

WebMemo



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Religious Freedom Day: A Timely Reminder

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Since 1993, the President has annually proclaimed January 16 “Religious Freedom Day.” This commemoration marks the passage on January 16, 1786, of a significant document authored by Thomas Jefferson: the Virginia Statute for Religious Freedom. The 2009 proclamation by President Bush encourages all Americans to “reflect on the great blessing of religious liberty” and “endeavor to preserve this freedom for future generations.”¹

This proclamation is timely, as religious freedom faces new challenges in current public policy debates, particularly concerning the definition of marriage. Preserving this freedom for future generations should be a concern of citizens and government at all levels.

The Virginia Statute for Religious Freedom. Thomas Jefferson penned the Virginia Statute of Religious Freedom in 1777 and saw it become law in 1786. He considered it one of the most important accomplishments of his life. In fact, he listed the statute alongside the drafting of the Declaration of Independence and the founding of the University of Virginia as the achievements to be included in his epitaph.

According to Jefferson, people have a “natural right” to worship God according to the dictates of their consciences. Using the force of law either to coerce professions of faith or to deny civil rights because of them is wrong. Such an approach, argued Jefferson, tends to “beget habits of hypocrisy and meanness,” as people are tempted to lie about their religious beliefs to avoid punishment or gain reward.²

Jefferson thought that such laws were not only unfair but actually harmful to the integrity of faith. Withholding civil rights because of one’s religious convictions “tends only to corrupt the principles of that very Religion it is meant to encourage,” wrote Jefferson. Thus, it is essential to protect people’s ability to openly discuss and debate their beliefs in public and to freely support the church of their choosing.

The impact of the statute was significant. It helped set the course for the religious freedom principles that would become enshrined in many state constitutions as well as in the U.S. Constitution’s Bill of Rights. By choosing to proclaim each January 16 as Religious Freedom Day, the President acknowledges the enormous contribution the Virginia Statute of Religious Freedom made to America’s understanding and enjoyment of freedom today.

Religious Freedom in America Today. Today there are troubling signs that the ability of people to express their religious beliefs without fear of penalty is eroding. This is especially apparent concerning the traditional belief that marriage is a relationship between one man and one woman.

The following examples have arisen in the past few years:

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- Acting on its religious beliefs about marriage, a Christian ministry in New Jersey chose not to rent a facility to a lesbian couple for a civil union ceremony. After the women accused the ministry of discriminating against them, the state of New Jersey revoked a tax exemption for the facility and found probable cause that the ministry had violated a state nondiscrimination law.
- A photographer in New Mexico declined to photograph a same-sex commitment ceremony on the grounds that doing so would violate the photographer's religious beliefs about marriage. After the lesbian couple filed a complaint, the New Mexico Human Rights Commission found the photographer guilty of violating a nondiscrimination law and imposed thousands of dollars in costs.
- In Georgia, a lesbian woman sought advice from a professional counselor on how to improve her relationship with her lesbian partner. The counselor did not have a problem counseling gays and lesbians but felt it would have violated her religious beliefs to specifically help a lesbian woman improve her romantic relationship with another woman. The counselor was fired by her employer for referring the lesbian woman to a colleague instead of counseling the woman herself.

Legal scholars predict that cases like these are “merely a foretaste” of what religious institutions can expect for taking similar stands against homosexual conduct and same-sex marriage.³

The Importance of Religious Freedom. On Religious Freedom Day, Presidents typically call

upon the American people not only to celebrate and honor but also to reflect. Reflecting on religious freedom can improve our awareness and appreciation not only of its positive value but also of what is at stake in allowing it to erode.

First, religious freedom provides the opportunity to acknowledge that the state's authority is not ultimate. Obligations to God are the most fundamental obligations in human life; they are, in James Madison's words, “precedent, both in order of time and in degree of obligation, to the claims of Civil Society.” Thus, Madison declared that one's civic duties should be pursued “with a saving of his allegiance to the Universal Sovereign.”

The Framers placed religious freedom as the “first freedom” of the Bill of Rights. They believed that a government not willing to respect citizens' religious freedom would be unlikely to respect other freedoms as well. Our nation should heed their concern as more cases arise of government penalizing charities, professionals, and private business owners for honoring their religious convictions.

Religious freedom can also draw our attention to the valuable contribution that religious groups make to society. For example, churches and faith-based institutions are essential in cultivating the virtuous habits necessary for self-government.⁴ They also do laudable work in tackling social problems and caring for the needy. Government regulations that would prohibit individuals and organizations from honoring their religious convictions or penalize them for doing so can discourage the very thing that often motivates these individuals and organizations and makes them effective in helping people:

1. Press release, “Religious Freedom Day, 2009,” White House Office of the Press Secretary, January 13, 2009, <http://www.whitehouse.gov/news/releases/2009/01/20090113-8.html> (January 14, 2009).
2. All references to the Virginia Statute for Religious Freedom are from the Library of Virginia, “The Virginia Statute for Religious Freedom, 16 January 1786,” at <http://www.lva.lib.va.us/whatwedo/k12/bor/vsrftext.htm#trans> (January 14, 2009).
3. Thomas M. Messner, “Same-Sex Marriage and the Threat to Religious Liberty,” Heritage Foundation *Backgrounder* No. 2201, October 30, 2008, at <http://www.heritage.org/Research/Family/bg2201.cfm>.
4. Benjamin Franklin insisted that “only a virtuous people are capable of freedom.” George Washington argued that virtue is unlikely to “prevail in exclusion of religious principle” (see Washington, Farewell Address, as quoted in *The Founders' Almanac*, ed. Matthew Spalding [Washington, D.C.: The Heritage Foundation, 2002], pp. 191–192). This is why, in his Religious Freedom Day proclamation in 1994, President Clinton noted that “religious freedom helps to give America's people a character independent of their government,” an ethical character “without which a democracy cannot survive” (see “Religious Freedom Day, 1994,” White House Office of the Press Secretary, January 14, 1994, at <http://www.ibiblio.org/pub/archives/whitehouse-papers/1994/Jan/Proclamation-on-Religious-Freedom-Day-1994-01-14>).

their distinctive religious identity and convictions. Thus, religious adherents are not the only ones affected when religious freedom is undermined; those who are served by such groups lose out too.

Time for Reflection and Recommitment. Given these considerations, Religious Freedom Day is a good reminder to all Americans to reflect—on January 16 and throughout the year—on the religious freedom our nation enjoys. This is an important

time, in particular, for policymakers to recommit to protecting the ability of citizens to maintain their religious identity and freely express their religious beliefs.

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