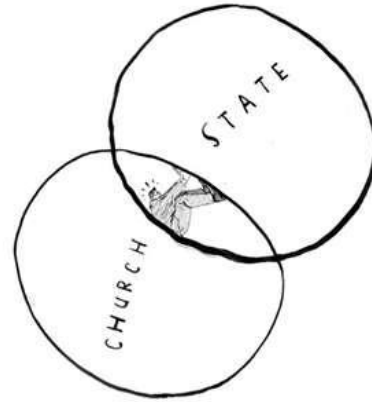


🇺🇸 RELIGION: FREE EXERCISE, AND THE FEDS CAN'T MAKE LAWS ABOUT ESTABLISHING RELIGION! But “separation of church and state” vs. “endowed by our Creator” – isn't that a contradiction?



Stephen L. Bakke 🇺🇸 September 4, 2012

*Religious Freedom – whazzat? Freedom of ... freedom **from** ... separation ... Which is it? I'm confused!* – Stefano Bakkovich, obscure pundit and oft' confused “know it all”

THE ISSUE: It was important to the Founders to emphasize the concept of “religious freedom” which has become commonly known as “separation of church and state.” This was accomplished in the First Amendment to the U.S. Constitution. Yet, the founding documents, letters written by founders and public statements are loaded with religious references. Isn't that inherently a conflict and philosophical contradiction?

*We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator with certain unalienable Rights** ...* – from the Declaration of Independence

I've been reading those words for as long as I can remember – but always in a bit of a vacuum. As I began to pay a little more attention, and listened more carefully, I began hearing some observers asking: ***“There's this talk about Our Creator, on the one hand, which should convince us that they were claiming to be ‘Godly’ men. But then they turned around a few years later and, some feel, contradict this prominent mention in the Declaration, by passing the First Amendment.”***

*Congress shall make **no law respecting an establishment of religion, or prohibiting the free exercise thereof*** – from Amendment One to the U.S. Constitution

Those asking questions expressed their confusion like this: ***“Since the founders went out of their way to isolate the practice of religion in the Amendment, aren't they violating the spirit of that separation by elevating the words, ‘endowed by their Creator,’ to such significance? Where did this concept of ‘separation of church and state’ come from anyway?”***

I Finally Let Those Questions Sink In!

I had never thought about this as a contradiction. But, doesn't the importance attributed to the “Creator” God in the Declaration of Independence and by implication in other Founding Documents, violate the concept of “separation of church and state”? I can understand the confusion. Here is what George Washington said:

Let us with caution indulge the supposition that morality can be maintained without religion ... [these] forbid us to expect that national morality can prevail in exclusion of religious principle. – George Washington from his 1796 Farewell Address

A search of letters written by the Founders, and a study of the Federalist Papers will yield a wealth of fondness for religious conviction and the value of religion in America.

Back to the Question: “Where did the concept of ‘separation of church and state’ come from?”

Reread the First Amendment excerpt above. Those two phrases are referred to as the “Establishment Clause” and the “Free Exercise Clause.” There is no mention of “separation,” per se. So where did it all start, and does it make any sense?

Way back in 1802 the Danbury Baptist Association wrote to Thomas Jefferson about their concern about what was meant by religious liberties. They felt the liberties they enjoyed were not immutable rights, but privileges granted by the legislature – as “favours granted.” Jefferson’s reply addressed their concerns from the national level. Whether or not these Baptists were satisfied with his reply is not important. Rather, it is important to note that the letter contains the phrase “wall of separation between church and state,” which led to the short-hand for the “Establishment Clause” which is “separation of church and state.” From the accounts that I have read, TJ took his response to this group very seriously – having consulted with others fairly extensively – and there were multiple drafts prepared. Here is an excerpt from Jefferson’s letter:

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should “make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” thus building a wall of separation between Church & State.



HERE’S WHAT I THINK! (For those who might be interested.)

The most common liberal interpretation has adopted the concept of “separation of church and state”. This has been alternatively referred to as “freedom **OF** religion,” and more recently, and more radically, “freedom **FROM** religion.” Simply stated, most liberals believe that the First Amendment clearly implies that any interaction between religion and government is a violation of the Constitution – e.g. prayer in schools or religious symbols on government property.

Conservatives argue that the original purpose of the provision still governs – to protect citizens from the imposition of a religion by the government. They contend that liberals are trying to promote “freedom **FROM** religion” rather than the more agreeable “freedom **OF** religion.”

Conservatives also point out that religious references remain in our founding documents, thereby implying the current extreme interpretation was not the original intent. Conservative analysts have also examined the complete discussions by the Founding Fathers regarding the First Amendment as contained in the Congressional Records from June 7 to September 25, 1789. Nowhere in these discussions is the term “separation of church and state” ever mentioned.

Personally, I’m most comfortable with the interpretation that the role of government is to protect religious liberties FROM the state, and not vice-versa.

Regarding the separation issue, **let me concede that the concept of “separation” CAN be inferred from the First Amendment.** I also contend that there is NO conflict or contradiction between the “separation” concept and the affection and recognition of religion and the “Creator” in other founding documents. How can I say that? Stay tuned.

Separation is a concept that sets one concept or institution apart from everything else. What could acknowledge the importance of separation more than the concept that we have unalienable rights endowed by our Creator and that, as such, those rights are untouchable and can’t be bought or sold – or denied, except through tyranny. The role of government is to protect that right. That right must not be manipulated or over-interpreted.



Freedom of Worship
Norman Rockwell, 1943

What could be more notable and “separate” than the concept that our inalienable rights come from our Creator and NOT from government? That’s the ultimate separation!

It’s almost like another “check and balance” on our society and form of government! Hmmm?

I’m cool with the concept of “separation of church and state.”

And “what is here a right towards men, is a duty towards the Creator,” James Madison wrote in his 1786 Memorial and Remonstrance ... The model of religious liberty brilliantly designed by Madison and the other American Founders is central to the success of the American experiment. It is essential to America’s continued pursuit of the ideals stated in the Declaration of Independence ... The key to America’s religious liberty success story is its constitutional order. The Founders argued that virtue derived from religion is indispensable to limited government. The Constitution therefore guaranteed religious free exercise while prohibiting the establishment of a national religion. This Constitutional order produced a constructive relationship between religion and state ... - Jennifer Marshall, Heritage Foundation, Director of Devos Center for Religion and Civil Society