

## **History of Religious Liberty in America**

### **By Charles Haynes**

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From the Colonial era to the present, religions and religious beliefs have played a significant role in the political life of the United States. Religion has been at the heart of some of the best and some of the worst movements in American history. The guiding principles that the framers intended to govern the relationship between religion and politics are set forth in Article VI of the Constitution and in the opening 16 words of the First Amendment of the Bill of Rights. Now that America has expanded from the largely Protestant pluralism of the 17th century to a nation of some 3,000 religious groups, it is more vital than ever that every citizen understand the appropriate role of religion in public life and affirm the constitutional guarantees of religious liberty, or freedom of conscience, for people of all faiths and none.

The philosophical ideas and religious convictions of Roger Williams, William Penn, John Leland, Thomas Jefferson, James Madison and other leaders were decisive in the struggle for freedom of conscience. The United States is a nation built on ideals and convictions that have become basic democratic principles. These principles must be understood and affirmed by every generation if the American experiment in liberty is to endure.

## **FRAME OF REFERENCE**

### **Conceptual perspective**

#### **I. The central place of faith in the idea of religion.**

The radical pluralism of faiths in the United States today makes it difficult to define religion without excluding religions that may not fit a chosen definition. If, however, citizens are to understand the role of religion in American public life and support religious liberty for all, they need to appreciate that faith is of central importance to many Americans.

##### **A. The centrality of religion in the lives of many Americans.**

Without defining what religion is, we can, for purposes of civic understanding, focus on what religion does in the lives of believers. Ultimate beliefs and worldviews shape the lives of many people because they are regarded as the deepest source of meaning and belonging. In the United States, arguably the most religious of all the industrialized nations, religious beliefs are at the center of life for millions of Americans. These beliefs are not confined to worship and family life; they also shape the political and social views of vast numbers of citizens.

##### **B. The expansion of religious pluralism.**

The United States has moved beyond the largely Protestant pluralism of its early history to a pluralism that includes almost every religious expression in the world. This expanding diversity presents new challenges for American public life.

##### **C. Religious liberty as freedom of conscience for all, including nonbelievers.**

A growing number of people in the United States express no religious preference at all. Any discussion of pluralism and the role of religion in public life, therefore, must include secularists, humanists, nonbelievers and others who do not profess any religious beliefs.

1. The protection of religion in its broadest sense. The Supreme Court has accepted the necessity of broad recognition of worldviews (and the dangers of too narrow a definition of religion) by giving conscientious objector status to those who have "a sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption ..." (U.S. v. Seeger, 1965).

2. No one excluded from protection. The important point for citizens to keep in mind is that religious liberty, or freedom of conscience, was intended by the framers to protect the beliefs of everyone, not just those of recognized faith communities.

##### **D. The American experiment in religious liberty.**

Religious liberty in America is a key part of the boldest and most successful experiment in freedom the world has known. The strength and diversity of religion in the United States is due almost entirely to the full protection of religious liberty, or freedom of conscience, guaranteed by the Constitution.

1. Religious liberty as the "first liberty." Religious liberty has been called America's "first liberty" because freedom of the mind is logically and philosophically prior to all other freedoms protected by the Constitution.

2. Definition of religious liberty. In the American experiment, religious liberty is defined according to the following elements:

- a. Freedom of conscience. There shall be full freedom of conscience for people of all faiths or no faith.
- b. Religious liberty, an inalienable right. Religious liberty is considered to be a natural or inalienable right that must always be beyond the power of the state to confer or remove.
- c. Right to practice any or no religion. Religious liberty includes the right to freely practice any religion or no religion without government coercion or control.

3. Guarantees of religious liberty in the Constitution. The guiding principles supporting the definition of religious liberty are set forth in Article VI of the Constitution and in the opening words of the First Amendment to the Constitution. These principles have become the ground rules by which people of all religions and none can live together as citizens of one nation.

- a. Article VI of the Constitution. Article VI concludes with these words: "No religious test shall ever be required as a qualification to any office or public trust under the United States." With this bold stroke, the framers broke with European tradition and opened public office in the federal government to people of any faith and no faith.
- b. Religious-liberty clauses. The First Amendment's religious-liberty clauses state that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof... ." Taken together, these two clauses safeguard religious liberty by protecting religions and religious convictions from government interference or control. They ensure that religious belief or nonbelief remains voluntary, free from government coercion.

1. State and local government included. The clauses apply equally to actions of both state and local governments, because the Supreme Court has ruled that the 14th Amendment's dictum that states are not to deprive any person of liberty makes the First Amendment applicable to the states.

2. Meaning of "no establishment." "No establishment" means that neither a state nor the federal government can establish a particular religion or religion in general. Further, government is prohibited from advancing or supporting religion. This does not mean that the government can be hostile to religion. The government must maintain what the Supreme Court has called "benevolent neutrality," which permits religious exercise to exist but denies it government sponsorship. The no-establishment clause serves to prevent both religious control over government and political control over religion.

3. Meaning of "free exercise." "Free exercise" is the freedom of every citizen to reach, hold, practice and change beliefs according to the dictates of conscience. The free-exercise clause prohibits government interference with religious belief and, within limits, religious practice.

(a) The difference between belief and practice. The Supreme Court has interpreted "free exercise" to mean that any individual may believe anything he or she wants, but there may be times when the state can limit or interfere with practices that flow from these beliefs.

(b) The traditional "compelling interest" test. Traditionally, the Court has required a government to demonstrate a compelling interest of the "highest order" before it can burden or otherwise interfere with religious conduct. Even then, the government has to demonstrate that it has no alternative means of achieving its interest that would be less restrictive of religious conduct.

(c) The debate over the "compelling interest" test. A 1990 Supreme Court decision, *Employment Division v. Smith*, states that government no longer has to demonstrate a compelling government interest unless a law is specifically targeted at a religious practice or infringes upon an additional constitutional right, such as free speech. The Religious Freedom Restoration Act, signed into law by President Clinton in 1993, restored the compelling-interest test and ensured its application in all cases where religious exercise is substantially burdened. In June 1997, the Supreme Court struck the act down, holding that Congress had overstepped its bounds by forcing states to provide more protection for religious liberty than the First Amendment, as interpreted by the Supreme Court in *Smith*, requires.

(d) Several states have responded to this situation by enacting state versions of the Religious Freedom Restoration Act. In an attempt to protect the free exercise of religion, these new laws require the

compelling-interest test as a matter of state law. (The following have state RFRAs as of Aug. 25, 2002: Alabama, Arizona, Connecticut, Florida, Idaho, Illinois, New Mexico, Oklahoma, Rhode Island, South Carolina and Texas.)

(e) Congress passed and President Clinton signed the Religious Land Use and Institutionalized Persons Act of 2000. This act is designed to protect religious assemblies and institutions from land-use restrictions burdening their property, and to protect the right of institutionalized persons to practice their faith.

### **E. Religion, public life and politics.**

The First Amendment separated church from state but not religion from public life.

1. The involvement of religious groups in public life. Many religious groups consider it an article of faith to speak out on issues of moral concern in the public sphere. The Constitution protects the right of religious individuals and organizations to attempt to shape public policy and to exercise their influence. There are presently hundreds of nonprofit groups concerned with religious issues and public life in the United States.
2. Tax-exempt status dependent on nonpartisanship. However, religious organizations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code may not engage in partisan politics by endorsing or opposing candidates for public office or by spending a substantial amount of their resources lobbying Congress.
3. Religious liberty and political responsibility. In certain cases, the injection of religious views into political debate, though constitutionally protected, may be irresponsible.
  - a. Religious views in political debate are protected. In the American experiment in self-government, disestablishment of religion, or separation of church and state, prevents religious institutions from establishing their faith as the law of the land and from receiving financial support from the state. At the same time, "free exercise" protects the right of religious views to be part of the political debate.
  - b. Religious attacks in political debate may be irresponsible. It is important to remember, however, that some actions taken by religious organizations or individuals in the political arena (for example, attacks against the fitness of people to hold public office because of their religion) may not be unconstitutional but may be politically irresponsible violations of the spirit of religious liberty.

### **Historical perspective**

The relationship of politics and religion has been a central issue in American life since the Colonial era. For most of the European settlers who came to North America in the 17th century from England, France and Spain — all nations with established churches — a society without an established faith was unimaginable.

The unity and morality of the community, it was believed, depended upon divine sanction of political authority and conformity of the populace in matters of faith. Eventually, however, by separating religion and government and by granting freedom to all religious groups, America launched a new political experiment unprecedented in the world's history.

#### **I. The religious liberty sought by the Puritans.**

Like many who arrived on these shores in the 17th century, the Puritans of Massachusetts Bay came to America seeking religious freedom.

##### **A. Religious freedom not sought for others.**

The freedom they sought, however, was for themselves and not for others. The Puritans felt called by God to establish "new Israel," a holy commonwealth based on a covenant between God and themselves as the people of God.

##### **B. All laws to be grounded in God's law.**

Though there were separate areas of authority for church and state in Puritan Massachusetts, all laws of the community were to be grounded in God's law and all citizens were expected to uphold the divine covenant. Massachusetts was to be an example to the world of God's kingdom on Earth, "a City upon a hill."

#### **II. Roger Williams and the origins of freedom of conscience in Puritan America.**

Very early in the Massachusetts experiment, dissenters arose to challenge the Puritan vision of a holy society. The first dissenter, Roger Williams (c.1603-1683), was himself a Puritan minister but with a very different vision of God's plan for human society. Williams argued that God had not given divine sanction to the Puritan colony. In his view, the civil authorities of Massachusetts had no authority to involve themselves in matters of faith. The true church, according to Williams, was a

voluntary association of God's elect. Any state involvement in the worship of God, therefore, was contrary to the divine will and inevitably led to the defilement of the church.

#### **A. "Soul liberty" means freedom of conscience for all.**

Williams' arguments for religious liberty had two principal parts.

1. Freedom of conscience as God's will. Central to Roger Williams' arguments for separating church and state was his conviction that it was divine will that every individual's conscience remain free to accept or reject the word of God. Williams defined freedom of conscience, which he called "soul liberty," as the freedom of each person to follow his or her own heart in matters of faith without interference or coercion by the state.
2. Religious intolerance and war. Citing Europe's long history of wars and divisions, Williams pointed out that coercion in matters of faith inevitably leads to persecution and bloodshed.

#### **B. Rhode Island's experiment in religious liberty.**

Williams found it necessary to seek religious liberty outside of Massachusetts Bay.

1. The founding of Rhode Island. Banished from Massachusetts in 1635, Roger Williams founded Rhode Island, the first colony with no established church and the first society in America to grant liberty of conscience to everyone. Jews, Quakers and others not welcome elsewhere made their home there.
2. The wider significance of Rhode Island's religious liberty. Eventually, Williams' conception of soul liberty had an impact far beyond the Rhode Island experiment. In the 18th century, dissenting religious groups, particularly the Baptists, were inspired by Williams' ideas to advocate disestablishment and freedom of conscience. Some historians also argue that Williams' writings influenced the Enlightenment philosopher John Locke (1632-1704), a key source for Thomas Jefferson's views concerning religious liberty.

#### **C. Freedom of conscience as an American conviction.**

The Puritans' demand for religious liberty for themselves became, in the vision of Roger Williams, a requirement of religious liberty for all.

1. Early religious liberty outside Rhode Island. This revolutionary idea was echoed to a lesser degree (and for only a brief period) in 17th-century Maryland and later, more fully, in the 18th-century "holy experiment" of Quaker William Penn's colony of Pennsylvania.
2. Gradual extension of religious liberty. Gradually, the extension of liberty to include not only one's own group but also others, even those with whom "we" disagree, became a central American conviction. It is this principle of full freedom for people of all faiths and of none that was embodied 150 years later in the First Amendment to the Constitution.

### **III. The movement toward religious liberty in the United States.**

The momentous decision by the framers of the Constitution and the Bill of Rights to prohibit religious establishment on the federal level and to guarantee free exercise of religion was related to a number of religious, political and economic factors in 18th-century America. Underlying all of these factors, of course, was the practical difficulty of establishing any one faith in an emerging nation composed of a multiplicity of faiths (mostly Protestant sects), none of which was strong enough to dominate the others.

#### **A. From toleration to free exercise.**

The period between 1776 and the passage of the First Amendment in 1791 saw critical changes in fundamental ideas about religious freedom.

##### **1. The Virginia Declaration of Rights.**

In May 1776, just before the Declaration of Independence, the leaders of Virginia adopted the Virginia Declaration of Rights, drafted by George Mason. The first draft of the declaration argued for the "fullest toleration in the exercise of religion according to the dictates of conscience." This language echoed the writings of John Locke and the movement in England toward toleration.

##### **2. Madison's objection: "toleration" vs. "free exercise."**

Although toleration was a great step forward, a 25-year-old delegate named James Madison (1751-1836) did not think it went far enough. Madison, also deeply influenced by the ideas of the Enlightenment, successfully argued that "toleration" should be changed to "free exercise" of religion. This seemingly small change in language signaled a revolutionary change in ideas. For Madison, religious liberty was not a concession by the state or the established church, but an inalienable or natural right of every citizen.

### **3. "Free exercise and the First Amendment."**

In 1791, the free exercise of religion proclaimed in the Virginia Declaration became a part of the First Amendment, guaranteeing all Americans freedom of conscience.

### **B. From establishment to separation.**

The decisive battle for disestablishment came in the large and influential colony of Virginia, where the Anglican Church was the established faith. Once again, James Madison played a pivotal role by leading the fight that persuaded the Virginia Legislature to adopt in 1786 Thomas Jefferson's "Bill for the Establishment of Religious Freedom."

1. Madison, Jefferson and the struggle for disestablishment. Madison and Jefferson argued that state support for a particular religion or for all religions is wrong, because compelling citizens to support through taxes a faith they do not follow violates their natural right to religious liberty. "Almighty God had created the mind free," declared Jefferson's bill. Thus, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

2. The "Great Awakening" and the struggle for disestablishment. Madison and Jefferson were greatly aided in the struggle for disestablishment by the Baptists, Presbyterians, Quakers and other "dissenting" faiths of Anglican Virginia. The religious revivals of the 18th century, often called the Great Awakening (1728-1790), produced new forms of religious expression and belief that influenced the development of religious liberty throughout the Colonies. The revivalists' message of salvation through Christ alone evoked a deeply personal and emotional response in thousands of Americans.

3. Evangelical fervor and religious self-government. The evangelical fervor of the Awakening cut across denominational lines and undercut support for the privileges of the established church.

a. Support of religious choice by evangelicals. Religion was seen by many as a matter of free choice and churches as places of self-government. The alliance of church and state was now seen by many as harmful to the cause of religion.

b. Leadership in Virginia of John Leland. In Virginia this climate of dissent and the leadership of such religious leaders as John Leland, a Baptist, provided the crucial support Madison needed to win the battle for religious liberty in Virginia.

4. The final demise of religious establishment. The successful battle for disestablishment in Virginia is a vital chapter in the story of religious liberty in America. By the time of the ratification of the First Amendment in 1791, all of the other Anglican establishments (except in Maryland) were ended. The Congregational establishments of New England lasted longer. Not until 1818 in Connecticut and 1833 in Massachusetts were the state constitutions amended to complete disestablishment.

## **IV. The constitutional prohibition of religious tests for office in Article VI.**

The only mention of religion in the Constitution of the United States prior to the adoption of the First Amendment was the "no religious test" provision of Article VI. The significance of this often-forgotten provision cannot be exaggerated. At the time of the Constitutional Convention in 1787, most of the Colonies still had religious establishments or religious tests for office. It was unimaginable to many Americans that non-Protestants — Catholics, Jews, atheists and others — could be trusted with public office.

### **A. "No religious test" proposed at the Constitutional Convention.**

One aspect of religious liberty was inserted into the Constitution during its framing in Philadelphia.

1. The role of Charles Pinckney. At the Constitutional Convention, Charles Pinckney (1757-1824), a delegate from South Carolina, proposed that "no religious test shall ever be required as a qualification to any office or public trust under the United States." Though he came from a state that had established the Protestant faith as the state religion, Pinckney represented the new spirit of religious liberty exemplified in the Enlightenment thinking of Jefferson.

2. A tool for oppression outlawed. Remarkably, the "no religious test" provision passed with little dissent. For the first time in history, a nation had formally abolished one of the most powerful tools of the state for oppressing religious minorities.

### **B. Religious tests imposed in some states.**

Most states followed the federal example and abolished tests for state office. But it was not until 1868 in North Carolina, 1946 in New Hampshire, and 1961 in Maryland that religious tests were abolished entirely. Maryland had required since 1867 "a declaration of belief in God" for all officeholders. When the U.S. Supreme Court struck down this requirement in its 1961 decision in *Torcaso v. Watkins*, freedom of conscience was fully extended to include non-believers as well as believers. No religious test can be imposed for any office at any level of government.

### **C. Informal religious tests a factor in elections.**

Though the Constitution barred religious tests as a formal qualification for office, many American voters continued to apply informal religious tests in the political arena, particularly in presidential elections.

1. Exclusion of Catholics. Until the nomination of Al Smith in 1928, all presidential and vice presidential candidates nominated by the two parties were Protestants. In 1960, the election of John Kennedy, a Roman Catholic, broke the informal political barrier that had long excluded non-Protestants from the presidency.
2. Religious dissension among Protestants. Even with Protestant candidates, religion has frequently been an issue. Beginning with attacks on the Deist religious convictions of Thomas Jefferson (Deism is a faith based on reason rather than revelation) and continuing to the recent discussions about which candidate is "born again," questions about the "correctness" of a politician's religion have played an important role in many national elections.
3. Another barrier falls. In the 2000 presidential campaign, Sen. Joseph Lieberman, D-Conn., ran as the Democratic vice-presidential candidate. An Orthodox Jew, Lieberman spoke openly of his faith. The fact that Lieberman was Jewish appeared to have little or no effect on the outcome of the election.

## **V. The First Amendment principles of religious liberty.**

In the mind of James Madison and some of the others at the Constitutional Convention, the Constitution established a limited federal government with no authority to act in religious matters. That others were unsure had momentous consequences.

### **A. Reassurance for those fearful of religious intolerance.**

Many Americans, including leaders of the Baptists and other religious groups, feared that the Constitution offered an insufficient guarantee of the civil and religious rights of citizens.

1. Madison's promise of a bill of rights. Many of those who suspected the proposed new constitution demanded a bill of rights as their price of moderating their heated opposition to its adoption. To win ratification, Madison promised to propose a bill of rights in the First Congress.
2. The enshrinement of religious liberty in the Bill of Rights. Madison kept his promise, and the religious-liberty clauses adopted by the First Congress in 1789 became, when ratified by the required number of states in 1791, the opening words of the Bill of Rights.

### **B. Religious liberty and the first principles of American liberty.**

Full religious liberty was first applied to acts of the federal government alone. Later it was applied to the states as well.

1. The First Amendment and the federal government. With the passage of the First Amendment, the principles of non-establishment and free exercise became the first principles of American freedom. The federal government was constitutionally prohibited from establishing or sponsoring religion and prohibited from interfering with the natural right of every citizen to reach, hold, exercise or change beliefs freely.
2. The First Amendment and state governments. These prohibitions were extended to the states in the 20th century, following Supreme Court rulings that the 14th Amendment made the First Amendment applicable to the states.

## **VI. Religious influences in American political life.**

Disestablishment was never meant to keep religious beliefs or institutions from influencing public life. From the beginning of American history, religions and religious believers have played a central role in shaping public policy and political debate.

### **A. De facto Protestant establishment.**

For many Protestants in the 19th century, disestablishment meant an end to the coercive power of the state in matters of faith and barred any faith from becoming the legally established religion. But disestablishment did not extinguish the Protestant vision of creating and maintaining a "Christian America." By numbers and influence, Protestantism became the de facto established religion of the nation. Many no doubt agreed with Daniel Webster when he argued in 1844 that "general tolerant Christianity is the law of the land."

## **B. Protestant contributions to social reform.**

The close ties between Protestant churches and American culture led to many social and political reforms. This can most clearly be seen in the "Second Great Awakening" of the early 19th century, when some Protestant leaders mounted a crusade to reform and revitalize America. Urban social work, schooling for poor children, the abolitionist movement, supported by Quakers, Methodists and others, were only a few of the many reform movements inspired in large measure by the religious awakenings.

## **C. Nativist reaction to expanding pluralism.**

A dark side to the Protestant vision of America became evident in the 19th century.

1. The effects of immigration. The waves of immigrants coming to these shores in the 19th century challenged the Protestant domination of the culture. By 1850 Catholicism was the largest single American denomination, and by the end of the century large numbers of Jews had arrived to become citizens.
2. The rise of anti-Catholicism and anti-Semitism. There were only a few Catholics and Jews in America from the earliest days of colonization. This dramatic influx of non-Protestants created fear and anxiety among some Protestants.
  - a. Intolerance and the "Know Nothings" at mid-century. An anti-Catholic and anti-foreign nativist movement emerged in the first half of the 19th century, culminating in the 1840s and 1850s in the Know-Nothing Party. The party endeavored to exclude Catholics from politics. Catholics were the victims of violence and discrimination in many parts of the nation.
  - b. Intolerance at the turn of the century. A resurgence of similar sentiments in the late 19th and early 20th centuries contributed to widespread anti-Semitism, opposition to immigration, and the rise of the Ku Klux Klan.

## **D. The positive role of religion in helping shape public policy.**

The ugly expressions of religious bigotry in the nativist movement represent some of the worst examples of religious involvement in politics and public policy. But religion has also been at the heart of some of the best movements in American social and political life.

1. The contribution of African-American churches. The black churches have played a central role in the political and social history of African-Americans from the Colonial period to the present. Indeed, black churches have shaped the lives of all Americans by providing much of the moral and political leadership of the civil rights movement.
2. The contribution of Judaism and other minority religions. In the late 19th and early 20th centuries, churches, synagogues and temples provided vital support for Catholic, Eastern Orthodox, Jewish, and Buddhist immigrants as they adjusted to life in the United States. Religious communities were also at the forefront of many reform movements during the Progressive Era early in this century. Various religious groups, notably Unitarians, Quakers and Reform Jews, have been particularly visible in the peace movements and in the advocacy of social justice.
3. Constitutional separation and the role of religion in public life. In these and in many other ways, religious institutions and believers have significantly influenced public policy in the United States throughout the nation's history.
  - a. Benefits of religious moral leadership. Again, disestablishment was not meant to separate religion from public life. Politics and government in America have clearly benefited from the moral leadership and values of many religious traditions and convictions.
  - b. Costs of religious zealotry. At the same time, the nation has suffered from violations of the spirit of religious liberty by religious groups who have at various times in our history used the public square to attack the religion of others or to deny others the full rights of citizenship.

## **Contemporary perspective**

More people died because of their religious convictions in the 20th century than in any previous century. And there appears to be no end to the tragedy. Of the many wars waged throughout the world in the 1990s, more than two-thirds had religious or ethnic differences as a root cause. From Northern Ireland to Bosnia to Sri Lanka, religious differences contribute daily to death and destruction around the globe.

Even the explosion of freedom in Eastern Europe and the former Soviet Union, by any measure a tremendous advance for democratic principles, has been accompanied by a serious outbreak of religious and ethnic bigotry and division. One of the most frightening developments has been the dramatic rise of anti-Semitism throughout the region.

Tensions between Muslims and Christians have resulted in violence in Bosnia, Azerbaijan, Armenia and other places. How has the United States, the most religiously diverse nation in the world, managed to avoid the "holy wars" so prevalent today and throughout history? This remarkable achievement may be traced directly to the religious-liberty clauses of the First Amendment. In spite of occasional setbacks and outbreaks of religious bigotry, the American experiment in religious liberty has held.

### **I. Religions remain active in American political life.**

Religious liberty has allowed religions in the United States to grow and prosper as in few other places in the world. Not only are a large number of Americans deeply religious, but their religious communities continue to be actively involved in political life. This is evident, for example, in the civil rights and peace movements. Also, since the late 1970s, fundamentalist Christian communities together with other evangelical Christians have become a significant force in American politics, speaking out on a variety of social and moral issues.

### **II. Confusion about the role of religion in public life threatens religious liberty.**

There are disturbing signs that the American experiment in liberty may be in danger from two extremes.

#### **A. Two extremes on the issue of religion and public life.**

On one end of the political spectrum there are those who seek to establish in law a "Christian America." On the other end are some who seek to exclude religion from public life entirely. Both proposals violate the spirit of religious liberty.

#### **B. Teaching religion vs. teaching about religion.**

The controversy surrounding the role of religion in public life has left many citizens confused about the principles of religious liberty. This confusion is made worse by the absence of teaching about religion and religious liberty in many public schools. Teaching about religion in the schools is often confused with the teaching of religion, or religious advocacy and indoctrination.

1. Change in some public schools. In the last few years, most states have mandated more teaching about religion in the schools in the social studies curriculum.
2. Efforts by U.S. Department of Education. In December 2000, the U.S. Department of Education sent a packet of religious-liberty guidelines to every public school principal in the nation. These guidelines focused on religious-liberty rights of students, the relationship between public schools and religious communities, and the role of religion in the curriculum. (See Cases & resources in this section.)
3. Change in textbook treatment of the role of religion. As a result, textbooks have begun to include more about the story of religious liberty and the role of religion in American history and society.

### **III. The new challenges of exploding pluralism.**

The confusion and ignorance surrounding the religious-liberty clauses of the Constitution leave Americans in a weak position to meet the challenges of exploding religious pluralism in the United States. The violent religious divisions throughout the world serve as a dramatic reminder of how vital it is for Americans to understand and affirm the principles of religious liberty in a nation of some 3,000 religious groups.

A. Pluralism as meaning society includes people of all faiths and none. Religious pluralism in the United States has expanded beyond the Protestant, Catholic and Jewish pluralism of the 1950s.

1. Expanding pluralism. Pluralism now includes a growing number of people from all the world's religions, especially Islam and Buddhism. Pluralism must also take into account the nearly 12% of Americans who express no religious preference at all. Pluralist expansion will only continue.
2. The burdens of exploding pluralism. The challenges of this diversity can be seen throughout American society. This pluralism is particularly evident in public schools. For example, dozens of different native languages are often found among the students of large urban schools. Similarly, many different religions are represented.

B. The First Amendment as providing ground rules for living together. As the United States begins its third century of constitutional government, important questions arise.

1. Living together without religious consensus. Two urgent questions are how Americans of so many faiths will continue to live together as citizens of one nation, and, since there is not (and cannot be) a religious consensus, what the civic values are that Americans of all faiths and none hold in common.

2. Adherence to the principles of religious liberty. To answer these questions, American citizens must return to the basic democratic principles articulated in the religious-liberty clauses of the First Amendment. Religious liberty, or freedom of conscience, is at the heart of what it means to be an American citizen. Only in these principles can Americans find the ground rules that allow all citizens to live together with deep religious differences.

C. The Williamsburg Charter. One effort to return to basic principles is the Williamsburg Charter. Drafted by members of America's leading faiths and revised over the course of two years in close consultation with political, academic, educational and religious leaders, the charter was signed in 1988 by former Presidents Gerald Ford and Jimmy Carter, two chief justices of the United States, and by nearly 200 leaders of national life. With their signatures, these individuals strongly reaffirmed the principles of religious liberty as essential for developing a common vision for the common good.

The Williamsburg Charter states in part:

"We affirm that a right for one is a right for another and a responsibility for all. A right for a Protestant is a right for an Eastern Orthodox is a right for a Catholic is a right for a Jew is a right for a Humanist is a right for a Mormon is a right for a Muslim is a right for a Buddhist — and for the followers of any other faith within the wide bounds of the republic.

"That rights are universal and responsibilities mutual is both the premise and the promise of democratic pluralism. The First Amendment in this sense, is the epitome of public justice and serves as the golden rule for civic life. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves."