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**THE COLOMBIA-VATICAN CONCORDAT**

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On July 12, 1973, Colombian President Misael Pastrana Borrero and Papal Nuncio Archbishop Angelo Palmas put their signatures on a new concordat between Colombia and the Vatican, climaxing several years of secret negotiations. The treaty is currently the subject of heated debate by the Colombian Congress, which must ratify it.

A concordat is a formal treaty, with the force of law, between a civil government and the Vatican, which is both a sovereign state and the headquarters of the Roman Catholic Church. Concordats spell out and guarantee the privileges and prerogatives of the Roman Catholic Church. Among the most famous concordats of recent times are those of 1929, 1933, and 1953 with Mussolini, Hitler, and Franco. The Roman Catholic Church is the only religious body in the world that has developed a system of international treaties to protect its interests.

The new concordat is of vital interest the world over because it may fairly be regarded as the blueprint for the kind of church-state relationship that the Vatican considers most suitable for the 1970's and beyond. What rank-and-file Catholics think, of course, is quite another matter and, in any event, what they think has seldom been considered important by the Vatican. The new concordat is also little more than a slight modification of the 1887 Vatican-Colombia concordat, described as the ideal church-state relations model by such Roman Catholic authorities as Eduardo F. Regatillo, S.J. (El concordato español de 1953, Sal Terrae, Santander, Spain, 1961).

Among the more significant of the new concordat's thirty-two articles are the following:

The first describes the Catholic religion as a "fundamental element of the common good and of the integral development of the national community." Other faiths are not mentioned, nor the fact that the number of practicing Catholics in the country is less than 10 per cent of the population. The term "fundamental element" is a little obscure, but succeeding articles make its meaning clearer, as does the preamble to the country's 1957 constitution (a peace-making charter designed to heal the wounds of a decade of
civil strife), which describes Catholicism as "the religion of the nation."

Article II guarantees the Catholic Church "full freedom and independence," though other articles certainly limit the freedom and independence of the Colombian Government and the Colombian people, and place other religious bodies in a second-class position. The fourth article forbids the government to recognize independent Catholic organizations not approved by the Catholic hierarchy.

The seventh article contains one of the treaty's few mild reforms. No longer will persons originally baptized as Catholics be required to formally renounce the Catholic faith before a municipal judge in order to marry in a civil ceremony. For a long time Protestant converts from Catholicism have had to endure this ordeal and often subsequent harassment in order to marry civilly. Since non-Catholic marriage ceremonies have no legal validity, Protestant and Jewish weddings are preceded by a civil ceremony. This provision has led to speculation that the government might legalize divorce for civilly married couples if the concordat is ratified.

Article XI stipulates that the government will provide public funds for the support of Catholic educational institutions. The question of possible tax aid for Protestant schools is left open. Article XII requires that Catholic instruction be given in all public schools.

Articles VI and XIII continue the entanglement of church and state in the administration and management of so-called "mission territories," vast underdeveloped areas of the country of low population density.

Article XIV allows the government to challenge the Catholic Church's appointments of bishops and archbishops. This anachronistic provision dates back to Pope Alexander VI's 1493 bull (edict) allowing Spanish monarchs, beginning with Ferdinand and Isabel, to veto ecclesiastical appointments in Spain's New World colonies.

Catholic bishops are exempted from civil prosecution by Article XIX, and priests and nuns are granted the right by Article XX not to be incarcerated in "common jails" in cases of criminal prosecution. Article XXVI would continue the 1887 concordat's requirement that the government go on paying the Catholic Church annual subsidies in compensation for church properties seized and sold by the government more than a century ago.

If Colombia's new concordat is not ratified by
the national Congress, the country's 1887 concordat will continue in force, even though it is of doubtful constitutionality, since it was not originally ratified by an elected Congress and since the Vatican did not exist as a recognized state between 1870 and 1929. Whether it is constitutional or not, successive Colombian governments have always regarded it as being in force.

The new concordat, it is clear, would continue the official establishment of the Roman Catholic Church in Colombia. It would continue the status of non-Catholic religious bodies as second-class institutions and continue to compel all Colombian citizens to pay taxes to help pay the bills for an established church that would have a hard time surviving on voluntary donations.

All this business of concordats may seem like dry-as-dust legalism. What has it to do with the lives of the 22 million people in Latin America's third largest nation? And of what importance is Colombia's perennial church-state problem to Americans, Canadians, or Europeans? A little historical perspective may provide some answers.

Both the Atlantic and Pacific oceans bathe Colombia's shores. The country, nearly twice the size of Texas, straddles the Equator and sprawls across the northern ranges of the majestic Andes, some of whose snow-capped peaks lance the clouds to altitudes well over four miles above sea level. Within an hour or so by jet of the country's bustling 9,000-foot high capital city, Bogotá, with its 3 million inhabitants, the traveler can reach vast tropical rain forests, mist-shrouded farms perched on the steep slopes of cool green mountains, endless empty plains, quiet valleys with neat farms bounded by straight rows of stately eucalyptus trees. The rich soil yields the world's mildest coffee, while emeralds, gold, silver, and less precious minerals are brought up from the bowels of the mountains. Sleepy villages dot the temperate uplands. Great cities hum with activity. Within a few blocks in downtown Bogotá, one can walk from a sixteenth century cathedral to the home where the Liberator, Simón Bolivar, once leaped from a window to escape a band of assassins; and from there to an ultramodern thirty-story glass-and-steel office building.

But Colombia has been plagued with religious freedom and church-state problems since Spanish conquistadores seized the country from the Indians nearly four and a half cen-
turies ago. The cross of the Spanish church followed the conqueror's sword and that Church did very well for itself indeed, probably amassing more wealth in Colombia than in any other Latin-American country except Mexico. The Catholic Church in Colombia today may have few communicants in church, but it has assets worth an estimated U.S. $2.5 billion, and this in a country where average per capita is less than one tenth that of the U.S.

Fifty years after Jefferson wrote our Declaration of Independence, Colombia and the other Latin-American lands succeeded in throwing off the yoke of Spain, a fact that the monarchically oriented Vatican did not choose to accept for a number of years. The creoles who launched the new governments were frequently anticlerical, like Colombia's first president, Simón Bolivar, and his successor, General Francisco de Paula Santander, who were greatly influenced by American and European republican thought. Santander allowed Protestant Bible societies to come into Colombia and did not restrain liberals who were forming anticlerical Masonic lodges.

For a generation after independence Colombia jolted back and forth between anticlerical and clericalist governments, the one side cracking down on certain Catholic church practices and moving in the direction of the American model of church-state separation, the other moving back again toward establishment. By 1853 anticlerical Liberals were in power. They formally separated church and state for the first time in Latin-American history, expelled the Jesuits, legalized civil marriage and divorce, and guaranteed complete religious freedom. Many church properties were confiscated.

But church-state separation was not to last. Rafael Núñez was elected president in 1884. By 1887 he had obtained dictatorial power and had foisted on the country a new constitution and a concordat, negotiated with Pope Leo XIII, which firmly established the Roman Catholic Church and accorded it extraordinary privileges. Catholic instruction was mandated in all schools, the church's hierarchy was given the power to censor and remove textbooks and teachers in all schools, and the hierarchy was granted exclusive jurisdiction over marriage, with divorce forbidden. The government agreed "to assign in perpetuity an annual liquid sum" in compensation for church properties taken over and sold by previous governments. It also agreed to provide annual subsidies to the Catholic Church for
the upkeep of dioceses, seminaries, parishes, and other operations.

(Núñez, it is interesting to note in passing, negotiated the concordat as the price he had to pay for getting the Catholic Church to accept his second wife while his divorced first wife still lived.)

Perhaps the most astonishing feature of the 1887 concordat was its Article XXXI, which allowed the government of Colombia and the Vatican to make agreements "for the encouragement of Catholic missions among the barbarian tribes" without the need for Congressional approval.

According to an extraordinary and important new book by Colombian editor and sociologist Victor Daniel Bonilla, Servants of God or Masters of Men? (Penguin Books, Baltimore, 1972, $2.65), these conventions gave the Vatican license to mistreat, exploit, and rob the Indians who lived in the mission territories. Bonilla shows how Capuchin (Franciscan) missionaries from Spain moved into the Sibundoy valley of southern Colombia in 1905 and grew wealthy and powerful on forced exactions of money, labor, and land from the Indians. The Capuchins even used flogging and the stocks to compel the poor Indians to follow their order, even to the selection of their brides. The situation continues today. Because of the 1887 concordat, the Colombian government has been powerless to intervene. The Capuchins are not under the jurisdiction of the Colombian Catholic hierarchy, and the Vatican, which does have jurisdiction, has failed for seventy years to order its agents in the Sibundoy valley to behave like Christians.

Effects of the 1887 concordat on the remaining quarter of Colombia, with the great majority of the country's people, have been almost as bad for religious liberty. With government subsidies, tax exemptions, and virtual monopoly control over education, the Roman Catholic Church has built up a not inconsiderable empire. The Church has also benefited from the syphoning off of a large but undetermined amount of American Government and private aid to Colombia. (I have seen CARE packages, clearly marked "Donated by the people of the United States of America—not to be sold or exchanged," purchased from religious orders!)

In carrying out the concordat's requirement that Catholic doctrine be taught in public schools, the government prescribes the precise doctrinal points that are to be taught in each school year. Samples: "How can one distinguish which is the true
Church? How do we cross ourselves?” (First grade.)

“Is immediate confession necessary when one has fallen into mortal sin?”

(Second grade.) In addition to formal religious instruction, the schools also slant the teaching of other subjects to present the views of Catholic officialdom. Colombian public schools generally serve only the poor. The more affluent send their children to private schools, many of which are run by religious orders and all of which must teach religion.

Though Colombia has long had a tiny Jewish community, Protestant Christianity had little chance to develop before World War II, though a prestigious Presbyterian school, the Colegio Americano, has existed in Bogotá from the 1850's to this day. This school has long been a refuge for Colombians seeking education free of Roman Catholic indoctrination, though it has been joined in recent years by many Seventh-day Adventist and other “Evangelical” (the common Spanish word for “Protestant”) schools. The government has allowed these schools to present Protestant-oriented teaching as a substitute for the legally required Catholicism. Large numbers of nominally Catholic parents are calling their children “Protestants” in order to enroll them in the Evangelical schools.

Mistreatment of non-Catholics reached a peak during the period of violence and dictatorship from 1948 to 1957. Protestant radio programs were forced off the air. Religious freedom for Protestants was restricted to their churches and private homes. During these difficult times, in which 200,000 Colombians died by violence, 116 Protestants were martyred because of their faith, 66 Protestant churches and chapels were destroyed by fire or dynamite, and over 200 Protestant schools were closed. Protestants were accused of “introducing Communism.” Their children were often expelled from public schools for refusing to attend Catholic services. They were often denied the right to civil marriage. Bibles and religious books were confiscated. Priest-led mobs often disturbed their services. Converts to Protestant faiths sometimes had their children seized and turned over to Catholic institutions.

The overthrow of the last dictatorship in 1957 and the restoration of elected government brought an improvement of the religious liberty situation. Persecution and harassment ended. Protestant churches and schools opened and flourished. The number of Protestants has been growing at a rate of about 10 per cent per year. Protestant book-
stores make available a wide variety of religious literature. Protestants were even invited to participate in the 1968 Eucharistic Congress in Bogotá, at which Pope Paul appeared.

Change has brought decline. There are now fewer Catholic priests in Latin America than Protestant ministers, even though nine tenths of the area’s population, which exceeds that of the United States, is nominally Catholic. In Colombia, traditionally the continent’s most Catholic country, regular church attendance by Catholics is well under 10 per cent.

Colombians reacted very negatively to Pope Paul’s 1968 encyclical, *Humanae Vitae*, denouncing birth control, and found little enthusiasm for the 1968 Eucharistic Congress. In another generation the Catholic Church may be little more than a skeleton in Colombia, albeit a very rich one, for its extensive properties and business investments are quite independent of the Sunday collection basket.

Should the new concordat be ratified by Colombia’s Congress? For forty years many Liberal Party leaders have favored doing away with the old concordat. Both the Liberals (historically anti-clerical) and Conservatives (historically very close to the Catholic Church) are divided. Former Conservative Attorney General Andrés Holguín has been urging rejection of the concordat on religious liberty grounds. Former Liberal President Darío Echandía has been urging ratification on the ground that the new concordat is the “lesser of two evils” when compared with the old one. Many Catholics have denounced the new concordat as violative of the spirit of the religious liberty pronouncements of Vatican Council II.

The Colombian Religious Liberty Association (*Asociación Colombiana de Libertad Religiosa*), founded in 1966 by Colombians dedicated to religious freedom, has criticized the concordat and urged its rejection.

Even if it is rejected, full religious liberty will not have been won. The old concordat will remain.

But the effort to produce a new concordat tells us one very important thing: The Vatican would really like to control as much of a nation’s education as it can, and it wants subsidies from the public treasury. It would like to control marriage. It would like to be the established, or privileged, church. Until the Vatican abandons these aims and its system of concordats, lovers of religious liberty will have continued cause for concern.
The itch to smite false doctrine has not disappeared.

Religious liberty is "a most diabolical doctrine" complained the sixteenth-century reformer Beza, "because it means that everyone should be left to go to hell in his own way." Poor Beza, anxious over the godliness quotient of Calvinistic Geneva, put his finger on a sore place.

It does seem to be a law of mankind that reluctance to allow others to find their own

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route to hell (or heaven) is in direct proportion to one's own visible holiness. As Richard Hofstadter says: "Reformers who begin with the determination to stamp out sin usually end by stamping out sinners." The same thought was expressed two hundred years earlier by Voltaire: "The man who says to me, 'Believe as I do, or God will damn you,' will presently say, 'Believe as I do, or I will assassinate you.'"

It is indeed terrible to be at the mercy of a "good" man, particularly if the "good" man meets the requirements of a persecutor—believes that his cause is right, that the question is important, and that coercion will be effective.

It is the last of these three requirements that saves America from a great deal more religious friction than we presently endure. Our relative forbearance in the face of the obvious error of our fellow countrymen is pessimistically explained by our having achieved a sort of "balance of terror"—a truce in which each of us regretfully allows his neighbor to say whatever comes into his foolish head on condition that he will allow
us to speak the truth which we alone possess. The implication of this 'tolerance' is that if our group were strong enough to silence other groups, we should all be the gainers.\(^5\)

"The skeptic can usually manage to remain calm and gently about another's belief. The real test comes when one is asked to recognize the right of another to be dead wrong on a question that lies right up close to our vitals. We might better go slowly, therefore, in attributing silence other groups, we should not be the gainers."

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Let us therefore hold our fire, lest we injure our own.\(^8\) The application of this rational method tended to create enough uncertainty about the details of truth so that by the nineteenth century, truth was pretty well expected to shift for itself.

English seventeenth-century dissenters resisted the establishment on the grounds that the ritualistic trivia of the high church was not essential for salvation. The Anglicans came back on them demanding that if salvation did not indeed ride on these minor points, then why the fuss? For decorum's sake, for public order and unity, the dissenters might be rightfully punished for their disorder, if not for their faith.

John Locke came to their rescue. While noting that what is trivial or is important is a matter of the inner life of the individual, and no one may be judge of another's conscience, it might be questioned whether a magistrate was truly qualified to determine for the community the sole route to heaven when perhaps devout but dissenting Bible students might have delved deeper than he. Locke warned that there is real danger of too much regulation actually provoking confusion and disorder.\(^9\)

Through the entire period it was frequently noticed that alleged heretics might lead blameless lives but come to uncomfortable ends, while the disorderly sort were scarcely disturbed in their wickedness. Castello may not have noticed this first but his comment on the phenomenon could hardly be improved upon:

This man, you say, is a heretic, a putrid member to be cut off from the body of the church lest he infect others. But what has he done? Oh, horrible things. Yes, but what? Is he a murderer? An adulterer? A thief? No. What then? Does he not believe in Christ and the Scriptures? Certainly he does and would rather die than not continue in his belief. But he does not understand them correctly, that is, he interprets them differently from our teachers. . . .

This is a capital offense to be executed in the flames.\(^9\)

Remarked another observer, "Those who suffer may not be martyrs, certainly those who intervene suffering cannot be saints."\(^11\)

Today, the itch to smite "false doctrine" has by no means disappeared. True, we are all devoted to the First Amendment. It is understood, of course, that he is a bigot—you tend to betray some rather unlovely prejudices—but I stand for truth!

In this frame of mind I see anyone as a reproach who has the
immortal rind to disagree with me. Now to argue, to persuade, is a difficult, somewhat chancy task for a patient, secure person. How much more easy (and dramatic) to call names! It is hard discreetly submerge his will in to be kind to a heretic—one who refuses to accept one’s arbitration of right and wrong. When he challenges me, he is actually challenging Deity! The more he opposes me, the greater the damage to my self-confidence. Toleration is hard to carry beyond this point. We’re not against freedom, you understand, but in such times we can’t let these minority groups go too far. So coercion is necessary for the general good, until conformity can be achieved. (We are certain, in any case, that God is on our side.)

Today the individualist is on the defensive. He is supposed to discreetly submerge his will in that of his society. If his views are opposed by aggressive groups, he must be tolerant—doubtless his notions are out of date anyway. It is not good form to argue details no matter how rules and interpretations have been shifting of late. Neutrality, acquiescence, indifference, that’s the spirit! Liberty is such a strong, uncouth word. Toleration is quite good enough for minorities these days.

Religious liberty denotes strife, the intransigence of obscure sects, perhaps even bigotry. It implies a demand for respect, of a right of expression and of practice, as though it is a belief instead of a religion. It carries demands for respect, for acquiescence, for indifference, for unanimous respect, in place of the dominant view. Toleration approaches toleration rather than true respect for religious liberty. Perhaps in the parlous nature of the times, with dangers without and vexing problems within, the kind of balance necessary for the successful operation of a free society is difficult to achieve. It is no wonder then as pressure groups find power in their hands, the age-old temptations recur. The apparent urgency of the situation, whatever it may be, overwhelsms scruples. As Stringfellow Barr puts it:

It is sad that organized groups of Christians seem to prefer force. Too often their first step is to declare something “against moral law” and their second to conclude that therefore we should call the police. Are not some of our church organizations really too lazy to teach morals and therefore hopeful that the police can frighten people into being moral anyhow? And is it not perhaps this quickness to substitute force for dialectic that makes many liberals profoundly suspicious of the churches’ political intervention? Some of my religious friends are fond of charging civil libertarians with a fuzzy, romantic, doctrinaire, and essentially empty view of law and freedom, and of being too busy to think through the problem. Alas, they themselves exemplify regretfully one of the lazy man’s chief weaknesses: his love of force.
Political theorists since Plato have wrestled with the question

CAN WE HAVE BOTH LIBERTY AND SECURITY?

Donald R. McAdams

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Passengers must pass through this security device at Dulles International Airport near Washington, D.C.
Nineteen seventy-three was a great year for American air travelers. Not once since the Federal Aviation Agency in January instituted its new search procedures of passengers and their luggage did an airliner captain have to announce that the plane was making an unexpected landing in Havana.

But air travelers have gained their new security at a price. Passengers must consent to electronic searches of their baggage and persons if they wish to board their planes. Under certain conditions passengers must submit to a personal "frisk" or "pat down" by security agents. While the FAA searches for a less obvious way to conduct these warrantless searches, another cherished American freedom has gone the way of the passenger pigeon. Only Senator Vance Hartke of Indiana has protested publicly and has refused to travel by plane if he must be searched. And the public has failed to proclaim him a hero for doing so.

Air travel is not the only area of American life where freedom and security clash. Some are concerned about possible extensions of new laws that permit law enforcement officials to conduct no-knock searches of suspected drug distribution centers. Newsweek has reported a poll showing that 68 per cent of Americans agree that "suspects who might commit another crime before they come to trial should be held without bail." Perhaps the concept of innocent until proved guilty and the common law practice of using bail only to guarantee appearance in court are less sacred to most Americans than security.

Of course organizations committed to our traditions of individual liberty are concerned about the trend. But there seems to be small chance that public opinion will support an emphasis on personal liberty if the order and security of society cannot first be assured. Men in all ages have agreed that an orderly society is the basis on which individual liberty must be built. An establishment of authority and power is necessary to protect the weak from the strong and to allow commerce and industry to flourish so that men can rise from the pit of barbarism.

Under anarchy only strong men do as they wish. The weak and the decent have no security against murder, robbery, and slavery. In an orderly society men have security, though they must accept restrictions on liberty. They are burdened with licenses, permits, customs restrictions, traffic laws, and taxes. In the name of order and unity the state makes decisions for individuals. The masses of mankind, who are weak, historically have preferred such a society. Better to endure even a cruel and despotic king and preserve the social institutions—so necessary to order—for a better time, than to create disorder now by rebellion, most men reason. Better high taxes and arbitrary arrest than anarchy and the loss of all security has been the cry of countless thousands who have believed in the divine right of kings, the power of oriental despots, or the rule of modern dictators.

But always some men have not been satisfied with security alone. They have sought liberty and security. How society can provide both liberty and security has been the central question for political theorists since Plato. There is no satisfactory answer. But most theorists agree that the essential element is law.

A society can exist without a legislative body and without an executive. Early feudal society in Europe had neither. But a society must have judicial power. Someone must settle disputes or men will live the law of the jungle, seeking support in family alliances and ending disputes over property and liberty with the blood feud.

When the Israelites left ancient Egypt, Moses was lawgiver, administrator, and judge. Since they had no legal tradition, one of their first requirements was a legal code, which God gave them before He led them into the wilderness. From that time until the establishment of monarchy under Saul, the Israelites had neither a legislative body nor an executive, only judges. For more than 300 years men such as Barak, Gideon, Samson, and Samuel, and a woman, Deborah, judged Israel. These judges were leaders in battle on occasion, and preachers of reformation, but primarily they were judges—a
"And he [the Lord] gave unto Moses . . . two tables of testimony, . . . written with the finger of God" (Exodus 31:18).

point we often miss. They spent the great majority of their time settling disputes.

When kings came they assumed military command, but one of their most important functions remained the judging of the people. When God appeared to Solomon one night in a dream and said, "Ask what I shall give thee" (1 Kings 3:5), Solomon answered, "Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and bad; for who is able to judge this thy so great a people?" (verse 9). The case he settled between two women—each of whom claimed a certain child was hers—illustrates his judicial wisdom (see 1 Kings 3:16-28).

For the ancient Greeks, as well as the Jews, justice was the greatest need. In the sixth century B.C., the great lawgivers (the legendary?) Lycurgus in Sparta, Solon in Athens, and many others, established written legal codes. Such laws were essential, for as Aristotle said: "We take offense at individuals who oppose our inclinations, even though their opposition is right, [but] we do not feel aggrieved when the law bids us do what is right." The most important feature of Solon's legal code was the provision that all men could initiate proceedings against injustice, and that citizens would constitute the courts that gave judgment.

The Romans also built their society and later their empire on law. In early Rome, as in all primitive societies, law was unwritten and traditional. Naturally the ruling class, who knew and administered the law, tended to remember those laws favorable to themselves and conveniently forget others.

In about 451 B.C., following a great deal of agitation, the oppressed lower class, the plebians, obtained a board of ten men to codify and publish the laws. When the work was finished the law code was written on twelve tables of wood and set up in the forum for all to study. Out of this law of the twelve tables grew the enormous structure of Roman law, under which, in a modified form, most of Europe still lives. Roman law, like the laws of the Greeks and the Jews, was based on authority, impartially administered.

Like the Jews, the early Christians saw liberty as obedience to authority. The apostle Paul and Saint Augustine perfected the doctrine of the Christian who achieved liberty only by placing himself in absolute subjection to the divine will. This is the
ideal, for the divine will seeks what is best for us. The man who voluntarily and cheerfully obeys is truly free, for he does what he most desires to do.

The problem is that the divine will on this earth always needs interpretation. Hence the authority of the church. But the church or the theocratic state, like Calvin’s Geneva, may not always see God’s will as laymen or other citizens do. A further difficulty appears if another authority is substituted for the authority of the church. Complete submission to the authority of the secular state, the party, or the revolution leads to totalitarianism of the worst kind. In this sinful world law based on authority, even within the church, inevitably ends up destroying liberty, though security and unity may be preserved.

But there was another tradition of law within Christianity that emphasized liberty and even equality. Rooted in the philosophy of the great thirteenth-century scholastic Thomas Aquinas, this tradition asserted that human law should conform to natural law, which in turn is a reflection of divine law. Men, he argued, have been given enough wisdom and reason by God to create a good society on earth. Since good is defined by the members of society, a doctrine of social contract is implicit in Thomism. The aim of government is to serve men and the common good. Few today would quarrel with this, but there are radical implications to this view, for individual conscience is now exalted. A man must decide whether the law of his society conforms to natural law, and if it does not, then it is not binding. It is not law at all.

No society can endure this way, for anarchy will surely follow. An assassin can kill a public figure in the belief that his act is justice according to God’s law. Some of our legal problems today originate in the name of a higher law of justice and humanity, with citizens destroying property (Selective Service records, for instance), bombing, and killing.

A third tradition of law in the Western world, the common law, developed in England during the Medieval period. Unlike Roman law or Christian tradition, its primary concern is due process. It asserts simply that liberty is the right to have what is due you under the law. However, due process can be the vehicle for depriving a man of his life and property, for what is due him under the law may be very little. In England Parliament can legislate whatsoever it will, and it is legal, but it cannot deprive a man of a regular, certified-in-advance procedure for settling disputes with his neighbor.

The common-law tradition then, by itself, brings no assurance of security and liberty. But in those countries that trace their legal traditions to England, the common-law procedure has been combined with authority, the authority of traditional rights as developed under the influence of Christian natural law (in the United States this tradition has been committed to writing in our Constitution) to give maximum security and liberty to the citizen.

In the end, however, there is liberty only as long as citizens recognize the legitimacy of authority. In America today more and more people question this legitimacy. Some groups assert that the state represents only its interests and thus does not merit their support. Rioters and looters have described their activities as “liberating property.” Terrorists murder in the name of a higher justice. The common-law tradition, stripped of the authority of Christian natural law, is as unable as any other legal tradition to preserve liberty and security.

The fundamental dilemma of society is that if law rests on authority, society is subject to totalitarianism—security without liberty. And if law rests on conscience, society is threatened by anarchy—“liberty” without security. By resting law on due process and the traditions of natural (or divine) law, Western societies have achieved the greatest measure of both liberty and security. But due process ultimately lacks a goal for society, and human beings will always disagree on what natural law is. So the argument continues and men continue to reach for liberty and security, never getting both completely within their grasp.

SEVENTEEN
What seven sins are revealed by these fearful reprisals?

LAST PLAGUES

S. JULIO SCHWANTES

No one reading Revelation 16 can escape the painful realization that this is the chapter of God's wrath. The modern tendency is to minimize this aspect of God's character. Hell-and-fire preaching is outmoded, and happily so, but a maudlin proclamation of God's love can scarcely be considered a fitting substitute. What the world needs is the wholesome balance of gospel truth reflected in Paul's statement, "Note then the kindness and the severity of God" (Romans 11:22, R.S.V.).

God's wrath is God's love turned into moral indignation against those who persistently trample upon the principles of the spiritual order. The New Testament writers certainly stress the immeasurable greatness of God's love, but they never turn God's love into mere sentimentality. God would have all men to be saved, "not wishing that any should perish" (2 Peter 3:9, R.S.V.). But even though God graciously forgives the repentant sinner, sin as an intrusion into the moral order must eventually be eradicated and those who cling to it must of necessity go with it. God's grace can never be taken for granted. We cheapen it when we take the view of Heine, the German poet and scoffer who said, "God will pardon me; it is His trade."

In the final conflict dramatically portrayed in chapters 12 to 20 of Revelation, the "beast" stands for antichrist, and to accept the "mark of the beast" is equivalent to denying God. The seriousness of the conflict stems from this basic issue: To whom does man owe supreme allegiance? To God as the source of all good, or to antichrist branded by Paul as "that man of sin"? The final conflict, then, is a conflict for the loyalties of man. To this end God makes a closing display of His holy character in the preaching of the three angels' messages of Revelation 14, while the adversary exerts all his cunning to deceive the very elect.

In the light of this introduction, "those who had conquered the beast and its image and the number of its name" (Revelation 15:2, R.S.V.) represent those who stood loyal to God no matter how severe the trials and tribulations. They are seen standing at last "on the sea of glass," before the throne of God, having received the seal of divine approval and acceptance. Upon the rest of mankind, namely, those "who bore the mark of the beast and worshiped its image" (Revelation 16:2, R.S.V.), God's wrath contained in the seven last plagues is poured.

The purpose of these judgments that are declared to be "true and just" is not to lead men to repentance, for the ample time God has granted for repentance is past. In fact, verse 9, R.S.V., commenting on the results of the fourth plague, states that men "did not repent and give him glory." Abundant oppor-
portunity for repentance has been spurned when these judgments are visited upon men. Revelation 14:10, R.S.V., speaks of the "wine of God's wrath, poured unmixed into the cup of his anger." For the first time in the annals of divine dealings with men God's wrath is untempered by mercy. The same truth is brought forth in Revelation 15:8, R.S.V., where the statement that "no one could enter the temple until the seven plagues of the seven angels were ended" spells out the fact that during these judgments man stands without an Intercessor in the courts of heaven.

If not to lead men to repentance, what then is the purpose of these dreadful judgments? Before man will confess the justice of God's actions, as all must do at last (Revelation 5:13; Philippians 2:10), man must learn the futility of all evasion of God's claims upon him. He must come to realize that all man-made gods, all man-made substitutes of true religion, will prove to be broken reeds in the day of his trial. All reliance upon human schemes of salvation will break upon him as a vain illusion.

It is then a reasonable assumption that the seven last plagues, which are judicial in character and not remedial, will teach all mankind seven basic lessons. At least they will bring to all the recognition that God's judgments are "true and just." Such recognition will not affect the eternal destiny of those who rejected God's grace, but will vindicate the divine government before the universe. It should be possible in every case, according to this view, to find a logical connection between the nature of each plague and the spiritual shortcoming that it is intended to underline.

With the first plague man's reluctance to part with the comforts of life and accept a forthright confrontation with God's moral demands will come to grief. Those who bore the "mark of the beast" did so to avoid the pain of standing true to the Saviour in the face of persecution and personal sacrifice. They placed material comfort above loyalty to God, and they now reap physical disablement in the form of painful sores. Thus this first visitation culminates the idolatry of material comfort for which modern man is willing to sacrifice even eternal life.

The sea, which under the second plague turned to blood, may be viewed as standing for the avenues of trade and commerce. According to Revelation 13:17, one of the final issues when man is tested on the question of total loyalty to God, or acceptance of "the mark of the beast," is the matter of buying and selling. Those who use economic power to coerce the conscience of their fellow men will one day see that power turn to blood and distress. In Revelation 18 we have depicted a union of economic and ecclesiastical power, in which the collapse of the latter entails the downfall of the former. Such unions are as old as the Sumerian city-states, where the
whole economy centered in well-regulated temples. In the church of the Middle Ages this iniquitous union took the form of the sale of indulgences and simony, or the purchase of ecclesiastical offices by the highest bidder.

Traffic in “purple, silk and scarlet, all kinds of scented wood, all articles of ivory, ... incense, myrrh, frankincense” (verse 11, R.S.V.) has been a source of profit to the business community and the church through the ages. This traffic will come to a dismal end when the sea turns to blood and the avenues of trade are closed by divine fiat. In a deeper sense, therefore, one might say that the worship of economic power is indicated under this plague.

Under the third plague a bloodthirsty church and a bloodthirsty world are made to drink blood. The reason is explicitly given in Revelation 16:6, R.S.V.: “For men have shed the blood of saints and prophets, and thou hast given them blood to drink. It is their due!” Here then we have a divine commentary on the meaning of the third plague that should serve us as guide to the spiritual meaning of the other plagues. Every visitation underscores some specific sin of a world alienated from God.

It is not difficult to see the religious implication in the fourth plague affecting the sun, which “was allowed to scorch men with fire” (verse 8). The sun was the most common object of worship in the pagan world. It was worshiped in Egypt from the first dynasties under the name of Ra. Under the religious reform of Akhenaten of the eighteenth dynasty the solar disk became the central object of adoration as Aten. It is depicted on several monuments of the Amarna age as a disk from which emanate rays of light, each terminating in a human hand outstretched in blessing.

In the first centuries of our era the religion which rivaled Christianity for attention was Mithraism, in which the sun again is the central deity. Mithraism was very popular in the Roman army, and several third-century emperors prided themselves on their devotion to the sun. Franz Cumont, one of the best authorities on Mithraism, thus wrote in his book, The Mysteries of Mithra, pp. 186, 187:

“The imperial policy gave the first place in the official religion to the Sun, of which the sovereign was the emanation, just as in the Chaldean speculations propagated by the Mithraists the royal planet held sway over the other stars. On both sides, the growing tendency was to see in the brilliant star that illuminated the universe the only God, or at least the sensible image of the only God.”

It may be truly said that the Sunday law issued by Constantine in A.D. 321 was as much an effort to please Sunday-keeping Christians as sun-worshiping pagans. In the astrological week, which became popular throughout the Roman Empire, the first day was dedicated to the sun, as the other days were to the
moon and the five planets. (See F. Cu-
mont, *Astrology and Religion Among the
Greeks and Romans*, pp. 61, 62.) By keep-
ing Sunday, Christians were then unwit-
tingly paying homage to the solar deity.

If the "mark of the beast" of Revela-
tion 16:2 will be Sundaykeeping—when
the day is enforced by law, and men ob-
serve it despite the issue of allegiance in-
volved—then there should be no surprise
that the sun should be used by God in the
fourth plague to show mankind its folly.
The sun, which was universally believed
to be a source of blessing, is turned into a
source of woe, because "they exchanged
the truth about God for a lie and worshiped
and served the creature rather than the
Creator" (Romans 1:25, R.S.V.).

Under the fifth plague darkness en-
velops the "seat of the beast." Since this
power "sitteth upon many waters" and
"waters" in prophetic Scripture represent
the multitudes of earth, this is a world-
wide darkness. It becomes evident at last
to all mankind that they have labored
under a colossal misapprehension.
That false religious system symbolized
by the "beast," which was taken to be a
source of enlightenment for man in his
earthly pilgrimage, turns out to be a
deleting light. Exposed at last is the
great hoax now under divine judgment.
All the trappings of a magnificent ritual
that dazzled the senses of unreflecting
multitudes can no longer conceal the
gloomy barrenness of a man-made
religious system. If that ecclesiastical
body to which millions through the cen-
turies looked for spiritual enlightenment
is revealed to be but darkness, how bitter
the disappointment must be! No wonder
"men gnawed their tongues in anguish"
(Revelation 16:10, R.S.V.). Gloom of the
deepest hue will shroud man when the
hopelessness of his situation dawns upon
him. Having rejected Christ, who alone
is the "light of the world," man finds
now to his dismay that he has followed
antichrist, fittingly entitled by the apostle
Paul as "the power of darkness" (Colos-
sians 1:13). The pathetic indictment of the
Scriptures is that "men loved darkness
rather than light" (John 3:19), and dark-
ness as a deadly pall covers humanity
on its day of visitation.

Under the sixth plague is portrayed
the climax of a gigantic spiritual conflict
in which the kings of the earth array
themselves against God and His Christ.
The setting of Revelation 16:12-16 is
clearly bound with the events described
in Revelation 19:11-21. Both precede, or
rather culminate in, Christ's triumphant
and visible intervention in the affairs of
this earth at His glorious second advent.
Compare the statement of Revelation
16:15 with that of Revelation 19:16, which
affirms that Christ is coming as the King
of kings and Lord of lords.

The gathering of the kings of the earth
for "battle on the great day of God the
Almighty" is highly reminiscent of the
plot of the nations unveiled in Psalm
2:1-6. This text paints in vivid colors a
universal conspiracy against God and His Christ (Anointed). In spite of all the ado about the ecumenical movement and all the efforts about Christian unity, the naked truth is that man is in rebellion against God. More than half of mankind lives right now under governments avowedly atheistic or anti-Christian, and the rest, even though professing the name of Christ, are non-Christian in life and outlook.

Commentators of the contemporary scene have repeatedly asserted that Western civilization is moving nonchalantly into a post-Christian phase. A varnish of Christianity still keeps appearances neat for Western man, but the headlong rush for pleasure and power that characterizes our culture betrays a deep-seated rejection of Christian principles. Ours is a materialistic society that finds itself more and more estranged from God, in spite of sporadic lip service to religion. There is an ever-deepening gulf between Christian ideals and the current mores of Western culture. A pervasive secularism holds the thoughts of modern man in shackles.

The growing secularism that parades as glorified enlightenment will be encouraged in its defiance of Heaven by the “demonic spirits” issuing forth from the mouth of the dragon (paganism and rank atheism), from the mouth of the beast (Roman Catholicism), and from the mouth of the false prophet (apostate Protestantism). In the light of Revelation 14:12 one might expect that all sectors of public opinion will eventually unite their forces against a recalcitrant minority that tenaciously upholds “the commandments of God and the faith of Jesus.” Such a union of secular and pseudoreligious forces bent on securing conformity to a watered-down common denominator Christianity is envisaged in Revelation 13:12-17. That such a politico-religious organization might be undergirded by Christian slogans is also to be expected. Did not Christ Himself say, “The hour is coming when whoever kills you will think he is offering service to God” (John 16:2, R.S.V.)?

Whatever other meanings the battle of Armageddon may have, its central significance is that of a spiritual conflict in which the powers of earth, master-minded by Satan himself, will at last be arrayed “against the Lord and against his anointed” (Psalm 2:2). Those who persecute Christ’s disciples persecute Christ Himself. Paul learned this bitter lesson on the way to Damascus. Likewise those who make war on Christ’s church will find to their dismay that they are warring against the Almighty. Intent upon the destruction of spiritual Israel, the kings of the earth will meet their own destruction at Armageddon. The very name is a compound word, the first part of which means “mountain,” the mountain of “concision,” or threshing (see Joel 3). The second part is thought to be related to Megiddo, a centuries-old place
of the defeat of Israel's enemies. The seventh plague is the detailed description of a prophecy as old as Haggai, and which is quoted by the author of the Epistle to the Hebrews as follows: "Yet once more I will shake not only the earth but also the heaven." (Hebrews 12:26, R.S.V.). The purpose of this mighty shaking is to put in sharp contrast the instability of man's institutions and the immutability of God's purposes and plans, "in order that what cannot be shaken may remain" (verse 27, R.S.V.).

Under this plague man will witness the earth heave under his feet and the spectacular crumbling of all heaven-on-earth schemes. "The cities of the nations fell" (Revelation 16:19). In one hour all the monuments of man's ingenuity crumble to dust at the touch of God's finger. Too late man will discover that he has been building his dream-cities upon shifting sand, while with Abraham of old he might have been looking forward to the "city which hath foundations, whose builder and maker is God" (Hebrews 11:10).

Empires erected to endure a thousand years go under in the day that God intervenes in the affairs of men to vindicate His cause. "Great Babylon," which at the time of Christ's second advent symbolizes a worldwide religio-political institution, will collapse like a castle of cards, since it is not built on Christ as its immovable foundation. In fact, according to Revelation 17:1, Babylon sits "upon many waters." It relies for support on unstable political contrivances. The weakness of all such schemes will be exposed for all to see.

The bitterness of the disappointment will be sharpened as men recall the abundant and oft-repeated warnings of God's Word. It would have been different if men had only taken God at His word. Instead of accepting Christ as the Rock against which the gates of hell could not prevail, men chose Peter, or Darwin, or Marx. But in the day of final account, religious systems, scientific constructions, and economic Utopias in which Christ found no place are seen to burst like bubbles at the withering blast of God's indignation.

Witnessed by men and heavenly intelligences, an order founded upon man's will to power is seen to collapse beyond all hope of repair. In its place God will then erect a new order "in which righteousness dwells." Enraptured by the contemplation of God's ineffable love, the redeemed gathered before the throne of the universe will one day take up the song of Moses and of the Lamb, saying, "Great and wonderful are thy deeds, O Lord God the Almighty! Just and true are thy ways, O King of the ages! Who shall not fear and glorify thy name, O Lord? For thou alone art holy. All nations shall come and worship thee, for thy judgments have been revealed" (Revelation 15:3, 4, R.S.V.).
Amnesty

READERS RESPOND

In your November-December issue you solicited comments with reference to amnesty.

When a man and a woman are united in marriage they promise to take each other for better or worse. We as citizens of the United States likewise for the benefit of the majority must take law and order for better or for worse, and if we fail to obey the general law we are subject to punishment. Each individual has certain laws, rules, and regulations that he disagrees with but has to abide by or accept punishment for not so doing.

In every war there is always a place for clerks, pastoral visitors, engineers, workers preparing and taking care of the supplies, farmers to produce food, manufacturing plants to produce arms and ammunition, et cetera.

Each individual who does not care to be in the front-line trenches killing someone has plenty of opportunity to find service for his country in some capacity. If he fails to do so, that is his choice, and having made the choice, he should be willing to take his punishment and not be rewarded by having no punishment whatsoever, as against the man who has taken his place and has possibly been killed in service.

I believe in being fair, but we must consider that the persons who obeyed the law have some right to ask for punishment for those who failed to do so.

FREDERICK C. KRONMILLER
Attorney
Utica, New York

In the article "When Johnny Comes Marching Home Again—Hurrah?" what was the author trying to say? Did he have one man in mind or all the men who deserted after joining the service? If the article was directed toward one person that the author met, then one can raise the question whether Sweeney's story was worth printing. If the author is opposed to amnesty and you allowed your own feelings of opposing amnesty to keep you from evaluating the worth of the article, then you didn't do your job as an editor.

As editor, you have allowed two articles to pass your inspection as journalism when in fact they are both a low grade of propaganda.

JOHN McNAUGHTON, Pastor United Methodist Church Webberville, Michigan

Mr. Gallagher gives some rather interesting precedents for amnesty but left out (at least to my mind) one of the most cogent precedents for amnesty on the books. It is found in Deuteronomy 20:1-9. This passage of Scripture says: "If you have just built a new house—don't fight. If you have just planted a crop—don't fight. If you have just gotten married—don't fight. And if you are afraid to fight—don't fight." Amnesty was declared in all these cases. Are people so much different now than they were back then?

DANIEL B. NEIL
Chillicothe, Ohio

Since the return of a number of prisoners of war, hopefully all, there is a growing demand in certain quarters for granting amnesty to those who, in defiance of the laws and the requirements of citizenship, fled the United States as draft evaders or deserters during the Vietnam conflict.

We are told that the American people should forgive and forget the actions of those whose cowardice will forever be a stain on the pages of history, because it is in the American tradition to do so. That is a blatant lie, and the people who assert it are aware that there is no foundation in fact for such a statement.

Can they show a single case wherein amnesty was granted following the Korean conflict? The answer is No. It is true that President Truman in 1952 granted amnesty to peacetime deserters who had left their military units between the termination of World War II and the beginning of the Korean conflict. After World War II he created an Amnesty Board to review the cases of 15,803 draft evaders on an individual basis, and as a result some 1,523 were subsequently pardoned. Military deserters, however, were not granted amnesty.

Those who deserted from the military during World War II received no consideration whatever, except for about 100 men who left their units after the signing of the Armistice. They received amnesty from President Coolidge. Another 1,500 who had been convicted and had served their prison sentences were pardoned for the sole purpose of restoring civil rights that were denied to ex-convicts. They had paid the price to society for their actions.

The proposal has been advanced in some quarters that the Vietnam-period evaders and deserters be granted amnesty after performing certain types of civilian work in hospitals or in Vista-type volunteer work. However, that proposal has been rejected out of hand by those who have been interviewed on the grounds that accepting such an alternative would amount to an admission of guilt on their part. They are unwilling to accept any blame.

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for their actions, and demand unconditional amnesty and unqualified acceptance by all of the American people.

The answer of the Veterans of Foreign Wars of the U.S., the American Legion, and Disabled American Veterans to such a proposal is loud and clear. The evaders and deserters violated the laws of the United States and must stand trial the same as any other citizen who has broken the law. They certainly should not be given preferential treatment.

If these men had been conscientious objectors they were adequately protected by law, and it is a matter of record that hundreds, if not thousands, were excused from military service as the result of this long-recognized claim. Even after entering the military service many have been given non-prejudicial discharges when they belatedly claimed to be conscientious objectors.

It would, indeed, be a monstrous insult to the memory of the dead and wounded of all wars, let alone those who suffered and died honorably in Southeast Asia, to grant unconditional amnesty now or ever. Such a policy would bring only derision and shame upon a government that could seriously consider such action.

If the young men of this period can boast that they beat the draft laws and evaded military service in the Vietnam conflict, the likelihood of ever raising a civilian army to protect the innocent from future Hitlers, even here at home, would diminish. I know of no man who ever relished the idea of leaving home and family to take up the weapons of war.

However, the question of amnesty is unrelated to whether the Vietnam conflict is or is not a popular war. Any proposal to grant unconditional amnesty would weaken our society, which has always required that all citizens obey all laws enacted for the protection of all. That is the foundation of any well-ordered society. To say that some may disobey those laws that are distasteful to them, and with impunity, would let down the barriers to criminal behavior with resultant anarchy.

The American tradition has always been to change through legislative action any laws that need to be changed, but while laws remain in force and effect they must be obeyed, without exception.

JOHN F. DARGIN, JR.
Attorney
Judge Advocate General
Veterans of Foreign Wars
Dorchester, Massachusetts

Please do not miss the different words in the Bible translated “kill.” The one used in the Ten Commandments means to murder, or to take the life of another by purely personal hatred and whim, after planning it. It is used only twice that I can find. It did not mean to state we were never to take the life of another human being, for in the very next chapter of the same book (Exodus), the Bible says for mankind to execute human beings on different occasions. However, a different word is used here and translated to “kill.”

There seems to be little notice to the phrase “So thou shalt put the evil away from among you” (Deuteronomy 17:7), as a result of a trial and execution of one adjudged guilty of a crime worthy of death.

Also, another fine line needs to be drawn concerning amnesty or forgiveness. The Bible makes plain God’s readiness to forgive and forget upon genuine repentance from sin. Even the divine penalty of death is stayed at times from those who truly repent or turn from being disobedient, but no one in his right mind would argue that one does not reap what he sows and brings on himself judgment from society in free and open fairness.

It is extremely unpleasant to execute someone worthy of death, but to shy away from our duty because it is unpleasant merely makes large holes for more unpleasantness. It grieves God, I’m sure, to have to mention hell in the Bible, but it is His justice and love which designed it.

RAY TWEED, Pastor
First Southern Baptist Church
Goodland, Kansas

In the otherwise level-handed article on amnesty by James R. Gallagher, there seem to be two unfortunate sentences:

First, “Is to forgive divine?” I answer unqualifiedly, Yes. But for forgiveness, there has to be an admittal of error and a plea for forgiveness. . . . If forgiveness is the track we take, then presumably the “offenders” would sign some sort of sworn statement to the effect that they were guilty and sorry, et cetera. (If they are not guilty or do not admit it, they cannot be forgiven.)

The other error I noticed was much more tangible: the Spanish-American War was not definitely not unpopular. (If it was unpopular then the following books are in error: Reviewing American History (Amsco School Publications), A History of the United States (American Book Company), The Practical Encyclopedia (Grosset & Dunlap).

JOHN DANIEL HITT
Phillipsburg, Missouri
DUBLIN—The Supreme Court of the Republic of Ireland has declared the country's ban on importing contraceptives to be unconstitutional.

Though the ruling means that contraceptives may now be freely brought into Ireland, advertising or selling of contraceptives apparently remains illegal.

The court's decision came as a result of a legal challenge brought by a 28-year-old fisherman's wife, Mrs. Mary McGee, mother of four, who asserted that her life would be in danger if she bore any more children.

Specifically, she sued the attorney general and customs officials over the seizure of a contraceptive jelly being mailed to her. Claiming that the seizure was illegal, Mrs. McGee asked for a declaration that the law under which the package was impounded was inconsistent with the Constitution.

The Supreme Court ruling appears likely to increase the chances of government support for a bill in the Senate to permit the advertising and selling of contraceptives in Ireland.

Senator Mary Robinson, an Independent member of the upper house, introduced a bill last month designed to amend the Criminal Law Amendment Act of 1935, under which sale and importation of contraceptives is made a criminal offense.

Senator Robinson, who is professor of constitutional law at Trinity College, Dublin, introduced a similar bill in 1971 that was defeated in the Senate by a 25-14 vote.

The Irish Roman Catholic hierarchy came out strongly opposed to Ms. Robinson's bill in 1971. Recently, Cardinal William Conway, Primate of All Ireland, declared that the present Senate bill, if eventually approved, would bring about a change for the worse in the quality of life in the Republic. He said it would be impossible to restrict contraceptives to married people, would affect marital fidelity, and mean a general extension of promiscuity.

Italy's Constitutional Court Upholds Legality of Divorce

ROME—Italy's Constitutional Court once again has upheld the constitutionality of the country's 1970 divorce law.

In 1971, the court, by a majority of one, upheld the constitutionality of the law. An Appeals Court ruling against the 1971 decision brought the matter before the Constitutional Court once again.

Following a two-day hearing the Constitutional Court dismissed the Appeals Court, ruling that the divorce law conflicted with the Italian Constitution.

The Appeals Court ruling was based on arguments that the
1970 divorce law violated the 1929 Italy-Vatican Concordat, which, the court said, gave the Roman Catholic Church the sole right—if warranted—to dissolve Catholic marriages. The Constitutional Court dismissed the argument as "unfounded."

The controversial three-year-old divorce law still faces a national referendum. Scheduled to take place in June, 1972, the referendum was postponed by the May, 1972, general elections, because Italian law forbids a general election and a referendum in the same year. According to an Italian radio broadcast, the referendum must now be held by June 15, 1974.

**Here and There**

획 Chief Rabbi Shlomo Goren, of Israel, has appealed to British church leaders to help stop Christian missionary activities among Israel's Jews and called for legislative measures in Israel in the spheres of marriage, divorce, and proselytization. The Ashkenazi chief rabbi made his appeal when he met Anglican Archbishop Michael Ramsey, of Canterbury, and Cardinal John Heenan, archbishop of Westminster, during his recent visit to Britain.

획 The Florida Power Corporation said the discount "would appear to encourage greater use of energy, whether it did or not."

획 Gov. Milton J. Shapp of Pennsylvania has signed into law a bill prohibiting discrimination against hospitals and physicians who take ethical stands for or against abortion.

The governor said the bill "reaffirms a basic human right—the right to freedom of conscience."

획 The Seventh Day Baptist General Conference has voted to discontinue membership in the National Council of Churches. The primary factor apparently was a feeling among many delegates at the church's annual meeting that the NCC places too much emphasis on political matters. The SDB Church was an NCC founder in 1950.

획 The United States Supreme Court has refused to review a ruling that radio and television stations can lose their licenses if they fail to "ascertain, understand and evaluate" the content of the recorded song lyrics they broadcast. At issue was the broadcast of songs that "tended to 'promote or glorify' illegal drug usage." The Court also refused to hear the appeal of Tennessean Stephan Gaskin, who maintains that State prohibition of growing marijuana unconstitutionally interferes with his right to the free exercise of religion guaranteed by the First Amendment.

획 President Ferdinand E. Marcos has decreed that all Moslem religious holidays observed by Islamic countries be given official recognition in all Moslem areas in the southern Philippines.

획 The United States State Department has given $44 million since last April to the United Israel Appeal to help defray costs of the Jewish exodus from the Soviet Union. The funds are used to care for the emigrants during transit, construction of housing in Israel, medical and education programs, and absorption centers.

획 A Federal judge in San Jose, California, has overturned the conviction of the Reverend Kirby Hensley, founder of the controversial Universal Life church, for selling mail-order Doctor of Divinity degrees. The judge ruled that Hensley—who says he doesn't believe in God—was "denied a fair trial."

획 Internal Revenue Service spokesmen say it is illegal for churches to use tax-exempt donations to finance the Christian Action League campaign against legalization of liquor-by-the-drink. The league is not a tax-exempt organization, because it engages in political activity, and "contributions to it by individuals aren't deductible."
OF WATERGATE AND RELIGIOUS AMENDMENTS

While public attention is focused on Watergate and the abuses of government power it exposed, a number of Congressmen are tampering with the First Amendment in a manner that ultimately may subvert the inalienable rights it was written to ensure. Their support of one or the other religious amendment has a potential for mischief unmatched even by Watergate.

And it all sounds so innocent! Who, after all, is going to label a Senator a menace because he has authored an amendment calling for the right of silent prayer or meditation in public schools? With rising crime rates, and Watergate, what is more needed than youth committed to the God whose special providence was seen in the formation of the United States of America?

Forget for a moment that instilling religious values should be the mission of the home and the church, not the public schools. Forget that an inter-denominational prayer acceptable to everyone will not, on the basis of scriptural criteria for meaningful prayers, be acceptable to God. But do not forget that a religious amendment will qualify a principle—separation of church and state—that has served us well for nearly 200 years, with, as Senator Sam Ervin has observed, consequences we cannot foresee.

And it is all so unnecessary, for the Supreme Court has never denied the right the milder amendments seek to establish.

What the Court said, in that momentous 1962 decision, was that (1) separation of church and state means at least that no agency of government has the right to compose a prayer and force any segment of citizens to recite it; (2) that youth have the right to read the Bible and pray but not to the aid of the state in those exercises.

A prayer amendment that came to a vote in the House in 1971 failed to receive the necessary 2/3 approval by only 26 votes. Since that date, however, the United States Catholic Conference has reversed its historic stand and now calls for both voluntary prayer and private religious instruction in the public schools. It's a new ball game, as Congressmen realize.

One reason for the Catholic Conference's reversal is a persuasive argument against an amendment: The Supreme Court has steadfastly denied public funds to parochial schools on the grounds that they are religious institutions. If an amendment should make it constitutional to have an ingredient of religion in public schools, on what basis then could the Court deny public funding to parochial schools?

No informed American will buy either the allegation that the Supreme Court has kicked God out of the public schools or that we need a constitutional amendment to get Him back in.—R.R.H.

IOWA RESCUE!

Last issue we suggested that church-sponsored elementary and secondary schools will remain on the American educational scene as long as they satisfy their constituencies that they are fulfilling their basic purpose—helping instill in their students the particular religious philosophy of their sponsoring churches.

No sooner had that editorial been printed than a news headline caught our eyes: "Fund Drives 'Rescue' Two Catholic High Schools." It seems that two parochial high schools in the Archdiocese of Dubuque were about to close permanently in June because of declining enrollment and financial difficulties. Uncle Sam and Aunt Iowa, of course, couldn't race to the rescue because of recent Supreme Court decisions declaring most forms of parochial unconstitutional.

But the Roman Catholic schools didn't sing the blues and then board up their windows. Fund raisers gathered just short of $1 million in cash and pledges, enough—coupled with tuition increases—to keep the schools functioning for at least five years. Church and school officials also helped form an alumni association and plan to seek additional funds from foundations.

The Archdiocese of Dubuque and the constituencies of Beckman and Leo high schools should be congratulated for preserving their educational assets—certainly an important part of the religious outreach of the ten sponsoring parishes. They should be proud that their schools will be truly theirs, that they won't have to worry about the government involvement that invariably seems to accompany greenbacks, and that they have shown that church-sponsored schools can exist, perhaps even flourish, in a constitutional system that values the principle of church-state separation.

Other financially troubled church-sponsored schools should take heart from this Iowa rescue operation. Parents and friends will support a church-sponsored school if it is doing its job.—R.W.N.
ELVIN L. BENTON

FRENCH QUARTER FREEDOM


The most interesting part of town can’t be put off limits to religion, even if the proclaimers of divinity rub the citizens the wrong way by passing an ever-present collection plate.

Until a few months ago the City of New Orleans believed the quaint old Vieux Carre section of the town was so unique that it deserved special treatment. In late 1971 an ordinance was enacted, providing: “It shall be unlawful to solicit money, . . . gifts in kind or contributions or sell tickets or magazines for any charitable, religious, educational or benevolent purposes as herein set forth on the sidewalks, streets, malls or squares in the section known as the Vieux Carre . . . .”

Nobody questioned that the Vieux Carre was special. But it wasn’t special to everybody for the same reasons. If tourists liked it because its buildings were old, the International Society for Krishna Consciousness liked it because many of the tourists were young.

Krishna Consciousness adherents, mostly youth, aren’t hard to spot. They dress in flowing saffron-and-white robes and specialize in accosting people in public places with offers of religious literature and requests for contributions to support their evangelism. Their willingness to share their faith in conversation attracts other young people and even an occasional graybeard. Their forthright approach is not universally appreciated, and the City’s new ordinance and Krishna Consciousness were on a collision course in the Vieux Carre.

Members of the Society brought an action in the United States District Court for the Eastern District of Louisiana, seeking to enjoin the City of New Orleans and its agencies from preventing them from practicing their religion by enforcing the new ordinance against them. They alleged that they were struggling economically as a new religion in America (although they claim ancient Southern Asian origin for their beliefs) and would be hurt by enforcement of the ban on solicitations. The money they received, they said, went mostly for the purchase of more literature to give away. The whole plan was of a piece; to forbid any part of it would disrupt it all. Such interference, insisted Krishna Consciousness, would violate the constitutional protection of the free exercise of their admittedly controversial religion.

New Orleans saw the whole picture by a different light: “The Council for the City has recognized that the public in general is entitled to the use of such thoroughfare free of all obstructions and impediments which tend to delay or obstruct traffic or annoy the public in the use of the streets . . . .”

The court perceived the issue clearly. The question, asserted United States District Judge Fred J. Cassibry, was “whether the distraction and annoyance of travelers and congestion of traffic in the Vieux Carre is a State (City) interest of enough magnitude to overbalance the burden placed on Krishnaism by the prohibition of their religious solicitations.”

Judge Cassibry recognized the inescapable fact that freedom of religion cannot be absolute. The Supreme Court of the United States has long since ruled that Mormons may not practice polygamy and that young children may not be hired to distribute even religious literature in violation of child-labor laws. Citing these and other Supreme Court decisions to illustrate the point, he nevertheless underlined the High Court’s holding that “only the gravest abuses, endangering paramount interests, give occasion for permissible limitation.”

New Orleans’ “paramount interests” weren’t all that much endangered, the court said, and Krishna Consciousness must not be stopped just because they might be abrasive. Judge Cassibry’s parting shot: “I find the burden imposed by the City in denying the right to plaintiffs of soliciting donations in the Vieux Carre as literature is passed out . . . is a burden that cannot be sustained.”

The court didn’t leave New Orleans powerless. Judge Cassibry reassured the town fathers that “such an injunction in no way preempts the City of New Orleans from protecting its visitors and citizenry in the Vieux Carre from any breach of City regulations for disturbing the peace, blocking sidewalks, obstructing traffic, committing assaults or any other forms of anti-social conduct.”

Cities do have problems. Some of those problems are made more acute by people’s need or desire to express themselves religiously. The temptation is often great to think that some forms of such expression are so annoying as not to be worth the cost of their protection. Yet if only popular and nonfrictional religious practice is protected, religion’s free exercise would hang by the capricious thread of majority approval. For a chanting, convention-spurning Krishna Consciousness devotee, that might be a slender thread indeed.
Dear [Name],

I wish to express my praise and admiration for William Hoffer’s fine article entitled “Americans United.” It was filled with facts, and interesting throughout.

My hat is off also to Jim Burtnett for his superb photography. I especially liked the one of Dr. Archer playing the clarinet by the side of the river. I wish there were more Bill Hoffers and Jim Burtnetts in the business.

WALTER C. WRIGHT
General Counsel
Americans United
Silver Spring, Maryland

If anybody asks you, tell him LIBERTY is a very great magazine for liberty! This oddball letter is a type. I'm elated. I didn't know there was an Americans United organization at work protecting us little “know nothings” from the modern jesuits and loyolas. It's my first insight or information about Roman American lobbyist groups.

Can you help me join Americans United? I'm 50 and retired. What is the Religious Liberty Association of America? Is it like Americans United? I need to be associated with intelligent, informed defenders of freedom's last stand.

RED BROWN
Eight Mile, Alabama

[Read on.—Eds.]

Thank you for your excellent article on Americans United (in November-December).

Your readers may be interested to know the address of this fine organization: 8120 Fenton St., Silver Spring, Maryland 20910.

A $5.00 contribution is all that is necessary to receive the excellent publication Church and State.

Please keep up your good work for religious freedom.

E. H. PARKS
Buffalo, New York

I was very disappointed in “Ireland the Incomprehensible” by E. P. Pettit (September-October). His starting point of “incomprehensible” should have led to throwing some light on the complicated issues, but instead Mr. Pettit simply put forth his own over-simplified, pat answers to difficult questions.

The question of the two states in Ireland is never answered. The question is “Why are there two nations in Ireland?” The answer would tell much of why there is still battling today.

The author implied that the Catholics of Ireland stayed Catholic because of the barbarity of the British. Somehow I think there may be other reasons for not abdicating one’s faith.

I must acknowledge that one truth brought out offers much for understanding, but not enough was given on it. The British “suppressed the Catholic religion, well-nigh extinguished the Irish language, and anglicized old Irish ways and customs”—yet, Mr. Pettit tells us that the British now tolerate “minority interests.” In Ireland the British are the minority!

Once, Mr. Pettit mentioned that there may be some reason for the IRA activities. He concedes that crushing the IRA, retaining the British links, and “probably” giving some concessions to the Catholics for their “greater freedom and power” may solve the problem. A little more detail on this might have lessened the “incomprehensible” of the article’s title.

DOUGLAS A. MCNEILL
Pastor, Our Lady of Guadalupe Parish
Holbrook, Arizona

Abortion

Gerald J. Martinez, Esq., fails to note an important distinction between citizens and persons under the Fourteenth Amendment (see Letters, November-December). Citizens, those born or naturalized human citizens of the United States and subject to its jurisdiction, may not have their privileges or immunities as such citizens abridged by the States. Whereas persons, a broader term that has been held to include aliens and corporations, have the additional rights of not being deprived of life, liberty, and property, without due process of law and are assured within any State jurisdiction of the equal protection of the laws of that State. Persons encompasses a broader term than citizens, including fictional persons and aliens. Obviously, the unborn is not a citizen. Yet for some purposes he may be a person.

Perhaps the best comfort a mother to be can find in justifying the death of the fetus, is that it is better that some die before they feel the pains of life than that many be pained and starved for want of such action. Or that justice is not blind, but must at its earliest opportunity look also to the survival potentials of the species as a whole, its whole environment, if social justice is to provide the future individuals any true opportunity to grow...
and develop and pursue their happiness therein. Were morality and comfort of mind synonymous, as perhaps many do wish, how easy would be the dilemma presented.

EDWARD D. CAMPBELL
Attorney
Seattle, Washington

In reading Gerald Martinez' commentary on abortion, I felt constrained to share my opinions on the subject with you.

1. We should not penalize the unborn for the criminal acts or negligence perpetrated upon them by their parents.

2. We should not brand the unborn with the designation of approval or disapproval of its existence because of the accident of ancestry, which in fact is not really germane to the discussion of whether or not life is to be continued or terminated.

3. We should adopt the policy of favoring (choosing) life and only let the direst necessities of danger to the mother or probability of acute abnormalities on the part of the unborn dissuade us from this policy.

Another way of putting this would be to ask the question, Are we looking for ways for individuals to "save face," avoid responsibilities, exercise their own selfishness? Or are we concerned with preserving life, not visiting the "sins of the fathers upon the children" and generally preserving the rights of all the people no matter what their station in and connection with life. I don't think attempts at "correcting mistakes" founded on motives of convenience, misplaced conscience, economic conditions, community mores, or any other extraneous matter to the lives in question should be given any consideration.

That old argument that women should determine what will and will not be done with and to their bodies should not be allowed to prevail; it's not just their bodies involved. There are also the bodies of the unborn to be considered. No one because of mere whim, feelings of guilt, et cetera, should be able to terminate the life of someone else. When you think about it, the whole thing is grotesque. The courts of this great country have stripped themselves of the power to take the lives of the guilty, and have given the power to take the lives of the innocent to anyone who cares to exercise it. What we need is that before the permission for an elective abortion is given, a balancing of the equities should take place: Does the good to be gained by granting the abortion outweigh the good to be gained by letting the unborn person continue its development; will the mother gain little or no benefit while extracting the harshest of all penalties from the unborn child?

A better course for the State and individuals to follow would be to find ways to help the newly born and its parents to succeed, rather than to conspire against the yet-to-be-born. I read somewhere that one who could measure the greatness of a society by the way it treated its very old. I think we should add to that, how it treats its unborn.

KENNETH HELLER
Birmingham School of Law
Birmingham, Alabama

**Pornography**

To say that your publication is interesting and sometimes entertaining would be one of the classics of understatement. Especially so is the Voice of Dis- sent in the November-December issue. However, I found much there to stimulate thought.

Somewhere, many of us seem to have acquired and/or nurtured the idea that sex and/or the body and any pleasure that may be acquired from the use of the same is just another one of those things that we must somehow overcome should we ever hope to arrive at the heavenly goal. I would be the first to agree that if such is made the primary goal of our existence, then, indeed, it must be overcome.

I do not approve of pornography, but I think that fighting it is likely to end up being just another of the many "busy" types of good works that we will offer to the Lord when He comes, as an excuse for not having accomplished the better good that it may have fallen our providence to do.

Any serious student of pornography would find very little "adult" about the style or language employed. If adulthood is supposed to have some relationship to maturity, then pornography is not very adult.

As mature Christians it is our privilege to present Christ before pornography addicts in such a way as to show them that there is something much better to live for.

It is difficult to convince anyone who is enjoying something that there is something better only by taking the previous source of enjoyment away. Our own happy and wholesome enjoyment of marital sex should show that what God has ordained is far more satisfying on a day by day and year by year basis than anything the devil may concoct.

I do not and cannot subscribe to the hedonistic philosophy that only that which gives pleasure is good. However, in rejecting this perversion, we should not lose sight of the fact that everything that is good will, in the final analysis, be found to be pleasant.

I thoroughly enjoyed the edi-
tor's bit about the potato sack.

STANLEY MURPHY
Florence, South Carolina

After reading the letter from Nita Head (Voice of Dissent, November-December) I dug out my July-August LIBERTY and reread the articles about which she and others complained just to see if we were reading the same material. It is hard to believe we were.

Far from being offended by the material, I am encouraged to learn that others are interested in combating this pernicious evil in a way that offers hope of reasonable results.

What anyone expects to accomplish by tearing up his copy of LIBERTY, I will never know.

It is interesting to note that you are criticized on the one hand for being too liberal and on the other for being too conservative. That would seem to indicate that you have, in fact, struck a proper balance.

For what it may be worth, I have expressed my opinion of LIBERTY in the following poem.

OPPORTUNITY
There's nothing I can do,
For laws are made in senate halls
And I am not permitted
Within those marble walls.

There is nothing I can do
To preserve our liberty.
Such problems are rightly left
To wiser folk than me.

There is nothing I can do,
For my influence is small.
So I'll just content myself
With no accomplishments at all.

If this has been your attitude;
If this is how you feel;
Let me try to challenge you
With this direct appeal:

If in defense of freedom
You cannot BE the man,
At least subscribe to LIBERTY
For every one who can!

HARRY L. THOMSEN
Kirkland, Washington

The [Supreme] Court's ruling against States' sponsoring prayer and Bible reading denied Christians their liberty to proclaim their faith. Christ told His followers: "Go ye into all the world, and preach the gospel to every creature."

Declining morals and lack of respect for God prove that our schools should have a brief period of worship, where prayer should be offered and a portion of the Bible read and explained. Students should be told: "If you expect to go to heaven, you should try to obey God's laws and practice Christ's gospel of love, because "love worketh no ill to his neighbour: therefore love is the fulfilling of the law."

As to pornography, the Court should have defined what pornography is, instead of leaving the definition to local cities. Now there are people who like to see and do things that are indecent and not good for them. I would prohibit any story, picture, conversation, exhibition, which would arouse one's passions or incite, influence, or encourage any person's thoughts, desires, or participation in an adulterous act. Decent people should have freedom from exposure to filthy pornography.

Suggestive, indecent, violent, and cruel ads in the newspapers are a disgrace—promoting evil thoughts and desires, as are the shows, movies, and exhibitions they advertise. All ads, pictures, shows, literature, and exhibitions that arouse and incite a person's baser immoral thoughts should be prohibited.

JOHN IRWIN SMITH
Cedar Rapids, Iowa

THOUGHT-PROVOKING

Please enter my subscription for three years. I congratulate the editorial staff on a most challenging and thought-provoking collection of religious freedom articles in each issue of LIBERTY. I thoroughly enjoy the articles and materials as they are presented.

CHARLES H. MAINS
Indianapolis, Indiana

WHERE HAVE YOU BEEN . . .?

It was just by chance I picked up a copy of your September-October LIBERTY in the YMCA lounge. So I ask, How long has this been going on and why haven't copies been in public places before? I found it very interesting.

JOHN L. KAUFMAN
Trenton, New Jersey

[How long? Since 1906. And where have you been all our life? For only $2.50 we will be glad to visit your home bi-monthly.—Eds.]
Pray Tell!

The way Buckley’s *National Review* told it, “It being illegal to pray in the public schools, a Long Island gentleman . . . wrote the Justice Department asking whether it would be all right to start each school day with a reading from the first page of the *Congressional Record*, e.g.: The Senate met at 12 o’clock meridian, and was called to order by the President pro tempore. The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer: ‘O Thou God of our salvation, to Thee we lift our hearts in prayer. . . .’”

Months passed, with no reply. Finally, after intercession of a Congressman, an assistant in the Office of Legal Counsel replied: “Whether or not certain practices in the public schools violate the constitutional prohibition against government establishment of religion is a matter for the courts to decide when the particular issue is properly raised. . . .”

What the Justice Department wouldn’t say, we will: If a youth without the sponsorship of his teacher wishes to read the *Congressional Record* during a quiet period at the beginning of the school day, he may—and constitutionally (though it boggles the mind to believe he would choose that periodical)! Actually Buckley begins erroneously: “It being illegal to pray in the public schools. . . .” That should read: “It being illegal for the State to sponsor a religious service for any segment of its citizens, students not excluded . . .”

But more on the editorial page. It’s time Americans realize both what the Court really said and that Congress is presently tampering with most delicate rights.
We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent rights of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and, therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.
Just in case you're feeling great —

&

just in case you're not

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