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Globalization & Religious Liberty

The Globalization REI



Religious Liberty

By B. B. BEACH

At the opening of the third millennium there appears to be positive global consensus regarding religious liberty as a fundamental human right. In fact, it has become, generally speaking, politically incorrect to be "against" religious liberty. Almost every country claims that it is in favor of religious liberty. There are no more atheistic Albanias, where all religion is prohibited.

This globality of religious liberty begins with Article 18 of the 1948 Universal Declaration of Human Rights. In the same year the World Council of Churches was organized, it voted a statement regarding religious liberty as a basic human right and a necessary corollary of proper ecumenical relations. Indeed, there can be no authentic unity without true religious freedom.

In 1965 the global Roman Catholic Church at its Second Vatican Council made an astonishing policy turnabout by no longer denying free exercise of religion for those "in error," but affirming the right of every person not to be restricted or interfered with in the practice of religion, subject to the rights of others.

Then in the sixties and seventies the United Nations voted, and scores of nations ratified, the conventions dealing with civil, political, economic, and social rights, including religious liberty.

Beginning in 1975 there has been the so-called Helsinki Process, in which religious liberty is recognized as part of international law, nations having the right to look into the religious liberty and human rights situation of other nations. This is seen as necessary to promote peace and security in Europe.

Most significant to this globalization of religious liberty is the United Nations 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. No nation voted against this consensus Declaration, which includes a statement unique in international documents that

every person has the right to observe days of rest in accordance with the precepts of his or her religion.

The collapse of totalitarian Communism in Eastern Europe and the Soviet Union in the late eighties was another development with a favorable global ripple effect on religious liberty, not only in Europe, but in Asia and Africa.

All this globalization has produced a theoretical consensus that religious liberty is a fundamental human right based on the dignity of the human person. This dignity requires equality and nondiscrimination in the exercise of the civil right of religious liberty. However, this right is not absolute. Though the right to religious belief is absolute and there must be no religious thought inquisition by authorities, the practice of religion does have some legal limitations. While there are variations from country to country, the best worldwide consensus is that religious liberty restrictions must be based on the nondiscriminatory compelling interest of the necessary rights of others, involving public order, health, and nonsectarian morality.

Of course, globalization can have a negative impact on religious liberty. A first example is the worldwide phenomenon of religious fundamentalism and extremism, which has been spreading like a cancer in most major religions.

An anticult (in Europe called "antisect") movement has manifested itself in various countries, stirring up public opinion, and therefore certain politicians, regarding the dangers represented by religious minorities, especially unpopular minor religious movements. The anticult movement in one country feeds upon unproven accusations and allegations in other countries. Lists of dangerous religious groups are prepared "star chamber" style by government authorities, without proper investigation

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B. B. Beach is an educator, administrator, and author, with a career-long specialty in church-state relations. He serves as vice president of the International Religious Liberty Association.

*Is there
reason to be
afraid?*

The Cuban Constitution, drafted in 1976, includes a clause on religion. It reads: "The state acknowledges, respects, and guarantees religious freedom In the Republic of Cuba, religious institutions are separate from the state Distinct beliefs and religions enjoy the same consideration." Then in 1992 reforms to the 1976 constitution declared that Cuba is no longer an atheistic state. In reality, however, Cuban believers have faced multiple restrictions on religious expression over the years.

The shift toward the present state of increased religious freedom in Cuba seems to have occurred sometime in the early 1980s. In 1985 Frei Betto, a Brazilian Jesuit priest, published a book entitled *Fidel and Religion*—a summary of 23 hours of conversation with the country's leader. That book projected a keen apology of Cuban government views. In it Castro offered personal insights on the subject of religion.

About Christ, Castro stated, "I never perceived a contradiction in the political revolutionary field between the ideas I maintained and the idea of that symbol, that extraordinary figure who had been so familiar to me since I began to reason."¹

On the subject of prayer in the Catholic Church he recalled: "I have seen, for instance, in some religions, the habit of praying as if talking with another, spontaneously, with one's own words, to express a feeling. That was never taught to us [from his childhood Castro attended Catholic schools], but to repeat what was written, once, ten times, one hundred times, absolutely mechanically. That really isn't a prayer; it's an exercise of the vocal cords."² About hell Castro said: "I remem-

Miguel Valdivia grew up in Cuba. He now edits El Centinela, a Spanish language devotional magazine, in Boise, Idaho.

Photos: United Press International



Religion in

ber long sermons on hell, about its heat, its sufferings, its anxiety. I really don't know how such a cruel hell could be invented. . . . One cannot conceive of a place that would deal so harshly with a person, no matter how great his sins might have been."³

About that time Castro expressed his attitude toward the church in several conciliatory meetings with Catholic bishops and Protestant leaders. In September of 1985 he appealed to his party activists to respect the rights of believers and promised to start working to help solve the "material needs" of the church. José Felipe Carneado, then chief of religious affairs within the Cuban Communist Party, stated during an interview in January 1986 that the party no longer considered the teaching of atheism as a key element in their ideological work.

Some see the government's attempts at reconciliation with the churches as strategic steps taken to win the support of Liberation Theology militants and to build the party's image in the eyes of international opinion. Whatever the motives, changes since 1985 have brought wonderful benefits to Cuban believers.

During the first years of the revolution, religious repression in Cuba included the closing down of the main Catholic magazine *La Quincena*, the occupation and confiscation of Catholic and Protestant schools, and the jailing and deportation of several priests. By 1961 hundreds of priests and bishops had been detained and some churches profaned. These confrontations reduced the number of priests and other Catholic religious workers to a fourth of their 1960 total.⁴ Other religions suffered equally significant losses. When Fidel Castro came to power in 1959, there were some 15,000 Jews in Cuba. Today there are only an estimated 1,500 Jews throughout the island.⁵

Seventh-day Adventist pastor Noble Alexander recalls the day of February 20, 1962, when he was detained while driving home after preaching a sermon in Matanza, Cuba. Authorities pulled him over and told him he was wanted for five minutes of questioning. Those five minutes turned into 22 years in a Cuban prison. A year after his arrest he faced a mock trial on charges of trying to kill Cuban president Fidel Castro. A lawyer he had never seen pleaded guilty on his behalf. Pastor Alexander was one of 26 political prisoners Fidel Castro released after a visit by Jesse Jackson in June 1984. Also released was Thomas White, a Los Angeles school teacher who spent several months in prison. He had been condemned for dropping evangelistic leaflets over Cuba from a plane.⁶

The harassment of religion in Cuba has included the sending of workers of various denominations to forced labor camps. In these they have suffered physical and verbal abuse. Another type of abuse was called the "street plan." It consisted of conducting activities next to church buildings in order to interrupt the religious services. Juan Clark, a Cuban-American journalist, interviewed a Catholic parishioner who told of Communist Party youth running screaming into a church and throwing eggs, one of which hit the priest.⁷

The Protestant churches experienced similar attacks. Baptists were pelted with stones inside their church. Religious youth in Cuba have suffered for their faith over the years because atheism was deemed the backbone of Cuban education. Excellent students have been denied the opportunity of enrolling in the best schools because of their religious convictions. Textbooks deny the historicity of Christ and criticize the biblical account of creation.

Only during the past few years have the churches been allowed to conduct direct evangelism. Before, they would disguise their out-

*The land
of Elian
and Castro
grapples
with issues
of faith...*


By MIGUEL A. VALDIVIA

CUBA

reach as cultural or musical programs. Christians would commit Bible passages to memory so they wouldn't be seen carrying a Bible to other homes. Today churchgoers may invite friends and neighbors to undisguised evangelistic meetings. Although Bibles are not readily available in stores, church organizations can purchase them in bulk from state-approved venues.

By 1985 less than 1 percent of the total population of 8.5 million were attending the Catholic Church. Even so, with only 192 priests

The government requires churches and other religious groups to register with the provincial Registry of Associations to obtain official recognition. Until recently, when some concessions have been made, the construction of new church buildings has been outlawed. This has forced the growing congregations to meet in private homes. Although house churches have occasionally been singled out for harassment by government representatives, the use of private homes for religious worship has provided an exceptional opportunity for Cubans to follow their religious orientation. Thousands of house churches are providing places of worship in many communities in which building of new churches is not allowed and in which the means of transportation are limited at best.

There have been advances in religious liberty for Cubans, but even today there is an ever-present danger. In 1985 Fidel compared the church to the revolution, saying: "If you [Christians] appreciate the spirit of self-denial and other human values, those are the values we exalt If the church were to create a state according to those principles, it would organize one such as ours."¹⁰ So believers are pressured to compromise in favor of a state that pretends to replace it ideologically. This threat in some ways is more dangerous than open persecution. In Cuba church and state make strange bedfellows. 


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Cuba had the lowest clergy to potential parishioner ratio in Latin America.⁸ And while Protestant churches have been growing, their growth has trailed that in other countries. Recent growth, however, has been astounding. Seventh-day Adventists, for example, baptized more than 2,000 in just one day in February of 1999. Jehovah's Witnesses have also experienced considerable growth (now approximately 80,000 members).

The year 1999 was good for religious freedom on the island. Pope John Paul II's visit to Cuba from January 21 to 25 made several historic firsts. He celebrated public Masses attended by hundreds of thousands in Havana, Camagüey, Villa Clara, and Santiago de Cuba. In his 11 discourses the pope emphasized the need for fundamental human freedoms.

On December 1, 1999, the government declared that henceforth citizens would be allowed to celebrate Christmas as an official holiday and permitted the Catholic cardinal to speak briefly on national media on the celebration. However a report from the U.S. Department of State confirms that Nativity scenes in public areas are still prohibited.⁹

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FOOTNOTES

¹ Fidel Castro and Frei Betto, *Fidel y la Religión* (Santo Domingo: Editora Alfa y Omega, 1985), p. 322.

² *Ibid.*, p. 149.

³ *Ibid.*, p. 150.

⁴ Juan Clark, *Religious Repression in Cuba* (Miami: University of Miami, 1985), p. 9.

⁵ www.jewishcuba.org/cohen.html.

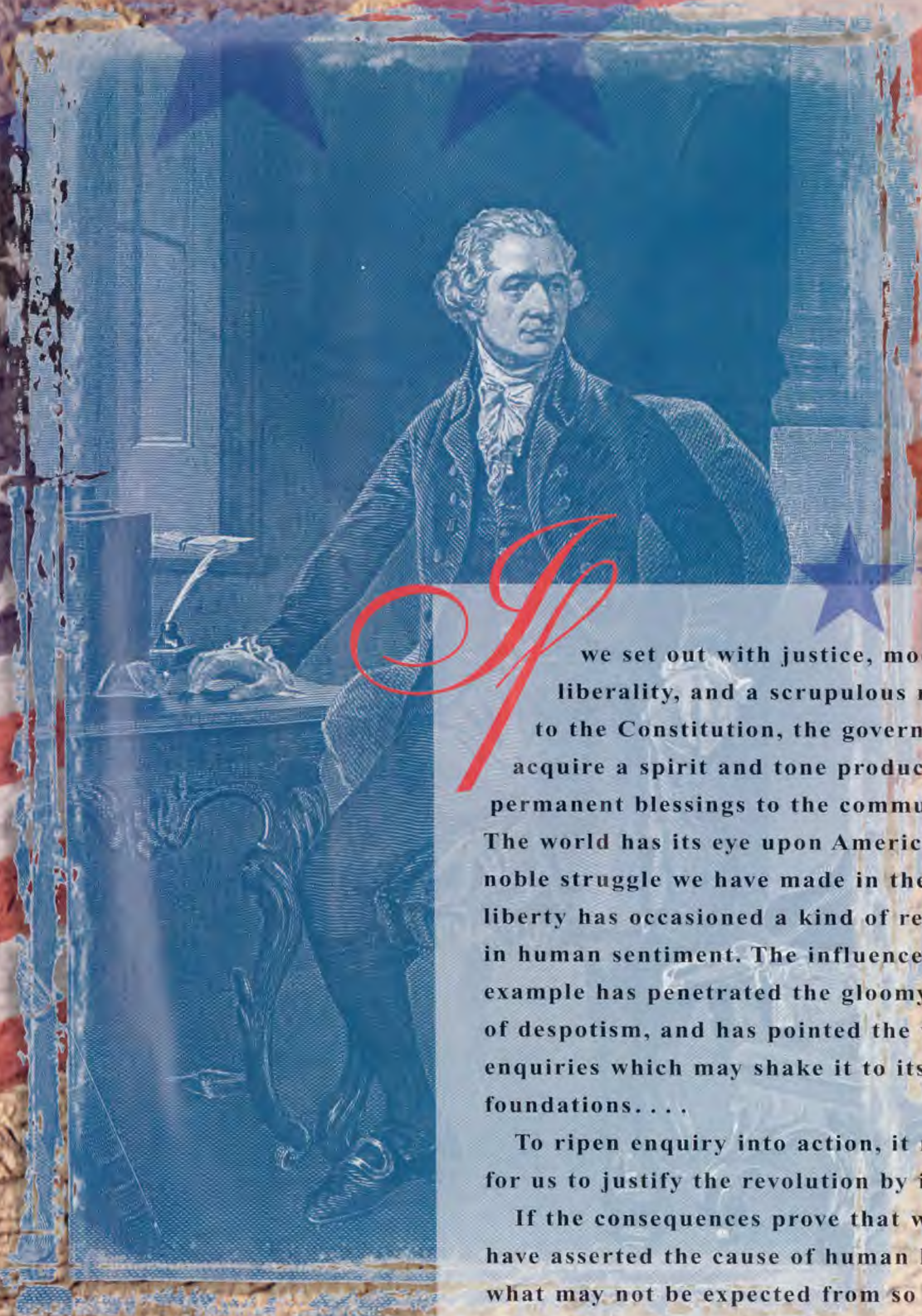
⁶ See Noble Alexander, *I Will Die Free* (Nampa, Idaho: Pacific Press Pub. Assn., 1991).

⁷ Clark, p. 27.

⁸ *Ibid.*, p. 89.

⁹ "U.S. Department of State, Cuba: Religious Freedom Summary," *Annual Report on International Religious Freedom*, 1999.

¹⁰ Castro and Betto, p. 263.



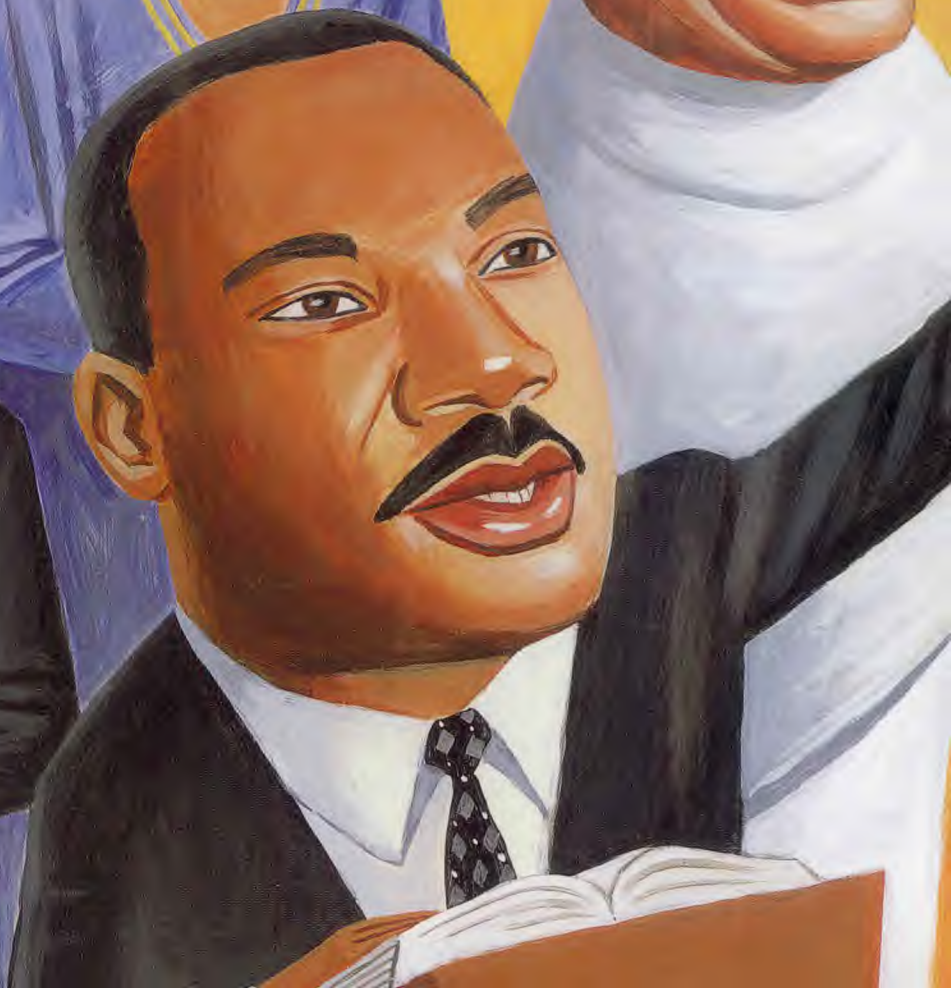
I we set out with justice, moderation, liberality, and a scrupulous regard to the Constitution, the government will acquire a spirit and tone productive of permanent blessings to the community. . . . The world has its eye upon America. The noble struggle we have made in the cause of liberty has occasioned a kind of revolution in human sentiment. The influence of our example has penetrated the gloomy regions of despotism, and has pointed the way to enquiries which may shake it to its deepest foundations. . . .

To ripen enquiry into action, it remains for us to justify the revolution by its fruits.

If the consequences prove that we really have asserted the cause of human happiness, what may not be expected from so illustrious example? In a greater or less degree the world will bless and imitate.

—**ALEXANDER HAMILTON**
1784, in a letter to the citizens of New York.

Kingdo



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*Religious Liberty
and Civil Disobedience*

Rights

By
JONATHAN GALLAGHER

My kingdom is not of this world," Jesus of Nazareth, bound and captive, told Pilate, representative of the ancient world's superpower. ♦ Yet the pressing questions of freedom or acquiescence under state authority continue. The issue might be framed as one of *kingdom rights*. How are individuals and a society to address the trade-off between individual freedoms and collective benefit? ♦ The right to dissent from a majority consensus may be a laudable philosophical ideal, but as a practical process in society it is a very different and difficult matter. Most of all is this so when such choices to dissent or disobey arise from religious convictions that are seen as directly attacking the very fabric of the governmental process. In such instances the reaction of the state can be swift and severe, since toleration of individual conscience seems only permissible when the functioning of government is not otherwise disturbed. ♦ Is religious freedom to be seen as an inalienable right, or is it circumscribed by the respon-

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At what
time does
the burden of
the state become
intolerable?
What form
should civil
disobedience
and protest take?
What of the
resort to force
to achieve
the benefit
of religious
freedom?

sibility of allegiance to the state? Are the principles of civil disobedience particularly relevant to freedom of religion, or are such principles out of harmony with the fundamentals of religious beliefs? And if civil disobedience should be invoked when religious liberty is compromised, to what extent are "illegal" activities condoned?

In most societies it is generally conceded that individuals may believe whatever they may choose. The difficulties arise in how such beliefs are practiced and how they impact society. Intolerance of religion is not in the mind but in action. And this is where religious freedom and civil disobedience may come together in ways that both disturb the convictions of the believer and the regulatory processes of the state.

One of the clearest demonstrations of the impact of civil disobedience in recent history is that of Mahatma Gandhi's *satyagraha* (his program of passive resistance against British rule in India in the period following the Second World War). That too had religious overtones in that Gandhi was also attempting to allow a wide form of religious pluralism, often against the wishes of some of his fellow reformers. His concept of nonviolent resistance to an oppressive regime marks this "freedom struggle" as of interest here.

In his analysis of the principles and process of government, Gandhi expressed similar thoughts to the American philosopher Henry David Thoreau and emphasized the necessity for the option of dissent: "Most people do not understand the complicated machinery of the government. They do not realize that every citizen silently but none the less certainly sustains the government of the day in ways of which he has no knowledge. Every citizen therefore renders himself responsible for every act of his government. And it is quite proper to support it so long as the actions of the government are bearable. But when they hurt him and his nation, it becomes his duty to withdraw his support."¹

In fact, says Gandhi, dissent, and by consequence, civil disobedience, is a requirement when faced with a government and legislation that runs counter to your beliefs: "Disobedience to the law of the State becomes a peremptory duty when it comes in conflict with the law of God."² Gandhi's appeal is to the "higher" law of God, an appeal that many have turned to. When confronted with a requirement that prevented their freedom of religious speech and the right to proselytize, Jesus' disciples refused to obey, citing the higher requirement to obey God

rather than human beings. Similarly Jesus, when confronted with apparently contradictory religious and secular laws, made it clear that each was relevant in its own sphere—giving to Caesar what is Caesar's and to God what is God's.

Yet for the religious believer of whatever faith, civil disobedience raises many questions. Are religious people not called to be model citizens? Is not the alternative of anarchy even worse than bad government? What of God-given government? Is it not highly self-centered for any one individual to decide he or she is "above" the law? At what time does the burden of the state become intolerable? What form should civil disobedience and protest take? What of the resort to force to achieve the benefit of religious freedom?

Once again Gandhi, with some propositions for civil disobedience from a perspective of "higher principles": "A call may come which one dare not neglect, cost what it may. I can clearly see the time coming to me when I *must* refuse obedience to every single State-made law When neglect of the call means a denial of God, civil disobedience becomes a peremptory duty."³

Submission to laws that violate freedom of conscience and religious liberty is "an immoral barter." It is unacceptable to trade convictions of faith for security or toleration from the state. "It is no part of a citizen's duty to pay blind obedience to the laws imposed on him."⁴

However, this is not violent conflict. "But every nation and every individual have the right, and it is their duty, to rise against an intolerable wrong. I do not believe in armed risings. They are a remedy worse than the disease sought to be cured. They are a token of the spirit of revenge and impatience and anger. The method of violence cannot do good in the long run We have a better method. Unlike that of violence, it certainly involves the exercise of restraint and patience; but it requires also resoluteness of will. This method is to refuse to be party to the wrong."⁵

Of course the American Henry David Thoreau grappled with these issues years earlier: "Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right."⁶

Thoreau discovered for himself the challenges of civil disobedience. Refusing to pay his poll tax (objecting to the state's support of slavery and also not wishing to fund the Mexican war), Thoreau was jailed. His stay was just a night, since someone paid his poll tax for him, much to his annoyance.

American civil rights leader Martin Luther King, Jr. echoed Gandhi and Thoreau when he wrote. "... there are two types of laws: just and unjust. . . . One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws."⁷

Back to some of those still disturbing questions. Is this not anarchy, a government of the one? To which the quick answer is that all governments are essentially governments of individuals. Surely the answer is as the state seeks to mandate in terms of what its "subjects" shall think and believe. That is the reason legislation that burdens religion is so counterproductive for the state, since it weakens the consensus on which government depends.

But is not government God-given? Yes, but only in its own sphere of operations. When Caesar demands what is God's, then Caesar must be refused. In fact, civil disobedience is a duty where the alternative is the sacrifice of religious freedom. As nations and states make laws that violate freedom of conscience and as societies proscribe religious practices (except as such practices damage the basic rights of others), the need for nonviolent disobedience can only increase. The greater danger is not from religious pluralism or sectarian oddity or faith apathy but from religious fundamentalism that denies freedom to minorities, from secular states that restrict religious activities, and from a global attitude that sees conformity in thought as worth the blood of any number of martyrs.

Though democracy may be applauded, it cannot safeguard religious freedom, for the majority is frequently ready to legislate against minorities. For this reason, the right to refuse must always be there.

After the Reformation in England, and in particular after the Gunpowder Plot of 1605, Catholics and others were required to pay "recusancy" fines for nonattendance at Anglican churches. In such a situation what would you have done? As a Catholic, would you pay the fine to a government that is violating your religious liberty rights? Or would you attend the Anglican Church while keeping faith with your internal

beliefs? Or as an Anglican, would you protest such discriminatory laws?


In the Soviet Union your children are required to attend school on Saturday. As a Seventh-day Adventist or a follower of Judaism, you hold the Sabbath sacred. So do you send your children to school, or keep them home with you or in church, risking that the state will take your children?

A conscientious objector, you refuse to bear arms. Your country demands that you serve in the military and does not provide any alternative. Do you enter the military and try to do your best there? Or refuse, and go to prison, or worse? Or flee the country, leaving your family behind? Or to adopt the principles of civil disobedience, do you deliberately flout the law, encourage others to do so, and start a campaign against such laws?

The siege of the Branch Davidian compound at Waco, Texas, still troubles many. Law and prejudice were set on dealing with a group that by any standards had bizarre beliefs and unlawful practices. But even for them, where should allegiance to the state have ended and civil disobedience have begun?

These are touchy subjects—they unsettle us and make us uneasy. For most want to live in harmony with others, and that includes the civil majority that legislates. But when laws impinge on religious freedom and aspects of conscience, what then? Or is it being overly individualistic to insist on having one's own religious liberty at the presumed expense of societal compliance and conformity?

It is easy to see how quickly religious freedom questions coupled with civil disobedience can be seen as antigovernment and unpatriotic, with adherents being termed rebels and traitors.

But the sacrifice of liberty, especially religious liberty, rips the soul from the human heart. Meeting violence with violence is not the answer. For in the words of Jesus, we are called to seek first the kingdom of God, not the kingdoms of this world. 

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FOOTNOTES

¹ Nirmal Kumar Bose, ed., *Selections From Gandhi* (Ahmedabad, India: Navajivan Pub. House, 1948), p. 225.

² *Ibid.*, p. 220.

³ *Ibid.*, p. 238.

⁴ *Ibid.*, p. 225.

⁵ *Ibid.*, p. 226.

⁶ From Civil Disobedience, <http://sunsite.berkeley.edu/Literature/Thoreau/CivilDisobedience.html>

⁷ From *Letter From Birmingham Jail*, <http://www.stanford.edu/group/king/frequentdocs/birmingham.html>.

By JENNIFER JILL SCHWIRZER

THEOCRACY

I want you to answer a question for me. I am going to give you two options as answers. The question is: What is a Christian's primary responsibility? Number one option: to evangelize. Number two option: to get involved in government." ❖ This question was asked by Peter Marshall, son of chaplain to the Senate Peter Marshall and author Katherine Marshall, at a 1996 Christian businessmen's banquet in Norwich, Connecticut. A rumble of discussion followed, Marshall allowing a few moments for processing purposes. "The answer," he finally broke in, "is that a Christian's primary duty in this world is to *get involved in government!*" ❖ Toward the end of Marshall's speech members of the Christian Coalition scurried around a long table draped in red, white, and blue with books of all sorts, including Marshall's history books for children. In one, called *The Light and the Glory*, Marshall's ideology is reiterated in language carefully fitted to young, hyperteachable minds. Repeatedly Marshall refers to the "Covenant Way," which leads to the uniting of church and state, which he believes the Puritans and other forebears intended for America. He even refers to Providence, Rhode Island, founder Roger Williams as a "vine" that was "pruned" from the Bay Colony because of his belief in the separation of church and state.¹ ❖ The issue made so obvious by Marshall's opening question was prioritization. How should priorities line up for the Christian today? For Marshall, the top of the list is political and civic activism. Few Christians would argue that these are not valid pursuits, but equally few would argue that they are the *most* important pursuits. It should be added quickly, however, that the latter "few" may be increasing by the day because of certain growing influences affecting Christian thinking. ❖ One of the most radical of these influences is so-

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called Christian Reconstructionism. Gary North, one of the movement's most vocal proponents, defines Reconstruction in this way: "A recently articulated philosophy which argues that it is the moral obligation of Christians to recapture every institution for Jesus Christ."² This idea, also called Dominionism, states that Christians are mandated to gradually occupy all secular institutions until Christ returns. Theonomy is an even more outrageous close cousin that would like to reinstate the Old Testament civil code, including the penal code. (Most theonomists believe the method of punishment should be adapted to the times, however. So homosexuals and gluttons would die in the electric chair rather than by stoning. What a relief!)

While during the eighteenth and nineteenth centuries many Christian thought leaders believed in one form of Dominionism or another, their hope largely faded with the Industrial Revolution as society grew increasingly complex and problems mounted upon one another. But the idea of Christians obtaining control of secular society gained widespread acceptance again with the 1981 Francis Schaeffer book, *A Christian Manifesto*. Schaeffer and his wife, Edith, ran a retreat center in Switzerland, where young American "Jesus Freaks" studied how to apply Dominion theology back home. Schaeffer espoused the idea that the United States began as a nation rooted in biblical principles, but secular humanism eventually came to dominate the political scene. His teaching appeals to Christians to use civil disobedience to restore biblical morality, which is the reason he is popular with such groups as Operation Rescue, an antiabortion organization founded by Randall Terry.

In the 1980s some of Schaeffer's protégés joined a group called Coalition on Revival (COR), founded by Jay Grimstead, a postmillennialist who believed that Jesus would return *after* a 1,000-year reign by believers. Most evangelicals at the time were premillennialist, believing that Jesus' coming would precede the "reign of righteousness" and that Christians could expect the world to increase in wickedness until that time. This belief has been labeled by dominionists as "pessimistic." Perhaps due in part to the nearly omnipotent power of ridicule, much of the evangelical world has since then absorbed some of Grimstead's teachings, especially the command to "take dominion" of all public offices. This was Reconstructionism's debut into the Christian mainstream, but more would follow.

The difficulty Reconstructionism has had in appealing to mainstream evangelicals has been in part because of the staunch Calvinism that undergirds it. Calvinism's unyielding predestination teaches that God determines who will be saved and who won't. This belief has two effects upon the Reconstructionist: one is to embolden them to seize the dominion that God has "preordained" for them, and the second is to remove the incentive to evangelize. Why try to lead people to salvation when their eternal destiny is already

decided? This does not fly, however, for evangelicals, whose very name indicates their determination to promulgate the gospel to volitional beings.

Another impedance to the mainstreaming of Reconstructionism has been the absence of an experiential dimension, at which Reconstructionists look askance. Calvinists like to sing staid hymns and read long, intricate theological treatises. They have historically been kind of a stoical bunch in terms of worship style. Evangelicals by contrast expect a rich emotional connection to their religion.

What some are finding, though, is that the same emotional rush they receive at a rousing praise service can be found at a political rally. Or even such a forum as a "Steeling the Mind of America" conference, where slews of Christians come to hear presentations by such presenters as David Barton, who is a modern synthesis of the Reconstructionist of yore and the conventional evangelical leader of the mainstream media. Barton's premise is that the founding fathers, with the possible exceptions of Benjamin Franklin and Thomas Jefferson, were all evangelicals who intended to make America a Christian nation. His rapid-fire delivery sparks listeners with a sense of their Christian heritage, all harmless enough until he makes the assertion that the

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Constitution is worthless in the hands of unbelievers. From that point on in his presentation one hears the overtones of Dominionism. He admonishes Christians to be like the "salt of the earth" and preserve the government by obtaining various offices. He quotes such founders as William Patterson: "The key to maintaining sound government in America is given us by God . . . 'When the righteous rule, the people rejoice; when the wicked rule, the people groan.'" Whether he would call himself a Reconstructionist or not, Barton has succeeded in mainstreaming some of what hard-line Reconstructionism was too inaccessible to impart. People leave with a sense of mission: they can run for office, or at least vote for a fellow

Christian, and in so doing work toward a state of affairs of which William Patterson and the other founders would approve.

What is amiss in this movement is not the *practice* of running for office, but the premise under which these individuals run. They run believing that God has ordained that all political offices be occupied by Christians. They run believing they will ultimately win the "cultural war" or the "civil war of values." And ironically enough, they support their belief system with Old and New Testament Scriptures that, if understood in context, would voice their greatest opposition.

One common example is 2 Chronicles 7:14: "If My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." "Land" in this context is thought to be the nation, "my people" to be the citizens. And this was indeed the case when the words were originally spoken to Solomon, the king and visible leader of theocratic Israel. This promise was given directly after the great temple was dedicated and the visible presence of God, called the Shekinah glory, had appeared in the innermost part of the sanctuary. This Shekinah was, among other things, an ongoing evidence of the reality that God was the civil head of the nation. No mortal save the high priest could approach this glory and live, and he only once a year on Yom Kippur. But at the moment of Christ's death, the veil that shielded the Shekinah from unconsecrated eyes was torn by an unseen hand, signifying to the Christian that God's presence, and therefore His civil leadership, had departed from temporal Israel. And where did it go? According to the New Testament, to spiritual Israel, the Christian church.⁴ There is no biblical mandate whatsoever to resurrect the theocracy at any time after this transition. In fact, Jesus Himself taught that the world would increase in wickedness, not righteousness, until the end, and that His followers would be persecuted!⁵

When a false premise such as that held by the Dominionists bears sway, the practice of Christianity is affected. Think as "pessimistically" about the moral decline of our world as Jesus did for a moment. He reported that there would be "wars," "famines . . . and earthquakes," and that His followers would be "hated by all nations." He promised that "lawlessness" would increase and that "the love of many will grow cold." It

sounds as though the ship is sinking. Jesus then predicts that the "gospel of the kingdom will be preached in all the world . . . and then the end will come."⁶ But why preach the gospel if the "culture" will never be redeemed? Because, according to the Christian message, Jesus died to save people, not cultures.

People can't be forced to worship, even by God. They can be forced to go through the motions of worship, but no amount of brute force or savage fear can make the heart bow in love and adoration. If I were God, I wouldn't want anything less than true affection. I think it's safe to say that God cast aside the theocracy gladly, reaching for better options.

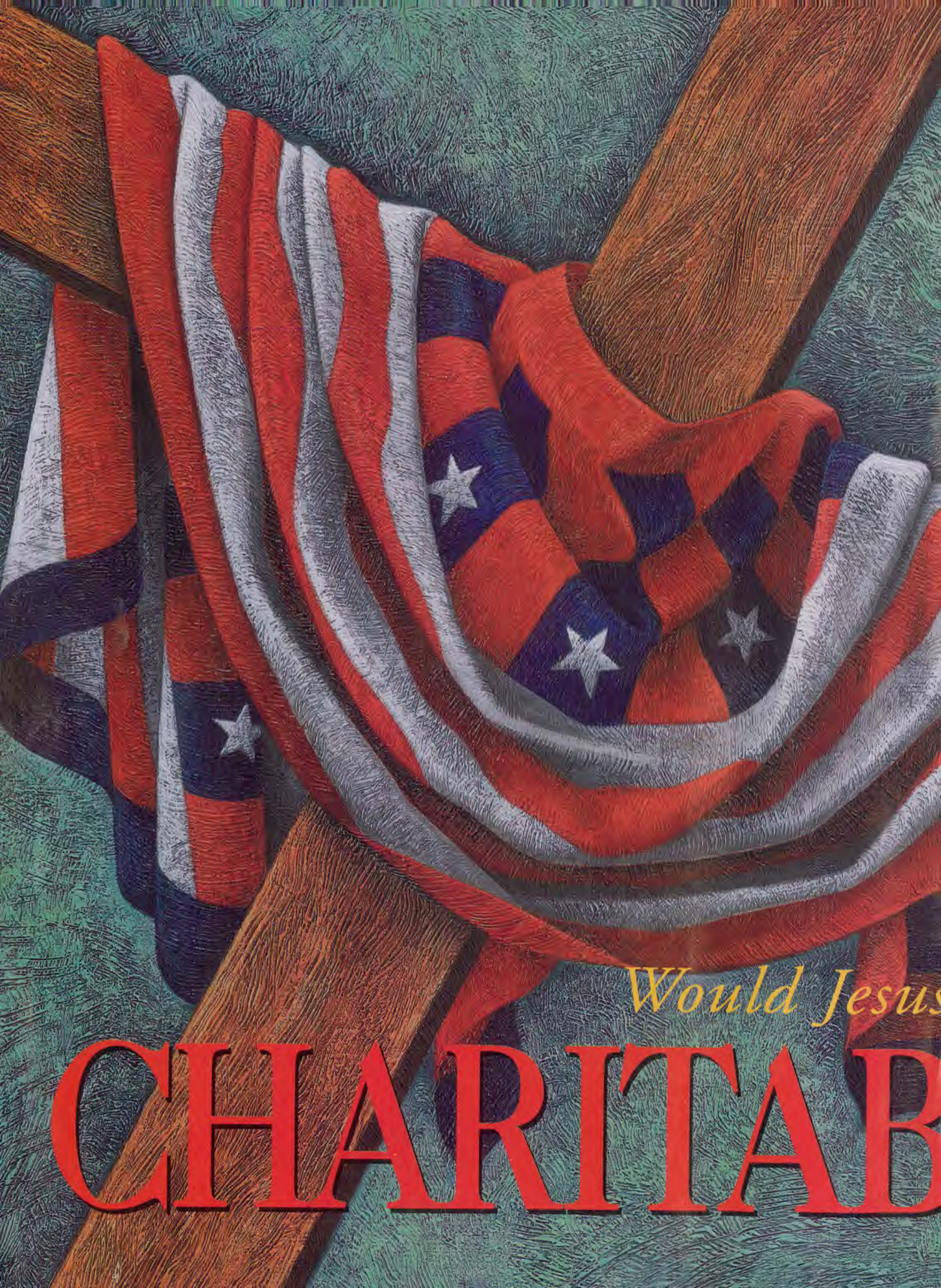
But Dominionism tells us otherwise. It infers that for the last two centuries this nation has increasingly frustrated God's thirst for control, leaving Him out of schools, legislative halls, football games. Every effort must now be made, according to this teaching, to regain what has been lost. For some, the goal of dominion is so all-consuming that even Christian principles are subservient to "Christian" power. Consider the words of Gary North: "We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know that there is no religious neutrality Then they will get busy in constructing a Bible-based, political, and religious order which finally *denies the religious liberty of the enemies of God*."⁷ The problem with this thinking is that one who "uses" the wall of separation appears to be holding it up, thus deceiving others who take refuge in its shadow. Then when separation becomes obsolete to the user, down the wall comes, leaving others unprotected. This is blatant dishonesty and exploitation, but then for those who embrace North's

thinking, the end apparently justifies the means.

Yet many, if not most, high-profile Christian leaders would deny the accusation that they vie for total control of the secular political scene. Back in 1994 Ralph Reed wrote, "What do religious conservatives really want? They want a place at the table in the conversation we call democracy. Their commitment to pluralism includes a place for faith among the many other competing interests in society."⁸ Is this "commitment to pluralism" waning among conservative Christian leaders? There is more and more evidence that Dominionist-born intolerance is making serious inroads into the Christian Right. The insidious thing about this evolving change is that the vehicles bearing this intolerance are innocuous and even noble, while their passenger is not.

continued on page 29

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Would Jesus

CHARITABLE

A common scene is replayed every day in cities and towns across the country. A single mother with three children loses her job. She turns to her local church for assistance. The church offers her money to help with the rent and food, day care for her children while she looks for a job, and maybe even job training and placement services. Along with the financial assistance, the church offers spiritual guidance to help the woman deal with the stress and frustration that inevitably accompanies unemployment. This guidance takes the form of prayer, readings from Scripture, and other forms of religious inspiration, all of which is intended to bolster the woman's spirits while simultaneously reinforcing the woman's faith and cultivating a deep and lasting connection between her and the church.

Encounters like this reflect the long, honorable tradition of churches helping the down-trodden through both physical and psychological crises. From the perspective of most churches, the provision of financial and spiritual sustenance is essential to accomplishing their reli-

gious missions, and they back up this judgment with hard work, sincere commitment, and a great deal of cash. Assisting the needy is expensive, and in this country churches historically have financed their charitable aid projects with voluntary contributions from members of the church. The focus of these projects typically has been the church's own parishioners and unaffiliated individuals who voluntarily are drawn to the church's religious message.

But suppose the government rather than the church provided the money that the church distributes to the needy. And suppose the unemployed single mother in the scenario described above does not belong to the church that gives the aid. And suppose that in the woman's town or neighborhood the state has referred her to the church as the primary source of assistance. And suppose the religious message distributed along with the aid directly contradicts the woman's own faith, and openly seeks to convince her to abandon her own church in favor of the church offering the aid.

These suppositions raise disturbing questions about the legitimacy of using public tax dollars to finance religious proselytizing, and these questions are being asked with increasing frequency as some religious groups push hard for the adoption of programs generally lumped together under "charitable choice." United States Senator John Ashcroft of Missouri coined this expression, and he has attempted to attach charitable choice provisions to a wide range of federal social welfare bills during the last decade. These proposals would require the government to offer federal funds to overtly religious organi-

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Have Accepted Federal Funding? **LE CHOICE**

zations that provide health and social welfare services. Under the charitable choice policies proposed by Senator Ashcroft, religious organizations would not have to avoid religious proselytizing while distributing the federally funded benefits, nor would the organizations have to change their structure in any way to diminish the strongly religious character of the groups participating in the federal program.

Senator Ashcroft has succeeded in adding charitable choice provisions to two pieces of federal legislation that already have been enacted into law. The Welfare Reform Act of 1996 and the Health and Human Services Reauthorization

These two charitable choice statutes may be only the beginning. At least 10 other bills with charitable choice provisions are currently pending before Congress. Some of these bills go beyond the language of the Welfare Reform Act and would create even stronger connections between the religious objectives of church groups and government aid programs. One example of the stronger charitable choice language appeared in an early version of the American Community Renewal Act, which would provide government financial assistance to economically depressed communities. Under this provision (which was dropped from subse-

quent versions of the bill) church groups distributing federal aid could require substance abuse beneficiaries to "actively participate in religious practice, worship and instruction and to follow the rules of behavior that are religious in content or origin." Similar language

can be found in a bill introduced by Senator Spencer Abraham of Michigan addressing federally financed drug treatment programs. Meanwhile Senator Ashcroft has proposed the Charitable Choice Expansion Act, which would apply charitable choice rules to every current social service program that involves the expenditure of federal funds.

Most members of the general public do not realize how significantly these charitable choice proposals would change current law. The sponsors of this legislation have contributed to the public ignorance of the implications of charitable choice by phrasing the provisions in the benign terms of prohibiting discrimination against religious organizations. The proposals' sponsors seek to benefit from the widespread public familiarity and support for the social service work of religiously affiliated organizations such as Catholic Charities USA and Lutheran Services in America, both of which receive government funding. But these organizations are very different from many of the organizations that would benefit from the new charitable choice proposals.

Traditionally, government aid has gone only to those institutions (such as Catholic Charities) that carefully divorce their secular assistance programs from the religious mission of the church with which they are affiliated. This separation has been dictated by the

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Act of 1998 each contain broad language directing the federal government (and the states that distribute the federal funds) to employ religious groups as well as secular groups to carry out the objectives of the federal program.

The language of the Welfare Reform Act provision is typical of charitable choice statutes. The purpose of the provision, according to the statute, is to "allow states to contract with religious organizations" to disburse welfare assistance "without impairing the religious character of such organizations."¹ The provision generally prohibits both state and federal governments from refusing to use religious organizations to distribute aid and guarantees the independence of religious organizations that want to participate in government aid programs.

Certain types of government control over these organizations are specifically prohibited. The government is prohibited from regulating the internal governance of the organizations participating in public aid programs, and is also prohibited from interfering with the organizations' religious expression or their use of religious symbols or scripture. Although the federal money cannot be used to pay for the religious aspects of church operations, the atmosphere in which the federal money is distributed can be so permeated with religious overtones that beneficiaries could easily perceive that the religion message is part of the federal program.

Supreme Court's longstanding interpretation of the establishment clause of the First Amendment to the Constitution. For many years the Supreme Court has prohibited the government from directly funding what the Court calls "pervasively sectarian" institutions. The Court has held that "even though earmarked for secular purposes, when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission, state aid has the impermissible primary effect of advancing religion."² Thus, the Court has declared unconstitutional any government aid to pervasively sectarian institutions because such institutions cannot separate their secular activities from their religious missions.

Last June the Supreme Court addressed this issue in *Mitchell v. Helms*, a case involving a government program providing computers to private schools, including religious schools.³ Justice Thomas argued forcefully that the Court should abandon the restrictions on aid to "pervasively sectarian institutions" and allow such institutions to receive public money even if they divert that money to religious purposes. A majority of the Court rejected Justice Thomas's proposal. As a member of the Court's majority, Justice O'Connor argued against Justice Thomas's attempt to rewrite several decades of constitutional law, and noted that the constitutionality of state aid to religious institutions continues to depend on those institutions being able to segregate religious activities from secular activities so that no state aid furthers the religious part of the enterprise.⁴ If a religious institution cannot segregate its religious from its secular activities, then government aid to that institution is therefore unconstitutional.

Justice O'Connor's conclusion in *Helms* is consistent with the Supreme Court's 1988 decision in *Bowen v. Kendrick*, which upheld a provision of the federal Adolescent Family Life Act allowing religiously affiliated institutions to participate in programs funded by the Act.⁵ In *Bowen* the Court emphasized that it was not unconstitutional for religiously affiliated institutions to participate in the program, because the Court assumed that religiously affiliated groups would carry out their functions under

the statute "in a lawful, secular manner."⁶ The Court also noted, however, that it would be unconstitutional for any recipient group to use government funds for religious activities.

Against the background of these cases it is difficult to see how charitable choice statutes can withstand constitutional scrutiny. In many respects the thrust of charitable choice seems to be directly contrary to the Supreme Court's insistence that publicly funded secular programs must be kept distinct from private religious activities. Charitable choice statutes allow church groups receiving federal funds to remain structurally independent of government regulation, and allow them to practice their faith without restrictions even as they implement a federal welfare program. Thus, charitable choice statutes seem to permit exactly what the Supreme Court has prohibited—the use of government money to finance religious activities.

Charitable choice infringes on religious liberty in several different ways, which helps to explain the reason the Court has traditionally viewed similar programs very skeptically. First

*Charitable choice statutes seem to **PERMIT** exactly what the Supreme Court has prohibited—the use of government money to **FINANCE** religious activities.*

of all, charitable choice infringes on the right of taxpayers not to fund the religious activities of churches to which they do not belong. The perceived interest of each citizen in being free from mandatory religious assessments was probably the single most important motivation for the adoption of the religion clauses of the First Amendment. At the time the Constitution was framed, several states had controversial taxes to support churches. Indeed, the immediate precursor of the First Amendment was the Virginia Bill for Religious Freedom, which was drafted by Thomas Jefferson in response to a proposal by Governor Patrick Henry to impose a tax on Virginia citizens for the support of religion. In a famous treatise supporting the adoption of Jefferson's Bill, James Madison commented that the government should not be permitted to force a citizen to contribute "even three pence" for the support of religion.

To Madison and Jefferson, the use of tax money to support religion was a quintessential

form of religious coercion, and they believed that religious coercion by government violated the most basic precepts of religious liberty. The coercion of taxpayers by charitable choice legislation is problematic enough, but charitable choice also offers the possibility of an even more direct form of religious coercion. Charitable choice potentially subjects beneficiaries of state social service programs to religious proselytizing as a condition of receiving the government benefits to which they are entitled. Charitable choice legislation carefully preserves religious organizations' right to engage in sectarian practices while participating in a government program, but does much less to protect

religious organizations from discriminating against beneficiaries from other faiths (although the religious organization may refuse to hire anyone but members of the organization's own faith to carry out the organization's duties under the federal program). But the real concern with charitable choice is not that religious organizations will discriminate against members of other faiths, but rather that religious organizations will use the government programs as an opportunity to lure members of other faiths to their own denomination. In any event, it is not difficult to imagine the discomfort of beneficiaries who will be forced to run a sort of religious gamut to obtain government aid.

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Charitable choice statutes deal with this problem by requiring states to offer alternative providers of aid for beneficiaries who object to the religious character of an organization to which the beneficiary is initially

assigned. But the charitable choice statutes do not require states to inform individual beneficiaries that they are entitled to request alternative, secular providers of aid, so the beneficiaries must learn of this right on their own and take the initiative to object to the religious provider. Charitable choice statutes also do not require that alternative providers be convenient to the beneficiary. The alternative provider may even be in another town from the beneficiary's home. Even in the best circumstances, requesting an alternative provider will result in a delay in the provision of aid. Although the states that coordinate federal aid programs are required to provide alternative providers "within a reasonable period of time" after a beneficiary objects to the initial assignment, this is an imprecise standard that will inevitably disadvantage beneficiaries simply because they do not want to be subjected to a particular religious environment in order to collect federal benefits.

the religious freedom of beneficiaries who have to deal with those organizations.

Charitable choice legislation does not prohibit religious organizations participating in government aid programs from engaging in overt religious activities while carrying out their public duties under the programs. Indeed, charitable choice statutes prohibit the government from limiting the religious expression of sectarian organizations distributing federal money and also prohibits the government from forcing such organizations to remove religious symbols or iconography from facilities used to distribute the federal aid. Thus, charitable choice legislation sets up a system in which a public benefits program will often be carried out in a context that is permeated with religious symbols and specifically designed to advance the religious objectives of one particular faith.

In many cases beneficiaries of federal programs such as the Welfare Reform Act will be subjected to subtle (and occasionally not so subtle) religious overtures while simply attempting to obtain benefits to which they are entitled under federal law. In contrast to the explicit protections offered to religious organizations participating in the program, charitable choice statutes only imperfectly protect beneficiaries who may not desire to join the religious activities of the religious group distributing the federal aid. Charitable choice statutes do prohibit

Evidence that these problems regularly arise may finally force the courts to confront for the first time the constitutionality of charitable choice. In late July 2000 the American Jewish Congress and the Texas Civil Rights Project filed the first major lawsuit in the country challenging the constitutionality of a Welfare Reform Act charitable choice grant. The lawsuit challenges a state of Texas welfare-to-work grant to an organization called the Jobs

Partnership of Washington County. According to the lawsuit, the Jobs Partnership is a consortium of evangelical organizations and local businesses in Brenham, Texas. According to the Partnership, it is dedicated to helping participants "to find employment through a relationship with Jesus Christ."

The lawsuit cites multiple ways in which religious proselytizing has infused the government-funded Job Partnership program. Among other things, the group operated a 12-week course for job seekers, which included a Monday night Bible study group and a Thursday session applying the Bible lessons to job skills training. According to a 1999 evaluation of the program by the Texas Department of Human Services (which approved the grant and is a defendant in the lawsuit), the materials used for the Job Partnership courses were explicitly Christian and made biblical instruction a centerpiece of the program. The lesson for week five of the 12-week course included the statement "to work is to serve God and man," and the lesson for week six asserted that "all authority comes from God."

Most disturbing of all, the Department of Human Services evaluation revealed that one third of the participants surveyed in the program reported "pressure" from the program "to join a church or change your beliefs." The Reverend George Nelson, president of the Partnership's board of directors, seemed to concede the accuracy of the lawsuit's characterizations in an interview with the *Dallas Morning News*: "We teach them about what the Word of God says about life itself. Work is not your enemy; your boss is not your enemy. Things of that nature—taking away the myths embedded in people about what God says about work. That's basically what it is, using the Bible, of course."

The Texas lawsuit may finally give the courts an opportunity to set limits on what charitable choice statutes may allow church groups to do with government funds they have accepted for social service work. Ironically, a ruling that imposes strict restrictions on church-run social services will simply create another kind of dilemma for churches considering succumbing to the strong appeal of federal money. To comply with constitutional restrictions on accept-

ing government money, the churches may have to modify the way they provide the services so radically that they fundamentally alter the nature of their own ministries. The fear expressed so far has been that charitable choice will infuse government services with religion, but the equally grave threat is that charitable choice will create financial incentives to secularize religion. In the end both government and religious institutions will suffer from the experience.

In the larger scheme of things, charitable choice is just another skirmish in the long-standing battle over the proper relationship between church and state. The best outcome of this skirmish would be a stern reminder of the continuing importance of the separation of church and state.

In the social services area, as in other areas where church/state disputes arise, the separation of church and state continues to serve three functions essential to the preservation of religious liberty: It ensures that the government will not be controlled by religious groups; it

*The real question posed by charitable choice is whether the abstract **VALUE** of religious liberty can **OVERCOME** the concrete allure of easy cash.*

ensures that churches will not be controlled by the government; and it ensures that individuals will remain free to decide for themselves the direction of their spiritual quests.

The real question posed by charitable choice is whether the abstract value of religious liberty can overcome the concrete allure of easy cash. For many churches it is easy to quantify the financial enticements of charitable choice, but the potential costs to religious liberty are immeasurable. □

FOOTNOTES

¹ 42 U.S.C. §604a (b) (1996).

² *Meek v. Pittenger*, 421 U.S. 349, 365-366 (1975).

³ *Mitchell v. Helms*, 120 S.Ct. 2530 (2000).

⁴ See *Mitchell*, 120 S. Ct. 2556 (O'Connor, J., concurring in the judgment).

⁵ *Bowen v. Kendrick*, 487 U.S. 589 (1988).

⁶ *Ibid.* p. 612.

⁷ Christopher Lee and Jeffrey Weiss, "Charitable Choice? Gets Challenge," *Dallas Morning News*, July 25, 2000, p. 23A.

Globalization *continued...*

and evidence or opportunity given those listed to explain or defend themselves.

Secularism can have worldwide negative religious liberty consequences. There is a secularism (or "laicity," as it is called in France) that stands not for a benign or neutral separation of church and state but for an antichurch separation. The intention is to squeeze religion out of the fabric of society by first taking on religious minorities and then, when the time is right, major religious bodies and finally religion as a whole.

Antiproselytism too received a global dimension in the nineties. For a quarter of a century the institutionalized ecumenical movement has, if anything, been opposed to proselytism, that is converting baptized members (whether really active and practicing or not) of one church to another. The opening up of Eastern Europe and the former Soviet Union to evangelism (both local and from the West and even from Korea) after the fall of the Communist regimes has placed the issue of proselytism squarely on the religiopolitical agendas. The centuries-old Orthodox churches feel that certain countries are part of their traditional canonical territories and their hierarchies give the impression that they would like to simply go back to the "status quo ante-Communism," when they were in control of religious life, and religious minorities were subject to restrictions and persecutions.

Two further aspects of the globalization of antiproselytism are the efforts by "Muslim countries" (most visibly Saudi Arabia) to stop any and all forms of Christian evangelism in these nations, and the growing Hindu opposition, sometimes with violence, to what Hindu militants call "Christian proselytism."

When dealing with proselytism, we are faced with two obvious issues, among others: (1) the recognized religious liberty right to manifest and teach one's religion and to persuade others of its rightness, and (2) the right of an individual not to be coerced or unduly influenced, because of poverty or other vulnerability, to change religion.

These two rights can on occasion find themselves in conflict. In order to deal with this issue, a group of experts met in Spain in 1999 and early 2000 under the auspices of the International Religious Liberty Association in

cooperation with Spain's Ministry of Justice. This board of experts hammered out a concise and balanced declaration outlining principles of proper dissemination of religious beliefs endeavoring to balance and bring into juxtaposition the above two rights.

In the pastoral letter *Dies Domini* the pope of Rome gave an increased worldwide dimension to the Sunday issue by reminding his absent flock that he expects them everywhere to be in church attending Mass on Sunday. Furthermore, he urged Catholics "to ensure that civil legislation respects their duty" to observe Sunday. This can, of course, be a delicate issue, for Sunday laws almost inevitably involve religious legislation with inherent church-state separation and religious liberty problems when the state tries to "guarantee" the "right" to "Sunday rest."

Obviously the pope has a global weekly day of rest in mind. But how can governments respect or guarantee such a right, keeping in mind that, for example, Seventh-day Adventists and some other Christian churches, Jews, and Muslims observe a day other than Sunday for rest or communal worship? Presently there are indications that the Vatican supports the concept that protection of a day of rest as a right applies not only to Sundaykeepers but to those who observe another day.

The whole reality of globalization is enhanced by the fact that there are today two global superpowers (1) the United States of America, arguably the only remaining political superpower, and (2) the Holy See/Papacy/Roman Catholic Church, the most powerful and influential religious entity with worldwide geopolitical dimensions.

At the present time both these superpowers affirm their support of religious liberty. In 1998 the United States passed the International Religious Freedom Act. And the pope has time and again asserted his abiding support of worldwide religious freedom, including specifically the rights of religious minorities. This is vital, because every religion is not only a minority somewhere but is, globally speaking, a worldwide minority!

In view of globalization, should the two superpowers change tack in their support of religious liberty, because of a change in the winds of political correctness, we would be faced with a new and seriously different global religious freedom situation. □

In 1993 President Clinton signed the Religious Freedom and Restoration Act (RFRA), possibly the most significant piece of civil rights legislation since the adoption of the Bill of Rights in 1791. ★ RFRA required that states adapt their laws to accommodate religious practices. When challenged, however, RFRA was declared unconstitutional. On June 25, 1997, the U.S. Supreme Court struck it down by a 6-3 vote. As a result, any religious practice that conflicts with secular values is now in legal jeopardy. ★ Rising from the ashes of RFRA came the Religious Liberty Protection Act (RLPA), also known as the "son of RFRA" by those opposing it. It is similar to RFRA

Is There Religious Liberty *after* RFRA?

in that it would not allow the state and local government to place a burden on free exercise of religion unless authorities could demonstrate that they had a compelling reason for doing so. Drafters of the bill kept in mind the Supreme Court's concerns with RFRA, to ensure that RLPA would stand up under constitutional scrutiny. HR 1691 (RLPA) was passed in the House on July 15, 1999, by a vote of 306-118. Its passage through the Senate is not at all certain, however. The coalition supporting it has essentially broken up over concerns by gays rights groups that the bill would enable discrimination against their civil rights. Delay in the Senate might ultimately doom this very much needed bill. ★ Abraham Lincoln once asked, "Must a government, of necessity, be too strong for the liberties of its people, or too weak to maintain its own existence?" Lincoln was well aware of the potential dangers of expression, but he held the Constitution dear enough to guard its promises. ★ Religious liberty, our first freedom, must be protected. Many see in recent decisions evidence that the Free Exercise Clause is being stripped of its power. It seems the government can prevent people from practicing their religion if it so chooses. ★ Not feeling the pinch yet? That's good, but don't move to Arapahoe County, Colorado. Officials there put limits on how many students can enroll in religious schools and how many people can join congregations, as a means of controlling their growth! And stay out of Miami, where an Orthodox Jewish rabbi was threatened with criminal prosecution for leading morning and evening prayers in the garage of a single family dwelling. The court didn't feel the rabbi's practice was integral to his faith. Avoid Massachusetts, too. A court ruled that school officials don't have to gain parental consent before requiring children to attend a sexually explicit assembly. Freedom: you can't ignore it or take it for granted if you want to keep it! You have to guard it. Considering how many people in this world are without it, you would think that Americans would be jealous to the point of insanity in preserving it. Only when an issue hits *their* community do most people realize that something is slipping away. When that happens it's important to grab hold and fight for the freedoms we all deserve. Because freedom not cherished is freedom soon lost. ☐

A summary prepared by Celeste perrino Walker.

THE NEW



BY ANATOLY KRASIKOV

IGMA OF LIBERTY

The last decade of the twentieth century was a time of rapid change for my country. Communism simply vanished and a new set of norms was established. In 1989, precisely one year after the celebration of the 1,000-year anniversary of the Christianization of Russia, all citizens were invited for the first time to participate in relatively free parliamentary elections. A number of religious figures were elected in the parliament, announcing that they intended to change the laws concerning cults.

A few months later, on October 25, 1990, Russia passed its first law guaranteeing the freedom of religion. Its aim was to protect the rights of people of all faiths, not to regulate religious life. The law forbade the establishment of "executive and bureaucratic organs of state power, as well as of state offices, especially charged with making decisions regarding the realization of the citizen's right to the freedom of religion." In addition, the law proclaimed that, henceforth, "not one religion or religious organization will have any advantages or be subjected to any limitation different from others."

Restoration of destroyed churches and construction of new ones was begun immediately, throughout the entire country. The shelves of bookstores were suddenly full with religious literature. Sermons became regular programs on radio and television. This new cooperation between religious organizations and the govern-

ment gradually widened to affect such aspects of society as its general spiritual enlightenment and concepts of philanthropy; stimulated peacemaking; influenced science, culture, and security; encouraged a restoration of historical monuments; and created a general concern for social values.

In 1995, for the first time in Russian history, a Presidential Council for the Cooperation With the Religious Organizations was created. Its members were representatives of the largest, most influential religious groups. Included were the Russian Orthodox Church, the Old Believers, Muslims, Jews, Buddhists, Adventists, Baptists, Catholics, Lutherans, and Evangelical Pentecostals. The council was to formulate recommendations regarding various issues of internal and external politics.

Also carried on the wave of freedom in Russia were new religious movements of local and foreign origin. At first this religious activity drew no special attention to itself in the new

Russia in Search of Its Religious Identity

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conditions of ideological and religious pluralism. Gradually, however, there has come a more vocal demand to “protect society from aggressors from totalitarian sects and international groups posing as missionaries.”

The Russian Orthodox Church (ROC), the religious organization in Russia with the greatest following, has many times stated its opposition to a merger with the state. In practice, however, we often find the opposite. A considerable part of the political elite and part of the Orthodox clergy continue to undertake great efforts in an attempt to turn Orthodoxy into a new government ideology.

In Russia, politicians as a rule, do not have even the smallest understanding of Orthodox theology. Its majority is far from being genuinely religious, as was, rather curiously, the case during the Soviet era. Some of them—those who represent nationalist forces—are drawn to the goal of creating a “monolithic union” of Russian society under a new flag. God, for many of them, is simply a means for furthering their own power. These politicians want to force bishops of the ROC to play the role of protector of the “ideological purity” of society, which was played in the pre-Yeltsin period by party committees of the Communist Party of the Soviet Union (CPSU).

Then on October 1, 1997, just a few days before the 80-year anniversary of the Bolshevik Revolution, a new law came into force in Russia: “On Freedom of Conscience and Religious Associations.” According to Russian human rights defenders, this document could with much more reason be entitled “On Freedom From Conscience.” The first articles of this document reproduce the wonderful provisions of the Constitution on the separation of religious associations from the secular state and their equality before the law. But after this follows a whole series of openly anticonstitutional, wittingly discriminatory provisions, practically canceling out all that is written before.

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The law ignores the provisions of the Constitution in accordance with which freedom of religion should be guaranteed to everyone. It introduced, retroactively, various categories of juridical persons with unequal amounts of rights. Those associations that do not belong to a centralized structure nor can confirm with documents the fact of their “existence on the appropriate territory for a period of not less than 15 years (i.e., from the time of Brezhnev and Andropov) forfeit the right to “produce, acquire, export, import, and distribute religious literature or printed, audio, and video materials and other objects of religious purpose, invite foreign citizens with the goal of professional work, including preaching and religious activity.”

Supporters of the clericalization of the government, acting within the Russian Orthodox Church, are clearly trying to bring potential members into

the church by the means of secular authority. Coming from the former Soviet system, these people have not learned the meaning of genuine Christian missionary work. They suggest that they can achieve their goals by merging with the government structure, by monopolizing religious broadcasting on state television and radio, and by limiting the freedom of other denominations to preach.

Leaders of all religious organizations in Russia recognize the unique role that Orthodoxy has played in the history of Russia, beginning with its Christianization 1,000 years ago in 988. But they are not willing to concede it a religious hegemony and are insisting on their constitutional rights. Naturally the discriminatory law of 1997, “On Freedom of Conscience and Religious Organizations,” has provoked many serious discussions in society. O. Mironov, the official authority on human rights in the Russian Federation, issued a statement in 1999 concerning the new law. “These norms,” he wrote, “cannot act legitimately in the territory of the Russian Federation, originating from the preeminence of rights over domestic legislation, established by international

agreements, which was foreseen by the Constitution of the Russian Federation."

"The law on freedom of conscience," he concludes, "in essence, consolidates the privileged position of different religions." At the same time, religious organizations that have been termed "nontraditional" relinquish many rights. According to the Authority on Human Rights, the law broadens the "exhaustive list of lawful limitations of the rights regarding freedom of religion," as formulated by the European Convention on the Protection of Human Rights. This is an additional limitation linked to national security. While the law "can be protested by citizens by submitting a case to the European Court of Human Rights," this would seem a weak restraint.

On November 23, 1999, the Constitutional Court of the Russian Federation admitted to the illegal enforcing of the retroactive power of the law passed in 1997. One of its statutes clearly discriminated against a large group of "local" religious organizations, depriving them of their right to exist as a legal entity.

Curiously, real-world limitations have worked to discredit the disposition of the new law, which required the conclusion of the universal reregistration of religious organizations in Russia by December 31, 1999. The registration process provided for the eventual liquidation, by due process, of those organizations that did not make it through the reregistration process. Directed against "nontraditional" religions, this disposition actually affected, first and foremost, the largest of all churches in Russia, the Russian Orthodox Church. The church did not have enough time to complete the documents for the legalization of the majority of its parishes.

The Russian Orthodox Church is feeling its way along the path to a cooperative future. However, as we have seen before, it constantly needs to check itself for internal movements that call for a return to traditions of the past.

**THE
PRESENT
DISCUSSION
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THE WORLD BY
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METROPOLITAN
KIRIL TERMS
THEM.**

Naturally, the conflict surrounding the new law "On Freedom of Conscience and Religious Organizations" has considerably complicated the religious situation.

As Old Believer Metropolitan of Moscow and All Russia Alimpi observed, speaking at a session of the council before the president in September of 1997, "approval of this law by the Federal Assembly has tangibly lessened the level of trust in relations between religious confessions.... Interfaith contradiction in Russia has attained an acute political character."

Sensing the danger of isolation, the Russian Orthodox Church made a concerted effort to regain the trust of other religious organizations. At the end of December 1998 a meeting was held between representatives of Orthodoxy, Islam, Judaism, and Buddhism, at which it was decided to create an Interfaith Council for "organizations and support of dialogue concerning societal and other

related problems." The Christian Interfaith Coordinating Committee, or CICC, was reactivated in January 1999.

The International Interfaith Conference held in Moscow, November 23-25, 1999, was dedicated to the 2,000-year anniversary of Christendom. It made a positive contribution to the normalization of the relationship between the Russian Orthodox Church and non-Orthodox Christians. The final version of the conference document admits that "many different-natured problems of the upcoming millennium are motivating Christian associations to active cooperation in joint searches of an adequate answer to the challenges of a new time, to the realization of responsibility of Christian organizations for the fate of mankind."

A synodal working group has examined the social doctrine of the Russian Orthodox Church ("conception concerning questions of church-state relations and problems of modern society as a whole"). The discussion of doctrine is not easily settled, taking into account differing, at times diametrically opposing, views from representatives of separate and distinct intrachurch movements.

A document approved by the synod on June 19, 1999, is of great interest. Given the title "Conceptual Foundations of Church State and Church-Societal Reciprocity in Connection With the Celebration of the 2,000-Year Anniversary of the Birth of Christ," it begins with an acknowledgment of the necessity for "a conclusive self-reevaluation of man" and "comprehension of global mistakes," since "without . . . a true attempt to understand the progress of world history, today's historical mark is risking becoming a means for empty celebrations. Modern man has already become accustomed to these."

This document refers to the inevitability of globalization of the world economy and the future development of inter-governmental institutions, "which are becoming centers of authority [over individual sovereign states]." At the same time, the document notes that this process of transfer of authority "is accompanied by a growth in interethnic, political, and intercultural tensions, appearing in the form of bloody confrontation; clearly a threat to the peaceful future of all peoples."

The "Conceptual Foundation" document sees a number of conditions necessary to realize the strengthening of the positive and weakening of the negative results of globalization. They include "meaningful dialogue and fair reciprocity among different traditional religions, cultures, and personal philosophies, and affirmation of the principle of multipolarity of the earth on the level of all systems that make this decision."


The overall aim of the document is a constructive answer to the question of the "main calling of all people, which will be a concern in the twenty-first century." It is obvious, from this document's tone, that "there is an attempt to represent as the only universal and progressive one of many existing cultures in the world today. [These cultures] are founded on an understanding of freedom of the fallen man as an absolute value and measured truth." It can be easily understood that western Christians are implied here. Since specifically they not only were the first to claim the fundamental worth of the rights of man as created by God ("fallen man," in accordance with synodal terminology), but also were the first to accept all acting international rights of man norms, including the United Nations Charter of 1945, the Universal Declaration of Human Rights (1948), and the European Agreement on the Rights of Man and Fundamental Freedoms (1950). The

last of these was ratified by the Russian Federation in 1998.

This part of the "conceptual foundation" directly relates to the circumstances referred to by Metropolitan Kiril in the spring of 1999. In his Athens report he criticized the international norms in the area of human rights as "exclusively western and liberal." According to his words, before the Orthodox church "there stands a large and difficult work to formulate and assert its position in the presence of the international community in the United Nations and other international organizations." This requires dialogue with "all churches, denominations, and religions."

In reality, the only result to this so far is an exchange of opinions with religious leaders in Iran. Iran, of course, is a country in which Muslims uphold the death penalty, a doctrine that can be found in the Bible. After meetings between the Russian Orthodox Church and the extremist Iranians during June 1999, a published communique said that "every people should have the right to determine the origins of the realization of its historical mission, its adequate representation and the assertion of its interests in the realm of the world association."

Imperial Byzantium established "canonical territory" where "authorized personnel only" were permitted (with which even Islamic religious extremists agree). The present discussion is shifting back to the triviality of a new division of the world by religious blocs. In the twentieth century there was a division between different ideological and social systems. However, Metropolitan Kiril suggests that the world should be divided into spheres of religious influence, or as he put it, "canonical territories." Clearly, he does not realize how closely his suggestion parallels that of the situation of the discussions of Yalta, when the Communist and Western blocs were divided along political boundaries. Now Kiril suggests a dividing along religious lines, i.e., all Russians should be Orthodox. This perspective is in blatant violation of general religious principles. This irony underlines the absurd nature of his theory.

We cannot forget the famous expression of James Madison, one of the founders of the United States, who warned in his *Memorial and Remonstrance*, written more than 200 years ago: "When there is a union of state and church, this has often resulted in using religion to uphold political tyranny." 

THEOCRACY *continued...*

Consider, for example, the Adams County, Ohio, saga. In 1997 four new high school buildings in Adams County were completed, and a granite monument of the Ten Commandments was placed in each of the four schoolyards next to the flagpole. This project was initiated by the Adams County Ministerial Association and permitted by the Adams County School Board. About a year later a local man wrote several letters to the superintendent of the district proposing the placement of monuments alongside the Ten Commandments that he said represented his religious group, the Center for Phallic Worship. You can imagine what kind of monuments he was hoping to place. The request was ignored. Six months later the ACLU filed a suit demanding the removal of the Ten Commandments monument. The suit named the entire school board as well as the superintendent, by name, as defendants. The plaintiff was Barry Baker, the interim director for the Center for Phallic Worship.

A rally was held five days later at a local church in Peebles, Ohio, where Barry Baker also lived, with 600 in attendance and standing room only. Supporters at the rally said it was "small town America at its best: a grassroots movement that is part patriotic rally, part revival." This was the beginning of what has become a protracted battle during which a citizens group called the ACTC (Adams County for the Ten Commandments) has been formed. The ACTC has ordered 100,000 blue-and-white yard signs that display the Ten Commandments and the legend "We Stand for the Ten Commandments" at the top. These signs have been posted in yards in 46 U.S. states and seven countries, including Japan and Switzerland. They have held numerous rallies and meetings, featuring such speakers as—you guessed it—Peter Marshall and David Barton. The ACTC Web page reported that Marshall "emphasized the fallacy of the 'separation of church and state' that has guided Supreme Court rulings for the past 50 years."

The ACTC story has become one of the many symbolic battles in the cultural war between the Religious Right and secular humanism. Such stories seep into the corporate consciousness of Christendom through such voices as James Dobson's Focus on the Family, and they cannot fail to evoke a sense of the increasingly rapid opposition to Judeo-Christian mores that has impacted this culture. But we wonder if the concerned citizens of

Adams County will be satisfied with the Ten Commandments in the schoolyard, or will they go on from there to "reconstruct" a theocracy that by the Bible's own decree is obsolete?

Caution is in order here. One must not indulge in the temptation to assign guilt by association. We can't assume that the hard-line Dominionism of Gary North is shared by all conservative Christian leaders. But we must ask, Where is this all leading? There must be a line between radical Reconstructionist thinking that would insist on capital punishment for homosexuals and the more palatable conservative Christian thinking that would prefer the Ten Commandments to a phallus in the school yard. Yes, yes, there is a line, but the question is, Do we know where it is? L

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FOOTNOTES

¹ Peter Marshall and David Manuel, *The Light and the Glory* (Grand Rapids: Fleming H. Revell, 1992), p. 89.

² Gary North, *Backward Christian Soldiers? An Action Manual for Christian Reconstruction* (Tyler, Tex: Institute for Christian Economics, 1984), glossary.

³ Sound file from Steeling the Mind of America Web site, <http://www.audiocentral.com/conferences/steeling/barton96.html>. Text quoted is a paraphrase of Proverbs 29:2.

⁴ See Galatians 3:14.

⁵ See Matthew 24:1-28, Mark 13:1-23, Luke 21:10-24, John 16:1-4.

⁶ Matthew 24:6, 7, 9, 12, and 14.

⁷ Gary North, "Institute for Christian Economics," quoted in Bill Moyer's "God and Politics," PBS, 1987 (Italics supplied).

⁸ Ralph Reed, *Politically Incorrect* (Dallas: Word Publishing, 1994), p. 24.

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I see you at

In the last desperate days before last year's U.S. presidential election the campaigning took on an almost missionary aspect. The phenomenon transcended party. And whether the candidates and their running mates were holding forth from pulpit or high school auditorium stage, it seemed that talk of personal faith was obligatory. By ignoring the thankfully muted recitations of past indiscretion, one could almost drift into an ecclesiastical construct and think the goal was to find a holy man to sanctify the raw ambitions of politics. Such is the state of democracy in the U.S. as we move into the twenty-first century!

A few days ago I attended a press briefing presented by the Pew Forum on Religion and Public Life and the Brookings Institution. Topic A was a presentation of a Pew survey on religion and the 2000 presidential election, followed by a panel discussion by representatives of various Catholic, Protestant, and Jewish groups of their own studies. And, surprise, we found that religion has indeed been a major element in these elections.

Some of the details inherent in the surveys are encouraging; some I find historically dislocating, others even troubling.

Under the subtitle of "the ambivalent majority" the Pew study found clear approval for the role of religion in political life; this has changed markedly within a generation. Curiously, at the same time a majority are uncomfortable with clergy using the pulpit to proclaim political views. The same ambivalence is evident in the faith expressions of politicians. Yes, respondents believe they should be men and women of faith, but there is discomfort about politicians making public pronouncements of their faith.

As the results were shared and discussed and as the representatives from the various faith groups shared their own figures; I saw a rather clear pattern emerge. While the United States proclaims itself as churchgoing and more religious than other Western states, this can be misleading. For although more people than ever call themselves spiritual, this survey, like most, shows the majority to be infrequent attenders of formal worship services. And there is a curious tracking with the degree of attendance and traditional orthodoxy and how willing people are to involve the state in church matters. It tracks in reverse—the more liberal of a faith group are the ones pushing for this. Yet the more observant of all faiths seem to demand greater separation of powers. And the conclusion of the drift toward vouchers, charitable

choice, and other mixings is that it is actually driven by increasing secularization and greater nominal church attendance.

I can't help thinking of the poet Matthew Arnold's words from "Dover Beach." "The sea of faith was once, too, at the full, and round earth's shore lay like the folds of a bright girdle furled. But now I only hear its melancholy, long, withdrawing roar." I do believe there is a cause and effect between faith and freedom: One begets the other. But in the context of spiritual decline, a hunger for religious power that seeks the state for support will end badly.

William Butler Yeats, in "The Second Coming," a poem I often quote when describing the present, wrote of a time when "the center cannot hold"; a time when "the best lack all conviction, while the worst are full of passionate intensity." Those Muslim fundamentalist states, those Crusades of yore, those pogroms of the Old World, all shared this phenomenon in being enabled by low spirituality but a heightened dependence on religious activism.

The Pew study also noted something that quite surprised me. Tracking consistently across age and income levels was the curious result that nearly eight in 10 Americans have positive impressions of Catholics and

RELIGIOUS



ILLUSTRATION BY HARRY ANDERSON

Jews, while only six in 10 are positive on Evangelicals. More telling was the "unfavorable" rating of 16 percent for evangelicals versus 9 percent for Roman Catholics. This is a historically significant shift for a nation founded on Protestant principles and at times marred by vicious anti-Catholicism. It tells me that our growing base of non-committal religionists is ecumenical in the sense that it suspects religious activism. Catholics have

increasingly cultivated a middle-America style, while Evangelicals often alienate the nominal Christians by their fervor.

The apostle Paul was an effective communicator, well schooled in the ways of the world of his day. His visit to Athens, the seat of democracy, was a great occasion for him to present true faith in

God. Some of the wise men and philosophers of the time noted Paul and took him to the Areopagus to hear him expound his views.

Paul's approach was clever. Athens, and Greece in general, by that time was hardly religious as we might now count it; in fact the very concept of democracy owes much more to the philosophy of Greece with its dependence on man's ability than to a Jewish concept of man (the Old Testament clearly indicates that the majority are more likely to choose evil than anything else)! But Paul wanted to appeal to their nominal faith in the icons of antiquity. So he began his address by noting that in observing "the objects of [their] worship," he came across an altar inscribed "to an unknown God."

"Men of Athens," he said, "I perceive that in every way you are very religious" (Acts 17:22, RSV).^{*} Well, his irony was concealed for reasons of persuasion, but it is implicit. It is possible to be so inclusive to religious aims as to lose sight of the claims that all true faith makes. Paul proclaimed to them that this unknown god is "the God who made the world and everything in it (verse 24, RSV)."^{*}

Those wise men at the Areopagus rejected that God because he was too specific, too divine—after all, as they reasoned, how could someone rise from the

dead? And in a sense they were on the right track, because a religion with such claims could not exist within their democracy without troubling other religions and excluding the nonbelievers.

It's no different today. If the state moves into religious territory, it risks awakening religious activism that must be antithetical to the many state gods, not least of all the very claims of the state itself. And the state that attempts to establish its own red book of faith denies true religious freedom and in attempting a theocratic foundation will merely elevate another more troubling unknown god.

LINCOLN E. STEED

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