

Religious Liberty, If You Can Keep It

The time: 1976; the place: Philadelphia;
the theme: freedom of religion

Suppose they gave a conference and nobody came. That variation on a well-worn theme, the constant nightmare of symposium organizers, did not pose much of a problem for the committee that put together the Bicentennial Conference on Religious Liberty, held in Philadelphia during the last week of April, though the initial figure of "400 participants" was discreetly dropped in later press releases. Several informal countings of the plenary sessions at the Friends Meeting House yielded a number closer to 200, still a respectable gathering for a week-long affair.

What brought them all to Philadelphia? Bicentennial fever, no doubt, had something to do with it, and the fact that the sessions were held in the heart of the historic downtown area, only minutes from Independence Hall, made sightseeing a happy bonus. More importantly, the conference offered a chance to put a religious—and intellectual—stamp on the year's birthday celebrations. And the list of main speakers, which included academics like Professors Franklin H. Littell, Robert McAfee Brown and James Hennessey, S. J., as well as public figures like Jesse Jackson, Marc Tanenbaum, Philip Potter, Theodore Hesburgh, C.S.C., and Cynthia Wedel, surely served as a major drawing card.

Religious liberty, a peculiarly if not exclusively American contribution to the panoply of human rights, was an obvious choice for discussion, but it raised a whole series of questions of its

own. Do we have anything to add to the wisdom of the Founding Fathers on the subject or are we reduced, like philosophers after Plato, to footnoting genial statements? More radically, has our past lived up in fact to the promise of the First Amendment or have we carefully circumscribed the limits of religious dissent? And what of America's role in the world today—how much are we willing to promote the rights of conscience around the world, and how far can we realistically promote them?

Defining the limits of religious freedom proved to be one of the trickier issues of the conference. In his keynote address, Dr. Littell immediately seized the high ground by asserting that "soul liberty" is not a gift of the state, but a matter of fundamental human rights, and he warned against the totalitarianism, creeping or otherwise, of right and left that seeks to control conscience by encouraging or imposing an ideology of its own. He was followed to the podium by Dr. Brown, who offered reflections on the pluses and minuses of the Protestant practice of religious liberty but who also put the question of limits in bald terms: "Must a society grant religious liberty to a group of individuals whose point of view would involve denying religious liberty to others if the group or individual had the power to do so?" Where Protestants used to read "Ro-

man Catholic" for "group or individual," Dr. Brown now suggested Rev. Sun Myung Moon and his followers.

On each succeeding day, the issue came up in different contexts. Dr. William A. Jones, pastor of New York's Bethany Baptist Church, asked what meaning "soul liberty" could have in a society that condoned slavery or, for that matter, in a society that condemned the institution but remained racist at its core. And Prof. Janice Raymond of Hampshire College argued that true freedom of conscience for women meant the dethronement of a patriarchal deity. In both cases it was the culture rather than the constitutional principle that was under attack, and at the press conference afterwards it became clear that Dr. Jones, seconded by Jesse Jackson, and Prof. Raymond were not altogether of one mind on the priorities of liberation. When pressed on the analogies between gay and feminist movements and the black struggle, Dr. Jones and Mr. Jackson backed off quickly with a rather perfunctory affirmation of respect for the "personhood" of the individuals in each group. In his new campaign to stir up black self-confidence and self-discipline, a theme he reiterated in his talk at the conference, Jesse Jackson intends to remain single-minded.

From the economic angle, Prof. John C. Raines of Temple University attempted to link up religious liberty with the question of the distribution of wealth in the United States. Following a line of reasoning that would probably not win many plaudits from constitutional lawyers, Dr. Raines argued that the right to dissent, guaranteed by the First Amendment, required some measure of social power to make itself effective. But power follows wealth, and wealth in the United States is very unevenly distributed, with the top two percent of the population controlling 44 percent of all personally owned wealth. It is not likely that the Supreme Court will find the principle of redistribution of wealth implied in the Bill of Rights, but Dr. Raines, along with the earlier speakers, succeeded in making an important point: the free exercise of religion does not operate in a vacuum. The biases of the culture and of the

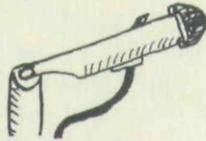
economy largely determine who gets to make full use of his or her rights. As the old proverb has it: the law is both impartial and just; it prohibits both the millionaire and the beggar from sleeping under bridges.

Less cosmic but no less intractable has been the dilemma posed by the guarantee of religious liberty and the institution of the public school. William B. Ball, a lawyer who has specialized in freedom of conscience cases, put the matter most starkly: a common-denominator brand of religious instruction in the school will offend just about every serious believer, and a sectarian approach will not only offend many, but will run afoul of Supreme Court decisions. To complete the catch-22, private religious schools are rapidly becoming far too expensive for most parents, and, where they are started, they are frequently harassed by local and state educational authorities.

Rabbi Marc Tanenbaum of the American Jewish Committee, who delivered the general address on church-state relations, also touched on the question of religious liberty and the schools. He professed greater confidence than Mr. Ball in the ability of the public school to inculcate fundamental values without offending against constitutional restrictions, but he expressed sympathy for Catholics and others who desire separate religious training and announced that the AJC recently adopted a resolution in support of auxiliary services for private schools.

Even this brief survey of the major addresses indicates the complexity of the religious liberty issue, but it is worth noting that, for all their criticisms, the speakers did not question the contribution that America's pluralist society has made to the development and propagation of freedom of conscience. Both Dr. Philip Potter, General Secretary of the World Council of Churches, and Fr. Theodore Hesburgh of Notre Dame focused explicitly on the international dimension of religious liberty, and though Fr. Hesburgh was more celebratory in his remarks, each of them concluded with

a call for the churches and individual believers to recognize the interdependence not only of peoples, but of human rights. So long as we Americans continue to practice economic or social racism at home and support oppressive governments abroad, our wit-

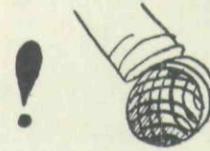


ness of religious freedom will be compromised in the eyes of the world, especially the developing world. Simply put, we cannot have it both ways; we cannot proclaim the uniqueness of the American experiment and then go about our business as if might always makes right.

To complicate matters still further, the conference organizers also provided 15 seminars to explore particular issues of religious liberty, including civil disobedience, women's rights, resistance to genocide, education, the problems of the aging and medical ethics. I visited several of these in the course of the conference but spent most of my time at the last, where Rev. Bruce Hilton of the National Center for Bio-Ethics and Sr. Margaret Farley of the Yale Divinity School provided both an excellent outline of the complex ethical problems involved in recent medical developments and an opportunity for the dozen participants to share their own, sometimes harrowing, experiences of coping with disease, death and doctors. Again the question of freedom of conscience kept popping up: How balance the convictions of a Jehovah's Witness about transfusions against the life of her child? Or, more generally, what criteria should family and doctors use in deciding when to let a patient die and when to keep him "alive"? Strong beliefs about life and death reflect fundamental religious options. As we gain greater control over the processes of the body, we shall have to confront our philosophical and religious pluralism in new and more troubling ways, as the Karen Anne Quinlan case has recently demonstrated.

The purpose of the conference was

clearly educational, an attempt to explore our past religious traditions and to raise questions for the future; and, as might be expected, many of the participants represented local or regional groups involved in various forms of continuing education. Hence the



papers and the seminars. But the most memorable moment of the conference came in the form of a personal testimony by the Jewish writer, Elie Wiesel. He spoke one evening to a far larger crowd than attended the morning plenary sessions, and his topic, no surprise to readers of his novels, was the Holocaust. The occasion was Yom Hashoa, the official day of mourning for the six million Jews who died in the Nazi camps, and Mr. Wiesel spoke as a survivor who ever since has wrestled with the problem of evil and the existence of God, no longer as an abstract question but as a burning memory of brutality and death and belief. With barely concealed emotion, he read from recently discovered accounts by the special squads of inmates whose job it was to burn the bodies of their fellow Jews after they had been gassed. The pathos was overwhelming. For a brief moment you could catch a glimpse of what he had lived through, and what he lives through still—the necessity and the agony of remembering. A sober note to end on but an instructive one, for it reminds us—as Ben Franklin supposedly reminded the crowd in Philadelphia—that our freedoms are only as strong as our collective will to preserve them. The mere words of the First Amendment will not protect us from the dark forces that Hitler was able to unleash. To be true to the past—and to the future—we must observe, in this Bicentennial year, both the Fourth of July and our own Yom Hashoa—for the slaves and the Indians and the exploited immigrants and the Japanese internees.

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