

COMMONWEALTH ★ ★ ★ POLICY CENTER ★ ★ ★

Why Religious Liberty Is Important

What is religious liberty?

It is simply the ability to conduct one's life according to their conscience and moral convictions in public.

It is an inherent right:

“That Religion or the duty we owe to our Creator, and the manner of discharging it, being under the direction of reason and conviction only, not of violence or compulsion, all men are equally entitled to the full and free exercise of it according to the dictates of Conscience.”¹ James Madison, in a letter to William Bradford

It is a quest:

“[Religious freedom] rests on the intelligible value of the religious quest—the activities of seeking to understand the truth about ultimate questions and conforming one's life accordingly with authenticity and integrity.”²

Heritage Foundation Fellow, Ryan Anderson, PhD.

It's not government imposed doctrine:

“In the liberal tradition, the government's role is not to make theological judgments but to protect the right of the people to pursue their own understanding of the truth, within the limits of the common good.”³ Stanford Law Professor Michael McConnell

Why is it protected?

We are guaranteed constitutional protections of freedom of religion because religion is important. Religion essentially prescribes an individual's duty to God and conduct toward their fellow man.

Religion:

- informs individuals of right and wrong
- encourages virtue and restrains evil
- provides a moral compass to society

Richard Nelson
Executive Director

¹<http://www.heritage.org/research/reports/2001/03/james-madison-and-religious-liberty>

² <http://www.thepublicdiscourse.com/2014/07/13432/>

³ <http://www.yalelawjournal.org/review/why-protect-religious-freedom>

Danger of state encroachment

The United States values separate roles for church and state. If this is to be maintained, it is important that the state not encroach upon the mission of the church which is to teach its members how to live in light of truth. This is what the First Amendment guarantees. When the state encroaches and becomes the ultimate arbiter of truth religious liberty is lost. One denomination affirmed that “control of religion inevitably leads to suppression of the truth.”⁴

And another denomination maintained that “religious liberty is not a privilege to be granted or denied by an all-powerful State, but a God-given human right. Indeed, religious liberty is the bedrock principle that animates our republic and defines us as a people....”⁵

What religious freedom is not

It is not an absolute right. One cannot do whatever one wants and say they are practicing their religion. It is never a cover for evil or for committing illegal activity.

Religious claims can sometimes be overridden

When a religious claim violates the standards of justice and the common good, then civil law overrules. For example, a parent who denies a child life-saving medical treatment, loses out to civil authorities who step in to protect that child. The government’s preservation of life and recognizing a child’s fundamental right to life is a matter of justice. The common good is promoted by the state stepping in to preserve that life.

The First Amendment of the U.S. Constitution protects it

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

The Founding Fathers feared a national church similar to what their forbears fled in England. So they imposed a restriction on the federal government from creating a national religion. The federal government is also forbidden from prohibiting free exercise of religion. Notice that the language does not provide freedom from religion but rather freedom to practice religion. This is because the Founding Fathers’ theory of rights presupposed a Creator in which our nation’s charter document recognized.

Kentucky Constitution protects rights of conscience

The Kentucky Bill of Rights says in Section 5: “... No human authority shall, in any case whatever, control or interfere with the rights of conscience.”⁶

Kentucky law gives maximum protection to religious freedom

Kentucky passed a Religious Freedom Restoration Act in 2013 which says the “government shall not substantially burden a person's freedom of religion.” If there is another way to carry out a compelling government interest, it must be done in the “least restrictive means to further that interest.”⁷

⁴ The 200th General Assembly of the Presbyterian Church (U.S.A.), Policy Statement on religious liberty, 1988.

⁵ PCA Digest Position Papers: 1973 – 1998 <http://pcahistory.org/pca/3-476.html>

⁶ <http://www.lrc.state.ky.us/legresou/constitu/005.htm>

⁷ <http://www.lrc.ky.gov/record/13rs/hb279.htm>