

# RELIGIOUS FREEDOM and TOLERATION

by Vic Berecz

Religious freedom: it wasn't ingrained in our colonial heritage. We all know of the intolerance of our Massachusetts and Connecticut Puritan forbears. Even in the seemingly more tolerant colonies like Rhode Island, Pennsylvania, and Maryland religious freedom wasn't a given. In order for one of our family's German ancestors to become a naturalized resident of Maryland in 1765, he had to partake of the sacraments of the Church of England in addition to swearing allegiance to King George III. Until 1818, more than 40 years after our Revolution and with the Constitution long in place, the Congregational Church was legally the established church in the state of Connecticut. So how did the American ideals of religious freedom and toleration evolve to their present state? Here's my understanding of what happened.

Religious freedom has always been a governmental matter. Throughout history, laws were made to grant it or to take it away ... mostly the latter until the great American experiment we call the Constitution. The basis for all our laws concerning religious freedom are two references in the Constitution: Article 6 reads (in part): "... no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States" and the first amendment in the *Bill of Rights* begins: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. ..." That's it! But, why were these references there? In the 18<sup>th</sup> century, there was a significant anti-religious movement called Deism. Deist beliefs centered on the idea that a supreme being created the universe, but then essentially sat and watched it run itself. Therefore Deists needed neither faith nor organized religion. Many of our early national leaders were Deists, most notably Thomas Jefferson author of our Declaration of Independence and key contributor to the Constitution. Some view the Constitutional mandate for religious freedom as radicals defending themselves against the possibility of future attack by Christian orthodoxy ... remember, none of our first six Presidents could be classified as orthodox Christians. Whatever their original rationale, our founder's goal of religious freedom has worked out just fine.

The aspect of religious freedom that has sparked the most debate is the doctrine of a "wall of separation between Church and State." This term was first used by Jefferson in an 1802 private letter to the Danbury (CT) Baptist Association, and over the years became the basis of many arguments, laws, and court decisions over "original intent" ... was it freedom *of* religion or freedom *from* religion? Despite the Deist overlay on many of our early intellectuals, the U.S. had an overwhelmingly Protestant bias. Some would say it still does; for instance, it was 1960 before there was a non-Protestant President, 1996 before there was a non-Protestant Supreme Court majority, and there still has never been a non-Protestant Congressional majority! But things changed with large-scale immigration of Catholics in the mid-19<sup>th</sup> century, of Jews in the late 19<sup>th</sup> century, and the emergence of new non-traditional home-grown faiths – Mormons, Jehovah's Witnesses, Christian Scientists, etc. During this era, prudently, the Supreme Court began expanding its interpretations of religious freedom in sync with the changing cultural patterns of our nation. I believe this evolution has served us well, and continues to do so today

One other note is important here. Our guarantee of religious freedom, like all freedoms, is not unlimited. We cannot incite violence or slander another person in the name of free speech. Likewise we cannot practice ritual sacrifice even if it is solidly rooted in our religious tradition. The legalese for that is: "government action that burdens religious activity along with similarly situated secular activity in pursuit of a legitimate regulatory goal, is presumptively valid." I think such limitations are generally accepted, though we sometimes differ on the details.

So far I've said nothing about religious tolerance. In a nation with a state religion, toleration of other faiths is partly a governmental matter. But, in the U.S. where the government pursues a *hands-off* policy which avoids both partiality and disfavor for every religion, toleration becomes wholly a practical, personal civic matter. Most religions in diverse societies, even those favoring dogmatic intolerance for their co-religionists who stray, strongly support civil tolerance of other religions out of the universal imperative to "love thy neighbor" and perhaps also concern for self-protection ... to quote the 800-year-old words of Pope Gregory IX: "Christians must show towards Jews the same good will which we desire to be shown to Christians in pagan lands." But, toleration is more than love and forbearance. It's also respect. For example, the *Catholic Encyclopedia* emphatically states that: "The same measure of respect which a Catholic claims for his religion must be shown by him to the religious convictions of non-Catholics." I think that's a great statement of what religious tolerance is all about. If you're not a Catholic, just substitute your faith. Religious tolerance is not easy because it requires love, forbearance, *and* respect. I hope and pray that all my fellow Americans would strive to bring greater religious tolerance to our nation and our world.

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