for God, is violating the order of creation.

These truths have already been stated in several Christian documents:

- In the 1986 *Instruction on Christian Freedom and Liberation* issued by the Congregation for the Doctrine of the Faith, we read that "God wishes to be adored by people who are free" (no. 44).
- In the National Association of Evangelicals' 2006 *Statement on Religious Freedom*, this fundamental freedom is described as "the distinctive characteristic of the American project—what Roger Williams called 'the livelie experiment.' . . . It is an inalienable right that precedes the state itself."
- In the 2010 *Cape Town Commitment*, Evangelical Christians of the Lausanne Movement declared, "Let us strive for the goal of religious freedom for all people. This requires advocacy before governments on behalf of Christians and people of other faiths who are persecuted."

Human freedom, and especially religious freedom, reflects God's design for creation and his pattern of redemption. Religious freedom is thus grounded in the character of God as revealed in the Bible *and* in the moral structure of the world that we can know through reason. It is precisely as Evangelical and Catholic Christians that we affirm, on the authority of the Bible, religious freedom for all, even as we are prepared to defend religious freedom in public life through arguments drawn from reason.

Religious freedom is a fundamental right. As the American founders put it, it is "unalienable." Religious freedom is thus a right that exists before the state. The just state recognizes this right of persons and protects it in law. In doing so, the state recognizes the limits of its own capacity: It cannot coerce consciences; it cannot compel belief. For the state that recognizes and protects

religious freedom is not an omniscient state, but rather a state that acknowledges the rights of conscience and the prerogatives of the institutions that men and women freely sustain to express and pass on their religious convictions. It recognizes its duty to serve, and not to impede, those communities of civil society. Thus the recognition of religious freedom in full is a crucial barrier to the totalitarian temptation that seems to exist in all forms of political modernity.

In sum, religious freedom has both personal and public dimensions. It is grounded in the dignity of the human person as possessed of a thirst for the truth and a capacity to know it. The state that recognizes religious freedom as inherent and inalienable, a civil right protected by law, thereby acknowledges its incompetence over the sanctuary of human conscience. Religious freedom is fundamental both to the freedom of the individual human person and to the sustaining of just and limited governments.

The Genealogy of Religious Freedom

It is because Evangelicals and Catholics Together confess Jesus Christ as head of the Church and of our consciences that we insist that there can be no compulsion whatsoever in the act of faith. Here, the Lord himself is our witness.

The New Testament, whose basic confession of faith was distilled by the first generation of Christians to the simple affirmation that “Jesus is Lord,” never depicts Jesus the Lord as coercing faith. Quite the contrary: Jesus reasoned with his listeners, instructed them in parables, called them to repent, and invited them to believe the good news of God’s kingdom. When his disciples asked him to call down fire from heaven to destroy those who refused to receive him, Jesus rebuked them (see Luke 9:52–55). Shortly thereafter, Jesus sent his disciples on a mission with the explicit instruction to respect others’ freedom (see Luke 10:1–12). Even the Risen One, whom the Church confesses as the Lord of the cosmos and of history, speaks of himself as one who invites: “Behold, I stand at the door and knock; if anyone hears my voice and opens the door, I will come in and eat with him, and him with me” (Revelation 3:20). The first chapters in the history of the Church, the Acts of the Apostles, show the first Christians preaching conversion and demonstrating by the quality of their lives and their witness that God’s Kingdom is “established” by the ministry of the word and the works of the Holy Spirit (see Acts 12:24). They acknowledged the authority and value of the state (see Romans 13) even as they recognized the limits of its reach (see Acts 5:29).

Recognizing the failures of Christians to live in accord with these convictions in the past, we also ask that the history of religious freedom be understood in its full amplitude. The genealogy of religious freedom is a rich and complex one; its story does not begin in modern times. It begins in the Jewish and Christian understanding of human dignity and freedom.

In the fourth century, Lactantius (whom the Renaissance humanists called the “Christian Cicero”) wrote, “Religion cannot be a matter of coercion.” A century later, the greatest of the Latin Fathers of the Church, St. Augustine, wrote in his *Commentary on the Gospel of St. John*, “When force is applied, the will cannot be aroused. You can be compelled to enter a church against your will; to approach the altar against your will; to receive the sacrament against your will. But you cannot believe against your will. No one can believe except willingly.” The greatest of the medieval theologians, St. Thomas Aquinas, insisted that no one should be compelled to the faith “because to believe depends on the will.”

In his 1523 treatise *Temporal Authority: To What Extent It Should Be Obeyed*, Martin Luther

declared that the state has no authority over the soul, and he demarcated the limits of government in the spiritual realm: “It has laws which extend no further than to life and property and external affairs on earth, for God cannot and will not permit anyone but himself to rule over the soul. Therefore, where the temporal authority presumes to prescribe laws for the soul, it encroaches upon God’s government and only misleads souls and destroys them.” Luther’s contemporary John Calvin believed that in the face of “overbearing tyranny,” a Christian must “venture boldly to groan for freedom.” He protested the intrusions on the church’s freedoms of assembly and speech.

In early American history, the Puritan dissenter Roger Williams founded the colony of Rhode Island in the conviction that the bloody persecution of men for their religious convictions was “contrary to Scripture.” In the sixth point of his *Plea for Religious Liberty* (1644), Williams wrote that it is “the will and command of God” that permission be granted to Jews, Muslims, and non-Christians alike in their worship and in the exercise of their consciences, so that the only sword used in matters of the soul should be “the sword of God’s Spirit, the Word of God.” Just before the American Revolution, the Baptist pastor Isaac Backus grounded his *Appeal to the Public for Religious Liberty* (1773) in the teaching and example of Jesus, stating that “our Lord has most plainly forbidden us, either to assume or to submit to any such [compulsion] in religion.”

In our own time, the 2010 Lausanne *Cape Town Commitment* called Christians to “being committed to advocate and speak up for those who are voiceless under the violation of their human rights,” and declared, “Let us strive for the goal of religious freedom for all people. This requires advocacy before governments on behalf of Christians *and* people of other faiths who are persecuted.”

Finally, the Second Vatican Council, after careful consultation with Protestant observers, summarized and restated many of these themes in *Dignitatis Humanae*. We, as Evangelicals and Catholic Together, fully affirm the teaching of this declaration that

the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups or of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. . . . This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.

Religious Freedom in the Architecture of Democracy

As we have argued, just government recognizes and protects those rights that are built into human nature by God and that can be known by both reason and revelation. The most basic of these fundamental rights is religious freedom, which is most basic because it touches what is deepest in the human spirit: our thirst for the truth, which Christians believe is in fact a thirst for God. Religious freedom, then, grounds the freedom of speech, of assembly, of the press, and all other freedoms. Absent religious freedom, there is no freedom in the deepest meaning of the word. Absent religious freedom, democracy crumbles.

The fundamental human right of religious freedom precludes the establishment of a religion to which all citizens must conform. That is why the First Amendment to the United States Constitution wisely links the free exercise of religion to its prohibition of “laws respecting an

establishment of religion.” The prohibition of an establishment of religion is one crucial means to advance the end of the free exercise of religion. Thus “no establishment” and “free exercise” are not in tension, as much modern jurisprudence understands them to be. Nor does “no establishment” demand a naked public square, shorn of religiously informed moral conviction. The “separation of church and state” is intended to protect freedom *for* religious conviction; it is not intended to promote religion’s exile from public life.

It is essential for the full expression of religious freedom that believers be welcome, in law and in social custom, to bring their religiously based moral convictions into the ongoing public debate over how we ought to order our common life. Religiously informed moral argument does not establish religion or impose sectarian values on a pluralistic society. Such charges are undemocratic, for they deny to fellow citizens and religious communities the right to bring the sources of their deepest convictions into public life. For their part, believers often have the resources to make their arguments in the public square in ways that every citizen, irrespective of religious belief or the lack thereof, can engage. Thus we seek neither a naked nor a sacred public square, but a civil public square open to the full range of convictions.

Religious Freedom in Peril

As the Pew Forum on Religion and Public Life has noted, Christians face harassment in more countries than any other religious group. In the words of the World Evangelical Alliance, Christians are “the largest single group in the world . . . being denied human rights on the basis of their faith.”

Overt persecution of Christians is widespread in many Islamic societies. Christians are murdered by radical Islamists in churches in Egypt and Iraq. Bibles are not permitted in Saudi Arabia, and the Saudi national curriculum continues to teach students to “kill” Jews and apostates, view Christians as enemies, and spread the Islamic faith through “jihad”—a teaching it promotes by funding the distribution of extremist textbooks throughout the world. In some Islamic states, conversion to another religion is a capital offense. In Iran, a Christian pastor who refused to recant his faith has been brought to trial for apostasy. In Pakistan, blasphemy laws forbid any criticism, however mild, of Islam. Muslim persecution of Christians is not confined to one area of the world, for these practices can be found in Indonesia and northern Nigeria as well as the Middle East, North Africa, the Persian Gulf, and the Indian subcontinent. Nor is it likely that the “Arab Spring” will lead to a springtime of religious freedom in the Islamic heartland and beyond. Indeed, if radical Islamists come to power, the situation of Christians and other religious minorities will become even more perilous.

Islamic societies are not alone in their persecution of Christians. The remaining communist states in Asia—North Korea, the People’s Republic of China, and Vietnam—and “postcommunist” states such as Belarus, Turkmenistan, and Uzbekistan restrict religious freedom in their determination to control all aspects of social life. In India, Christians are persecuted by Hindu radicals who burn orphanages and schools for no reason other than their Christian sponsorship; here, too, conversion to Christ can be life-threatening.

Religious freedom is under assault even in countries where the language of human rights is part of the public moral vocabulary. In Canada, for example, Evangelical pastors have been fined by “human rights commissions” for preaching biblical morality in matters of human sexuality. In Great Britain, couples have been denied foster children because of their commitment to teach the young the moral truths inscribed in the Bible. In Poland, a Catholic magazine editor was fined by a court for speaking the truth about abortion. In these and other

instances, coercive state power is being deployed to impose a secularist agenda on society while driving religious faith and practice out of public life.

By these and other means, “religious freedom” is reduced to a private lifestyle choice. In Europe and Canada, what amounts to state-established secularism erodes the exercise of full religious freedom by impeding the public witness of Christian communities. It also substantially threatens the free exercise of religious belief in preaching and catechesis.

In the United States, religious freedom is being encroached upon and reduced through the courts, in administrative policy, and in our culture. For example, the Equal Employment Opportunity Commission (EEOC), through the office of the solicitor general, recently challenged the longstanding interpretation of the “ministerial exception” to antidiscrimination and other employment laws in *Hosanna-Tabor v. EEOC*. The legal arguments presented by officials from the executive branch of government would have dramatically reduced the constitutional protections that allow Christian communities to choose their ministers according to their own criteria. Fortunately, in a unanimous decision the Supreme Court of the United States affirmed the ministerial exception.

While the Supreme Court has protected the right to determine religious leaders, the capacity of religious believers to form and sustain distinctive institutions is threatened today. The United States Department of Health and Human Services has proposed “preventive services” regulations that require provision of FDA-approved contraceptives, including abortifacients like Ella, and sterilization. These regulations threaten the religious freedom of insurers, employers, schools, and other religious enterprises that conscientiously oppose contraception and abortion. Limiting conscience protections to those in religious institutions that serve only their own members, as some have proposed, criminalizes the public witness of religious organizations such as Catholic universities and other religious social welfare institutions.

Administrative and regulatory policies pose further threats to religious freedom. Christian doctors, nurses, pharmacists, and other health-care providers are being put at professional risk by policies that compel all health-care workers to undertake procedures and provide prescription drugs that many of them regard as immoral.

We also note that the attempt to redefine marriage through coercive state power has already brought pressure to bear on Christian ministers, despite exceptions provided in legislation. Further, in no state where the redefinition of marriage has passed the legislature has the religious institution exception provided all the religious freedom protections needed for individuals and groups that oppose the legalization of same-sex unions in those states.

The Renewal of Religious Freedom

We live in the greatest period of persecution in the history of Christianity. In the twentieth century, noble martyrs like Dietrich Bonhoeffer and Blessed Jerzy Popieluszko gave their lives for Christ amid a cloud of witnesses greater in number than those martyred for the Name in the previous nineteen centuries of Christian history. That witness continues today in the self-sacrifice of men like Shahbaz Bhatti, a Christian cabinet officer murdered because of his defense of the religious freedom of all of his fellow Pakistanis.

As Evangelicals and Catholics who seek to honor the witness of these and other martyrs, we pledge to work together for the renewal of religious freedom in our countries and around the world. We will resist the legal pressure brought on Christians in the medical profession, the

armed forces, and elsewhere to participate in actions that they deem immoral on the grounds of both faith and reason.

We acknowledge that the state enjoys its own sphere of competence. But we remind the modern democratic state that it is a limited state. We applaud the United States Supreme Court's decision to sustain the long-held ministerial exception. In the same spirit of concern for religious liberty, we ask that legislators formulate explicit conscience protections for health-care workers. And we counsel legislators to intervene and reverse the coercive efforts at the Department of Health and Human Services and other agencies to mandate health coverage and adoption procedures that will force religious institutions to betray their foundational principles. In these and other areas, we must vigilantly defend religious freedom.

We also join together in asking our federal governments to defend religious freedom in conducting the foreign policy of the United States and Canada. We recognize the complexities into which such a commitment inevitably leads; we also see the evidence of history, which teaches that religiously free societies are better for their people, and safer for the world, than societies in which persecution is culturally and legally affirmed. Thus we call on our public officials to undertake prudent measures to advance the cause of religious freedom in full.

In all of this, we believe we are acting as Christians have been commanded to act, and speaking as citizens of mature democracies ought to speak. Our faith in Jesus Christ as Lord and Savior, and our baptism in the name of the Most Holy Trinity, compels us to defend the religious freedom of all who are created in the image of God. Our gratitude for the religious freedom that has been a hallmark of North America for over two centuries compels us to work to defend religious freedom in the United States and Canada, and to work for the religious freedom of others in all lands. For the sake of the common good, we, Evangelicals and Catholics Together, urge our fellow citizens and our public officials to join us in the renewal of religious freedom: to defend religious freedom for all persons and to guard against its erosion in our societies.

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