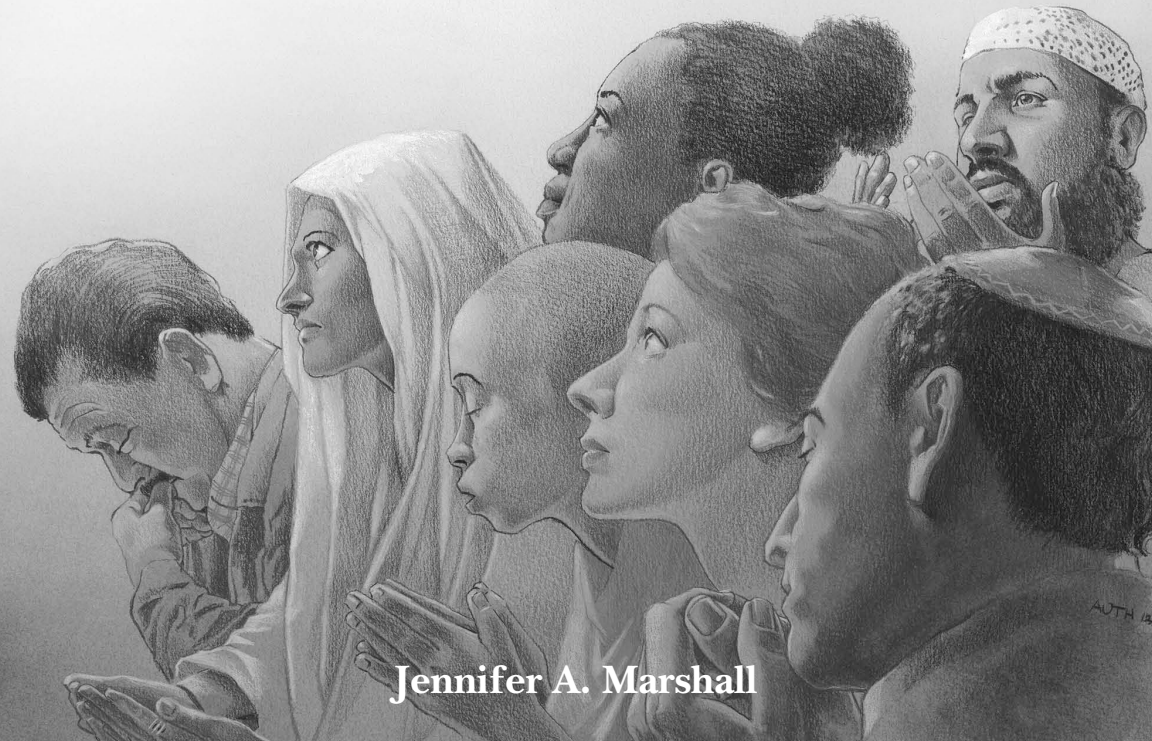


UNDERSTANDING AMERICA



Why Does Religious Freedom Matter?



Jennifer A. Marshall

Why Does Religious Freedom Matter?

Religious liberty and a thriving religious culture are defining attributes of the United States, characterizing the American order as much as its political system and market economy.¹ From the earliest settlements of the 17th century to the great social reform causes led by religious congregations in the late 19th century and again in the 20th century, religion has been a dominant theme of American life.

Today, almost 90 percent of Americans say that religion is at least “somewhat important” in their lives.² About 60 percent are members of a local religious congregation.³ Faith-based organizations are extremely active in providing for social needs at home and in sending aid abroad.

Why does religious liberty matter—to America and to the world?



In Democracy in America, Alexis de Tocqueville explains the importance of religious liberty: “Freedom sees in religion the companion of its struggles and its triumphs, the cradle of its infancy, the divine source of its rights. It considers religion as the safeguard of mores; and mores as the guarantee of laws and the pledge of its duration.”



Freedom of religion is a cornerstone of the American experiment. That is because religious faith is not merely a matter of “toleration” but is understood to be the exercise of “inherent natural rights.” As George Washington once observed: “[T]he Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.” And “what is here a right towards men, is a duty towards the Creator,” James Madison wrote in his 1786 *Memo-rial and Remonstrance*. “This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society.”

The model of religious liberty brilliantly designed by Madison and the other American Founders is central to the success of the American experiment. It is essential to America’s continued pursuit of the ideals stated in the Declaration of Independence, the ordered liberty embodied in the Constitution, and peace and stability around the world.

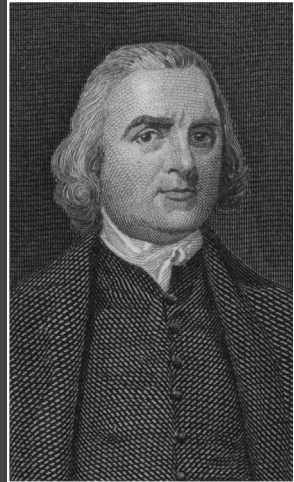
The key to America’s religious liberty success story is its constitutional order. The Founders argued that virtue derived from religion

is indispensable to limited government. The Constitution therefore guaranteed religious free exercise while prohibiting the establishment of a national religion. This Constitutional order produced a constructive relationship between religion and state that balances citizens' dual allegiances to God and earthly authorities without forcing believers to abandon (or moderate) their primary loyalty to God.

This reconciling of civil and religious authorities, and the creation of a Constitutional order that gave freedom to competing religious groups, helped develop a popular spirit of self-government. All the while, religious congregations, family, and other private associations exercise moral authority that is essential to maintaining limited government. The American Founders frequently stated that virtue and religion are essential to maintaining a free society because they preserve “the moral conditions of freedom.”⁴

Today, the religious roots of the American order and the role of religion in its continued success are poorly understood. One source of the confusion is the phrase “separation of church and state,” a phrase used by President Thomas Jefferson in a widely misunderstood letter to the Danbury Baptist Association of Connecticut in 1802.⁵ Many think this means a radical separation of religion and politics. Some have gone so far as to suggest that religion should be

**“Religion and good
morals are the only
solid
foundation
of public
liberty and
happiness.”**



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–Samuel Adams
October 16, 1778



In America, all have the equal freedom to exercise the religious faith under the rule of law, providing only, as George Washington wrote, "that they who live under its protection...demean themselves as good citizens."

entirely personal and private, kept out of public life and institutions like public schools.

That is incorrect: Jefferson wanted to protect states' freedom of religion from federal government control and religious groups' freedom to tend to their internal matters of faith and practice without government interference generally. Unfortunately, Jefferson's phrase is probably more widely known than the actual text of the Constitution's First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The American model of religious liberty takes a strongly positive view of religious practice, both private and public. While it does not mean that anything and everything done in the name of religious liberty is not subject to the rule of law, it does mean that the law ought to make as much room as possible for the practice of religious faith. Far from privatizing religion, it assumes that religious believers and institutions will take active roles in society, including engaging in politics and policy-making and helping form the public's moral consensus. In fact, the American Founders considered religious engagement in shaping the public morality essential to ordered liberty and the success of their experiment in self-government.



Defying predictions that political and social progress would eventually marginalize religion, religious belief and practice remain widespread and vibrant around the world.

“The very things that were supposed to destroy religion—democracy and markets, technology and reason—are combining to make it stronger,” write the authors of a book about religion’s persistence in culture and politics around the world. ⁶

In this era—as in all prior human history—God has occupied the thoughts of man. Conscience, the mystery of existence, and the prospect of death challenge every human being to grapple with questions of transcendence and divine reality.

Religious freedom recognizes the right of all people to pursue these transcendent ends. This right is granted not by government but by the Creator. By respecting it, a government acknowledges that such ultimate issues are outside its jurisdiction, and that conscience is answerable to a higher authority than the law of the land. Individuals and institutions should be free to believe and to act in response to divine reality.

Because religious liberty is the bedrock for all human freedom,

it provides a sturdy foundation for limited government. Liberty of conscience demands, and ultimately justifies, limited government.

Conversely, limited government requires individual responsibility. Freedom engages the moral responsibility of each and every person. In a free society, religion is an ally of good government as it forms the moral character of individuals and communities.

Religious freedom is a fundamental human right that ought to be enjoyed by the people of all nations. This principle has been recognized in the 1948 Universal Declaration of Human Rights and subsequent international agreements. Despite widespread recognition, many people are unable to exercise this basic liberty.

Even with religion's global prevalence, religious freedom is far from universally respected. About a third of the world's nations restrict religion to a high or very high degree, according to the Pew Forum on Religion & Public Life. Seventy percent of the world's population lives in these countries.⁷

In some cases, totalitarian governments have oppressed religious individuals and groups generally. In others, statist regimes built on an established religion have persecuted religious minorities.

Countries designated by the U.S. State Department as "countries of particular concern" because they restrict religious freedom (such

as North Korea, Iran, and Burma) suffer in other ways as well. They also tend to have the least economic liberty—and some of the worst economic outcomes.

On the other hand, governments that respect religious liberty tend to respect other freedoms as well. Religious freedom is strongly related to political liberty, economic freedom, and prosperity. As one researcher of international religious liberty notes, “[W]herever religious freedom is high, there tends to be fewer incidents of armed conflict, better health outcomes, higher levels of earned income, and better educational opportunities for women.”⁸

The 1998 International Religious Freedom Act made religious liberty an official part of U.S. foreign policy. The United States committed to promote freedom of religion as “a fundamental human right and as a source of stability for all countries” and to “identify and denounce regimes” that engage in persecution on the basis of religion.

Condemning and curtailing religious persecution is a critical goal, but religious freedom includes much more. Our vision of religious liberty must be robust.

Attempts to relegate religion to private life or to prevent religious institutions from conducting their business according to their



In 1979, Pope John Paul II held an open-air mass in Krakow, Poland, his birthplace. For hundreds of thousands of Poles who attended, the Pope symbolized religious faith and liberty in the face of oppressive Communist rule.

“The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and the critic of the state, and never its tool.”



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—Martin Luther King, Jr.
1963

beliefs threaten this fundamental freedom. Religious individuals and institutions should be free to exercise their religious belief within their private spheres as well as to engage publicly on the basis of religion. Believers should be free to persuade others to embrace their beliefs. Individuals should be able to leave or change their religion without fear of reprisal, and all should have the right to protection under the rule of law regardless of belief.

The most secure and consistent protection for religious liberty needs to be rooted in constitutional government. U.S. public diplomacy can support the development of such robust religious freedom by telling America's success story.

That requires that U.S. policymakers understand and be able to articulate the role of religion in the American constitutional order. In the 21st-century war of ideas, U.S. public diplomacy must rely on the bedrock of American founding principles in the fight against potent ideologies that present strong, coherent, and deeply misguided explanations of the nature and purpose of human existence. Evaluating religious dynamics around the world should become a regular function of analysis, and articulating the role of religion in the U.S. should be a consistent feature of communications strategy.

Religion and traditional morality continue to play a significant role in American public life. Most Americans continue to attach great significance to religious faith and practice, marriage, family, and raising children in a morally rich and supportive environment—values shared in many highly religious societies around the world.

Religious freedom is the birthright of all people, but too few governments around the world acknowledge it and far too many people have never enjoyed it.

One of the gifts of providence to the United States is a Constitution that has successfully safeguarded this fundamental right. It is a gift Americans should cherish and a model for all throughout the world.



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Enduring Truths

For links to these titles, go to heritage.org/UnderstandingAmerica.

- **George Washington, *Letter to the Hebrew Congregation at Newport, Rhode Island***

The first president’s letter to this Hebrew Congregation—and by extension to one of the most persecuted religious groups in world history—eloquently articulates the American position that religious liberty is not merely a matter of tolerance but is an inherent right to be guaranteed by government.

- **Gerard V. Bradley, *Religious Liberty in the American Republic***

In this monograph, Bradley explains the Founders’ view of the relationship between religion and politics, and demonstrates how the Supreme Court radically deviated from this view in embarking on a project aimed at the secularization of American politics and society.

- **J. D. Foster and Jennifer A. Marshall, “Freedom Economics and Human Dignity”**

The way we talk about freedom in the economic sphere tends to overlook the aspects of human experience that transcend

the material. This essay explains how economic freedom helps order our lives together in a way that reflects the nature of man, the purpose of human life, and the satisfying of material needs and wants.

Current Issues

For links to these reports, go to heritage.org/UnderstandingAmerica.

- **PROMOTING RELIGIOUS LIBERTY. Thomas Farr, Ph.D. and Ambassador Terry Miller, “Diplomacy in an Age of Faith: How Failing to Understand the Role of Religion Hinders America’s Purposes in the World,” December 17, 2008.**

Farr and Miller argue that the American foreign affairs establishment has failed to grasp the significance of the resurgence of public religion around the world. As a result, it has missed an opportunity to incorporate the advancement of international religious freedom and the promotion of religious liberty into the general freedom agenda. This missed opportunity has harmed our interests.

- **DEFAMATION OF RELIGION.** Steven Groves, “Why the U.S. Should Oppose ‘Defamation of Religions’ Resolution at the United Nations,” November 10, 2008.

The United Nations, with the backing of the Organization of the Islamic Conference, seeks to promote the concept of “defamation of religion,” which would establish an international ban on any speech that would insult, criticize, or disparage any religion. But the First Amendment to the Constitution protects the freedom of religion, which includes the right both to follow a faith and to criticize it. Groves demonstrates that the U.S. must oppose any effort to make “defamation of religion” part of U.S. law, and must resist spread of this concept inside the U.N. system.

- **PUBLIC DIPLOMACY.** Jennifer A. Marshall, “Religious Liberty in America: An Idea Worth Sharing Through Public Diplomacy,” January 15, 2009.

U.S. public diplomacy seeks to impart to foreign audiences an understanding and appreciate of American ideals, principles, and institutions. In the United States, religious freedom is compatible with a positive and public role for religion. This is an American success story that should be told around the

world. Marshall shows that, if public diplomacy is to play its full role in advancing American interests and ideals, it must systematically address both the role of religion and religious audiences.

Endnotes

- 1 Michael Novak, *The Spirit of Democratic Capitalism* (New York: Madison Books, 1991), p. 16.
- 2 Pew Forum on Religion & Public Life, “U.S. Religious Landscape Survey: Religious Beliefs and Practices: Diverse and Politically Relevant,” June 2008, p. 22, at <http://religions.pewforum.org/pdf/report2-religious-landscape-study-full.pdf> (November 16, 2010).
- 3 Pew Forum on Religion & Public Life, “U.S. Religious Landscape Survey: Religious Beliefs and Practices: Diverse and Politically Relevant,” pp. 36 and 39.
- 4 Thomas G. West, “Religious Liberty,” Claremont Institute, January 1997, at <http://www.claremont.org/writings/970101west.html> (November 16, 2010).
- 5 Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation Between Church and State* (New York: New York University Press, 2002).

- 6 John Micklethwait and Adrian Wooldridge, *God Is Back: How the Global Revival of Faith is Changing the World* (New York: Penguin, 2009), p. 12.
- 7 Pew Forum on Religion & Public Life, “Global Restrictions on Religion,” December 2009, at <http://pewforum.org/Government/Global-Restrictions-on-Religion.aspx> (December 6, 2010).
- 8 Brian Grim, “Religious Freedom: Good for What Ails Us?” *The Review of Faith & International Affairs*, Vol. 6, No. 2 (Summer 2008).

About *Understanding America*

AMERICANS HAVE ALWAYS BELIEVED that this nation, founded on the idea of freedom, has a vital responsibility to the rest of the world. As George Washington first recognized, the “preservation of the sacred fire of liberty” depended on the American people. These words remain true today.

Understanding America explores how the United States’ commitment to the universal truths of human equality and the right to self-government—as proclaimed in the Declaration of Independence—requires a vigilant defense of the cause of liberty, both at home and abroad.

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Rule of Law

Why Does Religious Freedom Matter?

“Freedom of religion is a cornerstone of the American project.”

Religious faith was an essential component of the American Founders’ understanding of liberty. They also understood that religious freedom was a fundamental right to be protected in a free society, and recognized that religion plays a vital role in forming the virtues essential to a free and limited government.

This volume in the *Understanding America* series discusses how religious liberty shapes American public life and why it is critical to peace and freedom around the world.

