Freedom of Religion, Freedom of Conscience

by
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Government should respect personal conscience and diverse communities of faith by treating them all with equal respect

WASHINGTON, DC—The last of six affirmations that serve as the basic principles of the Center for Public Justice is this: "No citizen should be compelled by government power to subscribe to this or any other political creed. Governments ought to honor the conscientious objections of its citizens against a government-imposed obligation, provided such objections do not conflict with the government's responsibility to uphold public justice."

In one respect, this affirmation represents nothing more than the U.S. Constitution's First Amendment declaration of religious freedom. In other words, citizenship in the United States does not require a confession of faith, whether theological or political. Citizenship comes by way of birth or naturalization, not by means of adherence to a confession of faith. The six affirmations put forward by the Center for Public Justice serve as a voluntarily accepted bond among its members. The Center does not intend for government to impose these affirmations on its citizens. To the contrary, government should respect personal conscience and diverse communities of faith by treating them all with equal respect. No faith should be established; none should find its free exercise inhibited.

But What is Religion?

For more than a century the Constitution's First Amendment has often been interpreted as if religion and freedom of conscience are purely personal or private ecclesiastical affairs. Even contemporary scholars such as John Rawls, who want to protect religious freedom, still believe that the civic dialogue can be carried on only by those who meet a standard of "political reasonableness." Thomas Jefferson wanted the common school to teach every child to yield to the same moral sense so that all would be free to govern themselves. He did not realize the extent to which he was doing what the churches had done earlier in trying to get all children to subscribe to a creed that would give them entrance to civic responsibility. Jefferson wanted old fashioned religion to remain private, but he wanted to define the public-confessional terms on which citizenship should be based.

The Center for Public Justice affirms that religions—whether of the old fashioned variety or of newer and often secular varieties—cannot be privatized. They will all contain implications for and have some impact on the shape of political life. The only way to do justice to them is to give equal access to all, both in public as well as in private life. Jefferson's common-sense moralism and Rawls's reasonable liberalism should be given no greater privilege in the public square than is given to any other view of life.

Conscientious Objections

The implication of this affirmation is that even in public life government ought to try to accommodate the conscientious objections of citizens. Some have been pacifists who object to the military draft. While being willing to submit to government's authority and fulfill other obligations of citizenship, they have, for conscience sake, been unwilling to take up arms. When at its best, America has respected these objections, asking pacifists to serve the country in other ways.

Respect for conscience helps strengthen citizenship, for it recognizes that people with quite different views of life—even with regard to the foundations of the state—can find ways to live together and cooperate without having to confess a common creed.

The same thing can occur in other areas of life. Government can require education of all children in order to make sure that every citizen will have access to public society. But the educational mandate can be fulfilled in different ways—in schools with different confessional bases and in communities as different from one another as the Pennsylvania Amish and the New York Hasidim.

The Limits are Civil not Confessional

The Center's sixth affirmation recognizes, however, that religious freedom is made possible within a just public order, not by anarchy. The limits of confessional freedom and conscientious objection must be found, therefore, in the requirements of public safety, the peaceful resolution of conflict, and the just treatment of every citizen. Religions that want to practice child sacrifice should not be told that they cannot make that confession, but that such a practice violates government's duty to protect the life of every citizen. Groups that believe the state ought to have an established church are not required by government to give up their faith, but only to submit to the law that gives equal treatment to all faiths.

An individual's conscience or one group's confession does not exist in a public vacuum. Each should have freedom within bounds that make for a just and peaceful order, and citizens should be able, in proportion to their numbers, to gain political representation in order to participate in the ongoing public debate about how best to shape the republic. □

[This is the last of seven articles on the basic principles of the Center for Public Justice. If you would like copies of all seven, send us your request for the series and include $4.00 to cover postage and handling.]