



Religious Liberty: You Can't Be Free Without This

Kelly Shackelford

What is religious freedom? Why is it important? And why is it now under threat?

“Hold on a second,” I can hear you saying. “Religious freedom is threatened? Who doesn't have religious freedom in the United States? You can be a Protestant, a Catholic, a Jew, a Muslim, or a Wiccan. You can believe in anything—or nothing.”

This was true. But not anymore.

Seems like almost every week a new dispute arises between people of faith and government agencies alleging that believers are violating the rights of non-believers, or simply violating government edicts. Given that the search for religious freedom was central to the founding of America, this is quite a reversal. As Thomas Paine put it in his influential 1776 pamphlet, *Common Sense*, “This new world hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe.”

It wasn't an accident that the first freedom listed in the Bill of Rights, the first ten amendments to the Constitution, is about religious liberty. Here's what it says, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” This meant the new United States would have no government-sponsored religion, as Europe had at the time, and no restrictions on how you practiced your religion.

British historian Paul Johnson draws a stark and telling contrast between the two great revolutions of the 18th century. “The essential difference between the American Revolution and the French Revolution is that the American Revolution, in its origins, was a religious event, whereas the French Revolution was an anti-religious event. That fact was to shape the American Revolution...and determine the nature of the independent state it brought into being.”

Now, two centuries after the Bill of Rights, freedom of religion, one of the main goals of the American Revolution, has morphed into freedom *from* religion—one of the main goals of the French Revolution. That's not what any American should wish for. Here's why: because when they come for your religious freedom, they're coming for all your freedom. It's the totalitarian “tell.” The giveaway.

This is what the Founders understood and why they were so insistent that religious liberty be in the Constitution. To them, freedom of liberty was tantamount to freedom of thought. If you aren't free to think as you wish, you can't claim to be free. They were right. There is no example in history of a regime suppressing religious freedom and not suppressing other freedoms.

One of the first things the communists did in Russia after the Russian Revolution in 1917 was to close nearly every church and take control of all religious life in the Soviet Union—Christian, Jewish, and Muslim. To this day, all religious life in China is strictly controlled by the Chinese communist government.

Why do repressive governments fear religious freedom? Because it challenges the authority of the state more than any other freedom. People who adhere to a religion believe that there's something higher than the state, and no repressive government can tolerate such a belief.

That makes religion the first target of those who want ever more power—and ever more control over its citizens. That's why, even if you're not religious, if you care about freedom, you should care deeply about religious liberty.

My job is to protect religious liberty. And, let me tell you, the trends are troubling. Eight years ago, my case load was 47; last year it was over 300. Here are some recent examples.

Bremerton, Washington high school football coach Joe Kennedy was first suspended and then fired for going to a knee after a football game to say a brief, silent prayer. A three-judge panel for the Ninth Circuit Federal Court of Appeals concluded that, because Coach Kennedy could be seen engaging in religious expression by students and fans, the school had the right to fire him.

The City of Houston is attempting to ban a small Orthodox Jewish community from worshipping in the home of its rabbi. Given that the neighborhood includes a rehab house, a Ghanaian church, and an east Indian cultural center, the city's action is hard to fathom.

A “peace cross” in Bladensburg, Maryland has stood for almost 100 years in honor of 49 young men who died fighting in World War I. Yet, in 2017, a court ordered the cross to be torn down. One judge offered a novel compromise. She suggested we “chop the arms off the cross” to make it less offensive. Fortunately, we won that case 7-2 at the United States Supreme Court and that cross is still standing.

America is also still standing. But it won't be for much longer, not as the free country the Founders envisioned, if we don't take these threats to religious freedom seriously. The great historian of post-revolutionary America, Alexis de Tocqueville, understood this very well.

“When...men attack religious beliefs, they are following their emotions not their interests. Tyranny may be able to do without faith, but freedom cannot.”

I'm Kelly Shackelford, President of First Liberty, for Prager University.