

1996 GEORGIA HUMANITIES Lecture

Liberty of Conscience for All

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Liberty of Conscience for All: **The Radical Experiment of Roger Williams in an Age of Conflict**

America's commitment to liberty of conscience for all is rooted in the radical experiment of the tiny colony founded by that eccentric Puritan minister Roger Williams. In an extraordinary break with the past, Rhode Island became the first society with no established church and the first place in America to grant what Williams called "soul liberty" to people of all faiths and none.

Few people in the 17th century imagined that Williams' radical experiment could succeed. Yet today, more than 350 years later, the vision of Roger Williams is embodied in the principles of the First Amendment to the United States Constitution. Though we have not fully realized that vision, we can say with confidence that a commitment to religious liberty stands at the heart of what it means to be an American. More than any part of our nation's charter, the first sixteen words of the Bill of Rights - *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof* - bind us together as a people and enable us to forge a nation out of deep religious differences.

Can We Live With Our Deepest Differences?

Today, however, this experiment in religious freedom, this shared civic commitment to liberty of conscience for all, is being under, mined by America's "culture wars." Nowhere is this danger more apparent or more tragic than in our nation's public schools.

The magnitude of this crisis in liberty led The Freedom Forum First Amendment Center, the Association for Supervision and Curriculum Development, and the National Association of Evangelicals to convene a series of meetings between leading public school educators and advocates and some of the severest critics of public education from the conservative Christian community. Our goal was to draft an agreement, a statement of principles, based on the First Amendment that would serve as a foundation for a new, and more civil, dialogue.

When we first gathered together at The Freedom Forum more than a year ago, I opened the meeting by citing the litany of conflicts from the familiar "religion-in-the-schools" issues - prayer, holidays, clubs, textbooks- to the broader world view clashes over school reform, multiculturalism, and sex education. I concluded my long list by saying: "If we don't get these issues right, public education doesn't have much of a future." After a brief silence, the late Dr. Ernest Boyer of the Carnegie Foundation for the Advancement of Teaching, suddenly hit the table and said emphatically: "Charles, I would go further. If we don't get these issues right, not only are our schools at risk, but so is the future of our nation."

Dr. Boyer is right. These conflicts are not only, or even chiefly, about a few minutes of prayer at graduation, or the Nativity Pageant at the elementary school, or the discussion of abstinence in the sex education program. These conflicts all point to questions of deep concern to citizens on all sides of the debate: "What kind of nation are we? What kind of nation will we be? Can we live with our deepest differences?"

Recalling the Lessons of History

History reminds us that much is at stake in how we answer these questions in public schools and in our society as we begin our third century of building one nation out of many peoples and faiths. Consider, for example, a long-forgotten boatload of Quakers who arrived in New Amsterdam in 1643 seeking refuge. Viewed as both disruptive and heretical by the Dutch Reformed clergy, the Quakers were turned away. When asked where the Quakers went, the clergy replied:

We suppose they went to Rhode Island, for that is the receptacle of all sorts of riff-raff people and is nothing less than the sewer of New England. All of the cranks of New England retire thither. They are not tolerated in any other place.

New Amsterdam might well have become the model for the United States and there are some today who still hope it might). After all, in many nations of the world, the stranger and the new arrival are greeted with hostility and fear.

Fortunately for the Quakers and for many others, there was another place to go in 1643- the Rhode Island of Roger Williams. What was to New Amsterdam clergy "the sewer of New England" was to Roger Williams "a haven for the cause of conscience." Rhode Island was founded on Williams' radical idea, an idea with few precedents in human history: full liberty of conscience must be guaranteed for all. Williams argued that true religious liberty, what he called "soul liberty," is only possible when the state does not control religion or enforce religious conformity, and when the state protects the right of every citizen to "follow the dictates of conscience" in matters of faith.

These twin, radical principles of "no establishment" and "free exercise" are now part of our national charter as the Religious Liberty clauses of the First Amendment. This commitment to full religious liberty was considered outrageous and dangerous in 1643 and for far too many people throughout the world and even in our own country, it still is.

From Sri Lanka to Bosnia, from India to Northern Ireland, many of the most violent conflicts in the world are rooted in deep, historic religious differences. Due in large measure to the First Amendment, the United States is not Bosnia or Sri Lanka. Nevertheless, we are far from immune to religious division and conflict.

The Dangers of America's Culture Wars

Consider the charges and counter-charges that have turned many public schools into culture war battlegrounds:

On one side:

Your tax dollars are being used to pay for grade school education that teaches our children that cannibalism, wife-swapping and the murder of infants and the elderly are acceptable behavior.

On the other:

The result of a political takeover by the religious right might bring into existence a kind of Christian Nazism (with the Bible as *Mein Kampf*) whose manipulated multitudes goose-step mercilessly over the godless.

Culture wars like ours breed hate and division, and may lead to bitter, even violent, conflict. After the killing several years ago of Dr. Gunn {a doctor in a Florida abortion clinic), Charles Colson, one of America's leading evangelical Christian voices, warned that demonizing our opponents has consequences:

The crime was not only senseless, it was symbolic its message that a democracy poisoned by hatred and division can be as dangerous as the streets of Sarajevo... Our public square threatens to become Matthew Arnold's darkling plain, where ignorant armies clash by night.

The angrier, more hostile our public square becomes, the more our experiment in religious liberty is undermined and weakened. If ever we needed the vision of Roger Williams, we need it now.

Roger Williams' Vision of Soul Liberty

Americans today, especially people of faith, would do well to recall that Williams' commitment to "soul liberty" sprang from his own, very deep religious convictions. In many ways, he was more "puritan" than the Puritans. The key to recovering the full power of Williams' vision is to remember that he had one, abiding interest in his life: to find the true church. He attacked the churches of Massachusetts Bay Colony for not separating fully from the Church of England. But even the Separatist Pilgrims of Salem did not satisfy him. Later, in Rhode Island, he helped found the first Baptist Church in America, but he lasted there for no more than six months. {There was even a period when he could not say grace with his wife because she remained in contact with ministers he did not believe to be of the Gospel.)

Not surprisingly, Williams' uncompromising faith caused no end of trouble in Massachusetts Bay. Soon after his arrival from England in 1631, Williams spoke out against the "corrupt" churches of the colony. He also preached that the colony's charter, granted by King Charles I, was invalid. The land, declared Williams, belongs to the people already here - the Indians - and it must be obtained fairly from them (a radical idea even today!).

What concerned Williams above all else, was the failure of Massachusetts Bay to protect liberty of conscience for all. Williams was not interested in religious liberty for political reasons or to bring about social reform. He was convinced that *God* requires it:

It is the will and command of God that {since the coming of His Son the Lord Jesus) a permission of the most paganish, Jewish, Turkish, or antichristian consciences and worships, be granted to all men in all nations and countries; and they are only to be fought against with that sword which is only in soul matters able to conquer, to wit, the sword of God's spirit, the Word of God.

In other words, as Williams might put it, God commands that human governments give people the right to be wrong. Persuasion alone, not coercion, may be employed to bring others to the "truth." When liberty of conscience is denied by the government, Williams argued, the state commits "spiritual rape." In such a society, emergence of the "true church" is impossible. Citing Europe's long history of wars and divisions, Williams claimed that coercion in matters of faith inevitably leads to persecution and bloodshed - or, at best, widespread hypocrisy:

God requireth not a uniformity of religion to be en' acted and enforced in any civil state; which enforced uniformity {sooner or later) is the greatest occasion of civil war, ravishing of conscience, persecution of Christ J esus in his servants, and of the hypocrisy and destruction of millions of souls.⁵

For Williams, the full liberty of conscience required by God is only possible when the state both maintains what he called a "wall of separation" between the "Garden of the Church"

and the "wilderness of the World," and protects the right of each individual to "follow the dictates of conscience" in matters of faith.

The Civic Framework: Rights, Responsibilities, and Respect

Today these religious liberty principles so dear to Roger Williams are an essential part of our constitutional agreement with one another. Properly understood and applied, they provide us with a civic framework for living with our religious differences in our schools and in our nation.

When public school leaders and some of their religious critics gathered at The Freedom Forum last year to search for a shared vision, we were doing what *every* community and school must do: returning to the democratic first principles of the First Amendment, and asking how they can help us to recover a common vision for the common good in public education.

Very much in the spirit of Roger Williams, we agreed, first and foremost, that "religious liberty is an inalienable right of every person." By reaffirming this, our first liberty, we recognized that we must do everything possible in public schools to protect the conscience of *every* parent and student. Claims of conscience must be taken seriously because, the duty to higher authority (for many, God) is, as James Madison argued in the *Memorial and Remonstrance*, "precedent, both in order and time, and in degree of obligation, to the claims of Civil Society."

We immediately went on to agree that, as Americans, "we all share the responsibility to guard that right for every citizen." Such a commitment to mutual responsibility is vital if we wish to preserve our freedoms. Much like the Golden Rule, my rights are best protected when I take responsibility to protect the rights of others, even those with whom I disagree.

What does it mean to take responsibility for the rights of others, including those you may oppose religiously or politically? Roger Williams is one of history's best examples: When he was advanced in years, he rowed across the river some thirty miles in order to debate the Quakers in public *one last time* before he died. For four days he argued vigorously with three Quaker divines, and was heckled for his trouble. This was the same Roger Williams who founded a haven for all "consciences" - who made it possible for Quakers to practice their faith openly and freely and still be full citizens.

For our modern debates, it may help to recall that Williams did not accept or like the views of many who were given refuge in the colony he founded. In fact, he deeply opposed the Quakers, Catholics and others, viewing their ideas as contrary to the Gospel. He worked tirelessly to persuade them to the truth as he understood it. But at the same time, he worked equally hard to protect their right to follow the truth as they understood it in their own conscience.

The First Amendment, then, does not require us to agree with one another, or to accept a religious view we believe to be false. The First Amendment *does* require that we take responsibility to guard the rights of others, even as we are protected to go on to disagree with them.

How we debate, however, is almost as important as *what* we debate. Our third guiding principle, therefore, had to be "respect." Again, by respect we do not mean acceptance of the

religious or other views of others. By respect we mean a commitment to civil debate. We jointly declared:

Personal attacks, name-calling, ridicule, and similar tactics destroy the fabric of our society and undermine the educational mission of our schools. Even when our differences are deep, all parties engaged in public disputes should treat one another with civility and respect, and should strive to be accurate and fair. Through constructive dialogue we have much to learn from one another.

We have entitled this agreement on rights, responsibilities, and respect, *Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles*. Twenty-one leading education and religious groups have signed on, ranging from the National Education Association to the Christian Legal Society, from People for the American Way to the Christian Coalition.

Finding Common Ground

What we discovered in the process of finding agreement, and what many local communities have likewise discovered in following our lead, is that much common ground exists in America. We were able to reaffirm our shared commitment, as American citizens, to the guiding principles of the Religious Liberty clauses of the First Amendment. Even when we approached the emotional and historic debate over the role of religion in public education, we were able to agree on the following vision of religious liberty in the schools:

Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect. Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study *about* religion, where appropriate, as an important part of a complete education.

The Anti-Defamation League *and* the Christian Legal Society, the National School Boards Association *and* Citizens for Excellence in Education *agreed* that public schools are not places of religious indoctrination by the state. We also agreed, however, that public schools are not "religion free zones" where students are denied their rights and religion is virtually ignored in the curriculum.

At the First Amendment Center we are supporting efforts in school districts throughout the country to put this vision into practice. We have discovered that it is now possible to find common ground on issues that have long divided Americans. In many communities, citizens from across the political and religious spectrum have reached agreement on the role of religion in public schools under the current legal interpretations of the First Amendment.

For example, students may pray, alone or in groups, as long as they don't interfere with the rights of others. Students may distribute religious literature, subject to reasonable time, place and manner restrictions. In secondary schools, students may form religious clubs if the school allows other clubs not related to the curriculum. While teachers must neither promote nor

denigrate religion, they may teach about religion wherever the subject naturally arises in the curriculum.

Using a First Amendment framework of rights, responsibilities, and respect, communities are able to debate their differences, understand one another, and forge public policies that serve the common good in public education. Where the First Amendment is tried, it works.

What is at Stake?

Much is at stake as we seek new ways to address the culture war conflicts that divide many American communities and schools.

A number of years ago I was asked by the Williamsburg Charter Foundation to write a lesson for fifth graders that might bring home to them the vital importance of religious liberty for our life together as American citizens. I immediately thought of the contrasting stories of the first two boatloads of Jewish families to arrive in what is now the United States.

In both cases, the Jews who arrived left behind centuries of oppression in Europe where periods of limited toleration were frequently broken by waves of tyranny. Confined to ghettos, excluded from most professions, subject to periodic massacres and expulsions, Jews had long experienced persecution throughout Europe.

The first group came to New Amsterdam in 1654. Most likely they came from Recife, Brazil where they had been forced out when the Portuguese recaptured Recife from the Dutch. They were received in the Dutch Protestant colony of New Amsterdam with the same hostility and intolerance they had experienced elsewhere. Supported by the Dutch Reformed clergy, Peter Stuyvesant, the colony's governor, tried to expel the new arrivals. Calling the Jews "a repugnant and disgusting race," Stuyvesant argued that granting them entry might lead to toleration of even worse groups such as "Lutherans and Papists."

Overruled by the directors of the Dutch West India Company, Stuyvesant was forced to allow the Jews to remain. The governor did succeed, however, in denying the Jews basic rights, including the right to build a synagogue.

Just four years later, in 1658, a second boatload of Jewish families had the good sense - or good fortune - to land in Rhode Island. There they were told, for the first time in many centuries, that they were free to practice their faith openly and freely, and, simultaneously, free to be full citizens of the colony.

I want fifth graders, and all of us, to picture in our minds the reaction of those Jews as they landed in Rhode Island. Can we, who take religious liberty so for granted, imagine their astonishment at being told, for the first time, that their faith in no way affected their standing in the civic order? Are we able to picture their shock upon learning that the government would not, indeed could not, interfere with the practice of their religion? I think we can imagine that they held up their hands and said: "Wait a minute. Perhaps you didn't hear us. *We are Jews!*" And I hope we can picture the officials of Rhode Island as they replied: "Yes, we know. Our colony is a haven for the cause of conscience."

Some years later, when the Jews of Newport, Rhode Island built the Touro Synagogue, they built a secret trap door near the pulpit leading to an escape tunnel. After centuries of

persecution and bloodshed, who could blame them? Who could have imagined that this radical experiment would last?

But endure it has. True, we have often failed in the past to live up to the ideal of liberty first proclaimed in Rhode Island. True, we still have some distance to go before we fully realize the vision of liberty of conscience for *all*. Nevertheless, we must remind those fifth graders - and each other - that in the years since the building of the Touro Synagogue, the Jews of Rhode Island have never had to use that trap door.

Our task is to sustain that legacy by living the principles of religious liberty - in our schools and in our communities. How well we do will determine the future of the boldest, most successful experiment in liberty of conscience the world has yet seen.

End Notes

1 Rhode Island Committee for the Humanities, *The Legacy of Roger Williams* (Providence, 1986). An excellent account of Roger Williams may be found in Edwin Gaustad, *Liberty of Conscience: Roger Williams in America* (Grand Rapids, Michigan: W.B. Eerdmans Publishing Co., 1991).

2 Michael Cassity, Os Guinness, Charles C. Haynes, John Seel, Timothy Smith, Oover Thomas, *Living With Our Deepest Differences : Religious Liberty in a Pluralistic Society* (Nashville: The Freedom Forum First Amendment Center, 1996), Lesson 6.

3 Charles Colson, *The Washington Post*, April 11, 1993.

4 Roger Williams, *The Bloudy Tenent of Persecution, for cause of Conscience, discussed, in A Conference between Truth and Peace* (London, 1644), Summary. The most complete collection of Roger Williams' writings is the six-volume *Narragansett Club Publications* (Providence, 1966-1874). *The Bloudy Tenent of Persecution* is included in volume III.

5 Summary.

6 Robert S. Alley, *James Madison on Religious Liberty* (Buffalo: Prometheus Books, 1985), p. 56.

7 *Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles* is available free of cost from The Freedom Forum First Amendment Center at Vanderbilt University, 1207 18th Ave., S., Nashville, TN 37212.

8 *Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles*.

9 For a full guide to religious liberty issues in public education, consult *Finding Common Ground*, available from The Freedom Forum First Amendment Center.

10 Norman H. Finkelstein, *The Other 1492: Jewish Settlement in the New World* (New York: Charles Scribner's Sons, 1989), pp. 75-87.

Charles C. Haynes is a leading authority on religious liberty issues in public education. Currently Scholar-in-Residence at the Freedom Forum First Amendment Center at Vanderbilt University, Dr. Haynes was formerly the executive director of the First Liberty Institute at George Mason

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Dr. Haynes has authored, coauthored, and edited many books for educators, including *Finding Common Ground: A First Amendment Guide to Religion and Public Education*. He holds a masters degree in religion and public education from Harvard Divinity School and a Ph.D. in theological studies from Emory University. He formerly taught world religions at Randolph Macon College and social studies in both public and private secondary schools.

Many Georgians remember Charles C. Haynes for his leadership in the Georgia Department of Education's First Liberty Teacher Education Program. Between 1991 and 1993, over 300 teachers, administrators, school board personnel, parents, and community leaders participated in this program. Dr. Haynes has also taught workshops and institutes for the Georgia Humanities Council's "Rights, Responsibilities, and Respect" program, which grew out of the First Liberty Teacher Education Program.