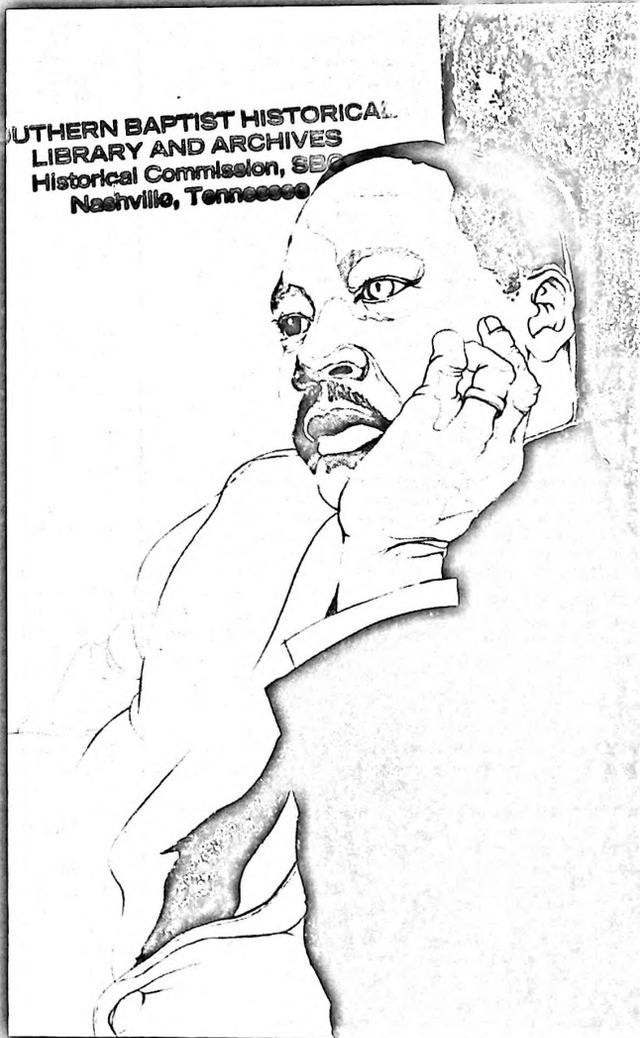


REPORT from the CAPITAL

SOUTHERN BAPTIST HISTORICAL
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Nashville, Tennessee

We must accept
finite disappointment,
but we must never
lose infinite hope.
Only in this way
shall we live
without the fatigue
of bitterness and
the drain of
resentment.

MARTIN LUTHER KING, JR.
1929-1968



REPORT from the CAPITAL

"... a civil state 'with full liberty in religious concerns.'"

Vol. 44, No. 4

April, 1989

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Cover: Martin Luther King, Jr., an original watercolor, graces the administrative office of the Baptist Joint Committee. The quotation is from a sermon, "Shattered Dreams," published in a volume of Dr. King's sermons, *Stretching to Love*. April 4, 1989, marks the twentieth anniversary of the death of this outstanding Baptist and American.

Executive Director: James M. Dunn
Editor: Victor Tupitza

Contributing Editors: Rosemary Brevard, Bill Clough, Kathy Palen, Oliver S. Thomas (Washington, D.C.); Gary McNeil (Austin, Texas); Glenn Saul, (Mill Valley, California); Kenneth L. Smith (Rochester, New York). Robert E. Adams, Scholar-in-Residence. Circulation: Gordon L. Northcutt.

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No Relief in Sight

The theme for the observance of Religious Liberty Day in Baptist churches was conceptualized with an eye on our nation's history and with full awareness that the task of preserving religious and civil liberties is endless. "Restless for Religious Liberty" describes the aspiration of early Baptists whose "Contributions to the American Experience" have gained broad recognition. They testified to the sanctity of "soul liberty" and so it is by no coincidence that the First Amendment to the Constitution — known for its two "religion clauses" — guarantees freedom of assembly and of speech as well. It makes no mention of a Christian nation.

Historian Robert Handy happened to anticipate by three weeks the recent brouhaha triggered by the letter of Justice Sandra Day O'Connor to a political activist in Arizona. Asked about Supreme Court cases relative to America as a Christian nation, the justice listed three instances to that effect, including one prominent in 1892 — *Church of the Holy Trinity v. United States*. Handy referred to that case in an address, "Elevating a Wall of Separation," to illustrate the Protestant influence of that period. He spoke of "organic utterances," citing the *Holy Trinity* decision, which claimed that "various state constitutions speak the view of the entire people" and that "the Christian religion is part of the common law." Tracing the rising of the wall in the eighteenth and nineteenth centuries, Handy implicitly raises the question, "Has the principle of church-state separation been justified in the past as a means of containing Roman Catholic influence, if not of maintaining Protestant supremacy?" He was the featured speaker at Central Baptist Theological Seminary's 1989 Lecture Series.

A lasting solution to the faith and state conflict will remain as elusive as ever, according to Roger Shinn of Union Seminary, who observes that "faith cannot surrender its conscience to the state," nor can the state legitimate every deeply held religious belief (i.e., the Mormons and polygamy). No one disputes that religion is destined to address public policy. That much was conceded in the 1984 presidential campaign when Mondale followed Reagan in agreeing that religion and politics are inseparable. One long-standing problem is that the almost absolute "free exercise" of religion some advocate inevitably leads to "establishment." Shinn assumes without question that religious faith must influence public policy, but cautions that it must not neglect the common good.

Baptists have their own differences over public policy and this may well be a matter of self-identity. James Dunn reflects on a phenomenon that is causing some consternation in the Southern Baptist Convention. He uses four models of denominational organization — Market, Clan, Mission, and Bureaucracy — devised by sociologist Ross Sherer. Considering all differences (we all are created in God's image), Dunn is concerned with the integrity of faith and experience and with Christian unity. □

Victor Tupitza

● **CHURCH-STATE CONCERNS** precipitated the Senate Labor and Human Resources Committee's amending a major child care proposal before sending it to the full Senate.

The panel approved 11-5 the Act for Better Child Care Services -- known as the ABC bill.

Similar legislation was killed by a Senate filibuster during the 100th Congress.

The current ABC bill -- introduced by Sen. Christopher J. Dodd, D-Conn. -- has undergone a number of changes and picked up a former key opponent -- Sen. Orrin G. Hatch, R-Utah -- as one of its thirty-nine cosponsors.

Dodd told the committee he hoped his proposed amendment would resolve a conflict over the use of federal funds to subsidize child care in religious institutions. Churches provide approximately one-third of the nation's child care services.

An array of religious and educational organizations had charged the bill, as originally drafted, violated the separation of church and state. But a number of those organizations -- after working with Dodd and Sen. Edward M. Kennedy, D-Mass., on amendment language -- have agreed not to seek further church-state changes.

The ABC bill would allow child care centers sponsored by religious institutions to qualify for federal funds if they avoid religious instruction, worship, or other sectarian activities.

Dodd's amendment -- which the panel adopted without objection -- would prohibit religious discrimination in admissions and employment by all ABC-funded providers. It would, however, permit a provider to exercise limited preference in hiring and admitting individuals who have a pre-existing relationship with the organization that owns or operates the child care center.

But if eighty percent of a provider's operating budget comes from federal funds, not even limited preference would be permitted.

Although voting in favor of the amendment, Sen. James M. Jeffords, R-Vt., warned the panel that in his opinion the legislation -- even in its amended form -- most likely would violate the First Amendment's establishment clause.

● **CHURCHES HAVE LEGAL** standing to bring suit against the government on the basis of in-

juries they claim occurred when government agents infiltrated four Arizona congregations, according to a recent ruling by the Ninth Circuit Court of Appeals in San Francisco.

The decision overturns an October 1986 ruling by a federal district judge, who said the churches had no standing to sue the government because they were not injured when federal agents made secret tape recordings at worship services.

Peter Baird, a Phoenix attorney who represented the churches, said the ruling represents "a religious, as well as a legal, victory of great magnitude."

The four churches and their parent denominations filed suit in January 1986, claiming the actions of Immigration and Naturalization Service agents created a "chilling effect" on the free exercise of religion.

The INS agents were part of an undercover operation designed to gather information about the sanctuary movement, through which churches and other groups have given assistance to Central American refugees who have entered the United States illegally.

The appeals court said, "When congregants are chilled from participating in worship activities, when they refuse to attend church services because they fear the government is spying on them and taping their every utterance, all as alleged in the complaint, we think a church suffers organizational injury because its ability to carry out its ministries has been impaired."

Baird said the real significance of the ruling is that the government has been prevented from using the argument that damage to oftentimes subjective, abstract, and speculative religious values is not actionable in court.

● **A TELEGRAM OF** praise and encouragement was sent recently to USSR President Mikhail Gorbachev by Baptist Joint Committee Executive Director James M. Dunn.

Acknowledging the Soviet Union's "new spirit" toward religion, Dunn urged Gorbachev to "bring the USSR to full compliance with documents your government has signed for the guarantees of human dignity, with the Helsinki Final Accords, and now with the commitments as contained in documents signed in Vienna." (See related articles on page 8.)

Dr. Handy is a retired professor of church history, Union Theological Seminary, New York City. Guest speaker at Central Baptist Seminary's recent Lecture Series, he focused on church-state separation. The following article, transcribed by REPORT from audio tapes, is an adaptation of one his three addresses, "Elevating a Wall of Separation."

The Rising Wall: Historical Reflections

In his famous letter to the Danbury, Connecticut, Baptist Association, then-president of the United States Thomas Jefferson offered an interpretation of the two religion clauses of the First Amendment, which had been ratified just ten years earlier. The letter appeared on New Year's Day 1802, and in it Jefferson wrote words that have become familiar, "... thus building a wall of separation between church and state."

In time, the metaphor of the wall of separation and the reference to the relationship between the institutions of religion and the institutions of government — under the headings of church and state — both have become standard. These references, the "wall" and "church-state" have clarified and obscured, have helped and hindered discussion of the religious and the governmental aspects of human life in the United States.

For a number of decades after Jefferson penned that letter — and, by the way, it was no casual reference because he knew that as president he was stating his basic interpretation of the religion clauses of the First Amendment — the metaphor of the "wall" was not taken seriously. On the other hand, the phrase "separation of church and state" entered early into public discourse. Alexis deTocqueville, the noted Frenchman, used it in his now famous book *Democracy in America*.

The nine state establishments of religion, three of which survived after Jefferson wrote his letter, were not affected by the First Amendment. In general, however, state religion was growing in disfavor throughout the country, and in 1834, with the end of state religion in Massachusetts, it passed out of existence.

Developing at the same time, however, was what can be called a voluntary establishment of evangelical Protestant denominations of that period. These groups intended to keep the country Christian, by which they meant broad,

Protestant Christianity, assuming that in the way these groups defined the word. This was to remain a Protestant nation, not by official legislation but by persuasion.

One of the purposes of the vast evangelical revivals and movements of that period was to persuade people that influential leaders bore the truth, the truth this nation ought to follow, and were convinced that such a voluntary establishment was fully consistent with religious freedom. For example, the Episcopal bishops, after a long study, in 1832 concluded, "On various occasions, and in various ways, our national legislature has manifested its sense of the obligation of those provisions contained in the several constitutions of the individual states, which presume the Christian religion to be part of the law of the land. But this establishment is of such a liberal cast as secures freedom of profession and of worship to every denomination of Christians living in obedience to the laws." Hard to find much of a wall of separation there! The image of the "wall" was not taken very seriously in the early and middle parts of the nineteenth century and, indeed, not until the latter part of the century.

Church and State

The terms church and state that Jefferson used were derived from a European background. There for centuries, the tradition of the legal establishment of one church (chiefly the Roman Catholic Church) in a nation and for a time over all of Western Europe was normal until after the Reformation. Relations between church and state often were strained. But the terminology was clear — one church and one state. Other associations of religious people were regarded as sects, usually heretical, and thus free to be persecuted and banned.

The situation began somewhat that way in the original thirteen colonies in which of nine established churches, three were Congregational and six were

Episcopal. All colonial establishment of religion, however, had to face the increasing multiplicity of religious denominations in their zones of influence.

If Jefferson only had said "separation of churches and states" in that letter — but he couldn't do that because establishment of religion was still a fact, even in Connecticut where Baptists were located. Better still, had he said "separation of religions and governmental institutions," we might be in a much better situation regarding our understanding of these relationships.

I dream of discovering a way to resolve this dilemma rather than using the phrase "separation of church and state," which increasingly is a misnomer on the American scene. But all our major reference systems — books, libraries, computers, etc., are set up under the heading "church and state." The best we can do is to pour new meaning into those words that do not fit our situation today.

Every once in a while, we hear it said by someone who goes back to read the relevant constitutional literature and the religion clauses of the Constitution, "There is nothing there about church and state, nothing there about a 'wall.'" It's true, there isn't. Article Six of the Constitution provides that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." The First Amendment says nothing about separation, nothing about church and state, nothing about a wall. It says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

Some people, therefore, suggest we no longer talk about separation, nor discuss the wall or use the phrase church and state. But it isn't that simple because that phrase of Thomas Jefferson has been written into constitutional history. The Supreme Court, in a 1879 case, quoted Jefferson verbatim and therefore wrote his language deeply into the judicial history of the United States. Since then, it has been debated, quoted, and commented upon in dozens of subsequent cases. The case, *Reynolds v. United States*, compelled the Church of Latter Day Saints to give up plural marriage, citing Jefferson's letter of 1802 and its interpretation of the Constitution's religion clauses. That quote — "building a wall of separation between church and state" — underlay the unanimous decision of the court in the opinion delivered by the chief justice.



The wall in 1879 proved to be not all that high, as the Mormons discovered. They thought their practice would be protected by the free exercise clause and believed they had biblical justification for their practice of plural marriage. The court decided against them on the basis of another of Jefferson's distinctions between opinion and action. Mormons could believe in plural marriage but they could not practice it. Prevailing sentiment in the country then held that the United States was not *officially*, but *actually* a Christian nation.

Yet, this Christian nation had treated Native Americans with callous indifference in the press to the West by invaders from Europe. In 1869, President Grant launched the famous so-called "peace policy," which for a time allowed the churches to control the federal Indian agents. This policy greatly expanded and intensified the program of federal aid to Indian missions and education, with Protestants receiving the lion's share of these agencies. Only seven of the seventy-three missions allotted were in the hands of Roman Catholics despite their long history in Indian missions and the fact that by 1850 they had become the largest single American church.

In his book, *American Protestantism and U.S. Indian Policy*, Robert Keller wrote, the peace policy "provided federal support for sectarian missions and worship, violated the constitutional ban against religious tests for public office and, perhaps most serious of its legal transgressions, denied religious liberty as guaranteed by the First Amendment" because it paid no attention to Indian religious views. Keller concludes that the policy "can be viewed equally as the culmination of the idea of a Christian Commonwealth and as a flagrant violation of the First Amendment, but the second possibility simply did not occur to many people in the 1870s."

Another indication that the wall of separation had not been raised very high came in 1892. Those who have followed Supreme Court decisions since 1947 can

hardly believe the unanimous 1892 decision in *Church of the Holy Trinity v. United States*. There, the claim is made that various state constitutions provided "organic utterances" that "speak the voice of the entire people" that the Christian religion is part of the common law. The court summarized its view with a list of particulars, including such items as the custom of opening sessions of all deliberative bodies with prayer and the Sabbath closing laws. These and many others add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation.

This definition of a "Christian nation" was primarily Protestant, but it came just as the demographic patterns of the country were undergoing rapid change. Accompanying the dramatic shift in the number and increase in the size of religious groups of all kinds was a doubling of the population during the years 1880 to 1920 — from fifty million to 100 million people. Vast immigration patterns brought some immigrants from Asia, but most from heavily Catholic Europe. Catholics soon became influential in politics, especially in cities and industrial areas. Protestants today may have difficulty imagining how deeply rooted among our predecessors (before Vatican II) was their fear and suspicion of the Catholic Church and the increasing number of Catholics, especially in the early twentieth century. Great numbers of Americans believed and feared that Catholics were under the control of the Pope and a threat to American freedom and the American separation of church and state.

Sincere statements issued by members of the American Catholic hierarchy and by the titular head of American Catholics, James Cardinal Gibbons, were brushed aside as mere propaganda and rhetoric. Gibbons said repeatedly, "American Catholics rejoice in our separation of Church and State; and I can conceive of no combination of circum-

stances likely to arise which would make a union desirable even to Catholics."

Growing Catholic-Protestant tension became especially acute over educational issues, particularly at the elementary and secondary school levels. Protestantism in the nineteenth century was the dominant cultural force, and the leaders of Protestant persuasion shaped public opinion in conspicuous places in national life. They believed they could entrust the educational task to the "common (public) school," convinced these common schools could carry the basic religious educational task. Schools were to be nondenominational and nonsectarian and instrumental in Americanizing and socializing the millions of children of immigrant families. Protestantism here merged with patriotism, evidenced in language that referred to these schools as symbolic of both our national unity and of God's handiwork in history.

Not fully understood by Protestant leaders was that what for them was a nonsectarian, common value system was to other eyes a specific value system, one rooted in a Protestant perspective. Catholics long had been building parochial schools, consistent with their values that properly regarded education as a child of the church. In 1884, the Catholic hierarchy decided to extend the school network into every possible parish. They never succeeded fully, but the vast, spreading parallel system infuriated many Protestants. One consequence was the blockage of public funds for private educational institutions. Attempted compromises brought no success. As Jay Dolan wrote in *The American Catholic Experience*, "The wall separating church and state was now high enough that such a compromise was no longer a viable solution to the Catholic school issue."

Polarization became apparent as the wall of separation rose. A side effect of this stalemate became evident in the

Continued on page. 14

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Finally.

After losing equal access/religious free speech cases in the second, fifth, and ninth federal circuits last year, it was gratifying when the Eighth Circuit Court of Appeals in *Mergens v. Board of Education of the Westside Community Schools* recently upheld the right of a group of high school students to meet on an equal footing with other nonacademic clubs at their school.

Passed in 1984, the Equal Access Act prohibits any public secondary school that receives federal funding (virtually all do) and that has a "limited open forum" to deny equal access to or otherwise discriminate against any students who wish to conduct a meeting on the basis of the "religious, political, philosophical, or other content of the speech at such meetings." A "limited open forum" exists whenever noncurriculum related student groups are provided an opportunity to meet on school premises before or after the school day.

The Westside Board of Education in Omaha, Nebraska, had sought to circumvent the act by declaring all non-religious clubs — including a chess club, scuba club, "Welcome to Westside" club, and two service clubs — to be curriculum related. Therefore, the board argued, no limited open forum existed and the school need not provide a student religious club equal access to its facilities.

Relying on the transcript of the Senate debate surrounding the passage of the act, the court rightly concluded that Congress intended the term "noncurriculum related" to be interpreted broadly so as to include those clubs that are only peripherally related to the curriculum. The most elucidating piece of evidence was a colloquy between Senators Slade Gorton of Nebraska and Mark Hatfield of Oregon, the primary sponsor of the bill:

MR. GORTON: I gather from the previous remarks of the Senator from Oregon and the Senator from Alabama that the definition of these non-related student groups is fairly broad. The chess club would be such a group. If the school permits a chess club, it has thereby created the limited open forum which brings into effect the proscriptions of the act.

MR. HATFIELD: That is correct.

130 Cong. Rec. S8342 (daily ed. June 27, 1984).

The Eighth Circuit's broad interpretation of the term "noncurriculum related" squares with the equal access guidelines that were drafted by more than a dozen organizations expert in church-state relations including the ACLU, Christian Legal Society, American Association of School Administrators, and Baptist Joint Committee on Public Affairs: "A noncurriculum related student group is a group or club which is interested in a subject matter not directly related to the school curriculum. The math club, the Spanish club, the drama club and athletic teams would normally be curriculum related. A religious club, political club or service club would be considered noncurriculum related."

Singling out one form of student speech for discriminatory treatment violates the most fundamental maxims of free speech.

Absent the Equal Access Act, the speech clause of the United States Constitution would seem to compel equal treatment for religious student groups. Singling out one form of student speech for discriminatory treatment violates the most fundamental maxims of free speech.

Logic notwithstanding, just weeks prior to the *Mergens* decision, the Ninth Circuit Court of Appeals in *Garnett v. Renton School District No. 403* denied a student religious group the right to meet on campus during noninstructional time. The presence of at least fifteen other nonacademic student clubs, including a bowling club, dance squad, minority student union, ski club, sky club, and girls' club, had no apparent effect on the court. It found: (1) that no limited open forum had been created, (2) that equal access would violate the Washington state constitution, and (3) that recognition of the student religious club was not mandated by the free speech or free exercise clauses of the U.S. Constitution.

Admittedly, equal access might violate a state constitution that reads, "No public money or property shall be appropriated for or applied to any religious worship, exercise, instruction, or the support of any religious establishment" and "All schools maintained wholly or in

part by public funds shall be forever free from sectarian control or influence." It is, however, the U.S. Constitution, not the Washington state constitution, that is the "supreme law of the land" (see the Constitution of the United States of America, Article VI).

Why all this fuss about a group of high school students wanting to gather before or after school for prayer or Bible study? Do opponents of equal access really think that secondary students are going to be stampeded against their will into joining such a prayer group? That's about as likely as a group of high-schoolers being stampeded into wearing three-piece suits or listening to the Chuckwagon Gang. It simply isn't going to happen.

Religious free speech advocates can take consolation in the fact that the U.S. Supreme Court is almost certain to uphold their claim. Several justices have filed individual opinions in support of the equal access concept, and Justice Sandra Day O'Connor (the critical "swing" vote on many church-state cases) stated in her concurring opinion in *Wallace v. Jaffree* that by creating a forum, "a state does not necessarily endorse any activity that might occur during the period." More recently, Justices Brennan, Marshall, and Blackmun noted their dissent when the court refused to hear the appeal of an equal-access-type case arising out of California. All of this is to say that the equal access concept, when addressed by the Supreme Court, is likely to pass with flying colors.

Well it should. Discriminating against speech solely on the basis of its religious content smacks of an hostility toward religion against which Justice Arthur Goldberg warned in his concurring opinion in *Abington v. Schempp* 26 years ago:

It is said, and I agree, that the attitude of government toward religion must be one of neutrality. But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. □

REVIEWS



The Restructuring of American Religion

By Robert Wuthnow. Princeton University Press: Princeton, N.J., 1988, 374 pages. \$25.00.

The *Restructuring of American Religion* is the first book in a series of studies on church and state issues to be published by Princeton University under the editorial guidance of John F. Wilson. This series, designed to apply various academic disciplines of study to investigate church and state questions, begins with Robert Wuthnow's sociological look at religion in America since 1945. Professor of sociology at Princeton, Wuthnow is a careful and astute observer of American culture and religion. His current effort will stir interest among religion and sociology scholars alike.

Wuthnow writes in an extended narrative form and does not spare the documentation. Readers will be amazed at the variety and depth of his resources. Through twelve chapters, Wuthnow makes three major points: denominations are declining in significance; there is a deepening chasm between religious liberals and conservatives; and civil religion and technology are significant in contemporary American religion.

The contention that denominationalism is declining in significance is subject to debate. Nevertheless, his arguments make an important contribution to the discussion. Wuthnow finds social class differences separating denominations less significant currently than in the past. He lists regional differences as another component which in the past contributed to the maintenance of denominationalism. These regional distinctions have declined markedly with the increase of mobility. Several other factors cited in his analysis on the decline in the significance of denominationalism include the rising level of education among church goers, the increasing levels of switching denominations by church members, a significant rate of intermarriage which blurs denominational distinctions, the ecumenical movement, and the increasing number of special interest groups which cross traditional denominational lines.

In its second major contribution, this book identifies the increasing division since 1945 between religious liberals and conservatives. In the past, such divisions may have been related more to denominational identity, but in the twentieth century, denominations are more and more being composed of a variety of religious perspectives than in the past. Cross-denominational special interest groups based on ideology are being employed by religious conservatives as a strategy to bolster support and concentrate their power. On the other hand, there have been a number of factors which have worked to strengthen religious liberals. Increasing economic health, higher levels of education, professionalism, and advances in science and technology are identified as liberalizing trends and favor churches and groups that have been categorized as "liberal." Wuthnow does not see these tensions disappearing in the near future.

The last major point of the book arises out of the prominence of civil religion and technology in the American religious experience, particularly in the latter half of this century. Most interesting and perhaps the newest of these ideas is the observation that technology has become the legitimizing myth for America. Asserting that America is losing preeminence in the world on economic and military grounds, Wuthnow observes that our unique contribution to the world has been technology, according to the apologists and government spokespersons. While somewhat afield of the original intent of the book, here is an area fertile for its varied religious implications. One might wish to have seen the significance of technology as a legitimizing myth on religion explained in greater detail.

Over all, *The Restructuring of American Religion* is an insightful and well-documented book. The immediacy of its subject matter ordinarily would make a

sense of historical perspective very difficult to achieve. Thanks to extensive research and the application of the discipline of sociology to the questions of church and state relations, Wuthnow is able to offer a solid beginning to the Princeton church and state series. □

Jeffery Warren Scott

Reviewer

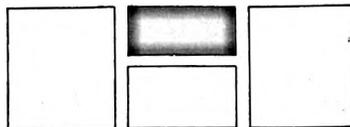
Jeffery Scott is pastor of Wisconsin Avenue Baptist Church, Washington, D.C. He is in the midst of preparing his doctoral thesis, tentatively titled "Child and Elder Abuse: A Challenge to the Clergy-Penitent Privilege."

1989 RELIGIOUS LIBERTY DAY PACKET

free!

Send today for a poster and other materials to assist your church in developing a Religious Liberty Day emphasis around the theme "Restless for Religious Liberty—Baptist Contributions to the American Tradition." Religious Liberty Day is the first day of worship in June!

News in Brief



All Baptist prisoners of conscience in USSR released; victory for religious liberty

WASHINGTON

Government and other sources have reported that all Baptist religious prisoners of conscience in the Soviet Union have been released.

During a recent briefing for human rights advocates, U.S. State Department officials confirmed reports that all Soviet religious prisoners have been released. Similar confirmation came from the Commission on Security and Cooperation in Europe — known as the Helsinki Commission — and Keston College in Kent, England, which monitors religious freedom in Eastern Europe.

During 1987, 265 prisoners, including 116 Baptists, were held in the Soviet Union because of their religious beliefs, reports indicated.

"Baptists and other believers everywhere should rejoice in this major victory for religious liberty," said James M. Dunn, executive director of the Baptist Joint Committee, who attended the State Department briefing. "All who worship him who came 'to preach deliverance to the captives' have a visceral identification with those who are prisoners for the sake of their faith.

"Great joy and satisfaction is ours in their release. We praise the Lord for answered prayer and pledge anew to dedicate ourselves to the free exercise of faith in all lands."

The BJC, which since its founding in

1936 has brought pressure on numerous governments to recognize religious freedom as a fundamental human right, has worked for the last two years for the release of the Soviet religious prisoners.

Dunn and another Baptist — Olin Robison, president of Middlebury College in Vermont and one of the country's acknowledged experts on the Soviet Union — met in September 1987 with then-Secretary of State George P. Schultz to discuss amnesty for the prisoners. They continued working with Schultz and his staff to advance negotiations with the Soviets for the prisoners' release.

Another BJC staff member, Victor Tupitza, spent a six-month study leave in Germany and England researching the issue. Since his return, Tupitza has been a member of the Ad Hoc Religious Freedom Committee in Washington, working toward release of the religious prisoners.

The BJC also has worked closely on the issue with the Helsinki Commission and its chairman, Rep. Steny H. Hoyer, D-Md. Hoyer is a Baptist layman.

Last October, members of the BJC adopted a position statement on religious liberty in the Soviet Union. The BJC commended that nation and its leader, Mikhail Gorbachev, for making "progress toward religious freedom," including an increase in the number of prisoners granted amnesty or prison term reductions. □

Needs among Soviet Baptists vary from literature to support for emigrants

WASHINGTON

Although no Baptist religious prisoners remain incarcerated in the Soviet Union, needs still exist there, said a Baptist who works on Soviet issues.

Baptists in the United States can help Soviet Baptists in several ways, said John Finnerty, a staff member of the Commission on Security and Cooperation in Europe, or Helsinki Commission.

Many Soviet Baptists want to stay in that country, Finnerty said. The biggest need among those Baptists is literature, including Bible commentaries and children's literature, as well as Bibles, he said.

Finnerty recalled a conversation he

had with a pastor in the Soviet Union last November.

"The pastor told me that the greatest problem for Soviet Christians is no longer the KGB," Finnerty said. "He said the problem is that he and others are hesitant about their ability to teach others. They have lots of faith, but not much to study."

Finnerty also suggested visiting the Soviet Union and Baptists there as often as possible.

In addition, Christians in the United States should keep members of Congress aware of their interests in these issues, Finnerty said. "Doing so not only lets Christians in the Soviet Union know we care about them as brothers and sisters

in Christ, but it also lets the Soviet government know we have an eye on this situation," he explained.

Other Soviet Baptists desire to emigrate, Finnerty said, adding that Baptists in the United States can take action on their behalf also. Baptists here first should learn about the law and its application and then should write their elected representatives, citing the appropriate sections of the law, he said.

A third category of Soviet Baptists is comprised of people who already have left the Soviet Union. More than 3,400 Baptists and Pentecostals emigrated from the Soviet Union during 1988.

The sudden increase in Soviet emigrants has resulted in the placement of many of them in refugee camps in Vienna, Austria, and Rome, Italy, said G. Keith Parker, Southern Baptist Foreign Mission Board area director for Europe.

The SBC Foreign Mission Board is considering ways to assist the refugees, Parker said. A major need is helping Soviet emigrants adjust to the shock of being in the Western world and develop realistic expectations about life there, he noted.

"Their needs are not just physiological, but psychological and spiritual," Parker said. "They need help learning about what to expect in the West, such as that along with freedom they will have the responsibility for their own needs." □

Man forced to grant wife Orthodox Jewish divorce

CHICAGO

For the first time in Illinois church history, a judge has ruled a man must grant his wife an Orthodox Jewish divorce as well as a secular divorce even though he does not practice the Orthodox form of the religion.

Cook County Circuit Judge Julia Nowicki ruled that Kenneth Goldman must grant the Orthodox bill of divorce, called a *get*, because he had agreed to enter into an Orthodox marriage contract, called a *ketubah*, as well as a secular marriage when he and his wife, Annette, married in 1979.

The judge said Goldman had submitted himself voluntarily to the jurisdiction of Orthodox doctrine when he signed the *ketubah*, which also stipulates a dissolution should take place under Orthodox doctrine.

Without the *get* Annette Goldman would be unable to remarry.

Judge Nowicki made her decision in an oral ruling in which she said Goldman could have a proxy go through the forty-five-minute ceremony if he did not want to attend. (Chicago Tribune) □

County can retain park with religious sculptures

LOS ANGELES

A California county's ownership of a park that features sculptures depicting the life of Christ does not violate the First Amendment, a federal judge here has ruled.

"Nothing that I have heard from the evidence convinces me that there is . . . any motive of governmental endorsement of religion," U.S. District Judge David W. Williams wrote in upholding San Bernardino County's ownership of the 3.5-acre Antone Martin Sculpture Park.

The county acquired the park in 1961 after the death of its founder. Five San Bernardino residents of different religious outlooks filed suit against it on the ground that the religious nature of the public facility offended them.

In his ruling, Williams noted the county had erected a sign disclaiming endorsement of religion when it took over the park. He said it is "more like a museum in content and display than a public park." □

Protection of children outweighs parents' rights

PHOENIX, Arizona

Declaring that the protection of children outweighs the right of parents to practice their religion, a superior court judge here has refused to order a new grand jury hearing for a Christian Science couple indicted on child abuse charges in the death of their twelve-year-old daughter.

Judge Ronald Reinstein turned down a plea by lawyers for John and Catherine King that the couple were denied a fair hearing prior to their indictment by a county grand jury last November.

The judge said Arizona law "recognizes a compelling state interest in the protection of children that outweighs such things as the parents' right to practice their religion, at least where a child's medical condition is grave or seriously impaired." (RNS) □

City council puts limits on size of new churches

PLYMOUTH, Minnesota

The city council of this Minneapolis suburb has voted to limit the size of new churches in residential areas in an effort to cut down on traffic congestion and noise.

The ordinance, which includes a partial grandfather clause for existing churches, passed the council by a 4-1 vote.

New churches, under the ordinance, will be unable to have sites exceeding forty acres, and buildings, driveways, and parking lots will not be allowed to cover more than sixty percent of a new church's property.

Under the grandfather clause, the city's twenty-four existing churches do not have to comply with either the acreage restriction or the lot coverage restriction. But existing churches that plan to expand their buildings or parking lots will have to comply with all of the ordinance's other provisions. (RNS) □

Officials stop sectarian prayers before events

CRESTVIEW, Florida

Officials of the Okaloosa County, Florida, school system have settled a lawsuit by deciding to stop the use of sectarian prayers before high school football games and other extracurricular events.

The suit was filed in November 1987 by a Jewish family that objected to the use of Christian prayers before high school football games.

Prayers still can be offered before extracurricular activities under the new Okaloosa County policy, but they must now be nonsectarian.

"We can pray in God's name," said the board's attorney, "but we will not pray to Mohammed. We will not pray to Buddha. We will not end a prayer in the name of the Father, the Son, and the Holy Ghost, or in Jesus' name." (RNS) □

Nallys appeal court's clergy malpractice ruling

LOS ANGELES

The couple who filed what has been described as the country's first clergy malpractice suit have appealed to the U.S. Supreme Court following the California Supreme Court's dismissal of their petition.

In rejecting the suit by Walter and Maria Nally against Grace Community Church of Sun Valley, California, the state court ruled last November that people who are not licensed as counselors or therapists cannot be held legally liable for failing to provide proper care or advice.

The Nallys sued the church because their son, Kenneth, committed suicide in 1979 after receiving counseling from members of the church's staff. But State Supreme Court Justice Malcolm M. Lucas said the California legislature "has recognized that access to the clergy for counseling should be free from state-imposed counseling standards."

Edward Barker, the Nallys' attorney, said the state court's ruling "was a backdoor way of saying that the First Amendment prohibits our suit. I think that entitles the U.S. Supreme Court justices to decide if they want to hear the case."

Church attorney David Cooksey said he was surprised at the decision to appeal because "the case was decided on state tort law and not on constitutional law." He added that "with the U.S. Supreme Court we have now, I don't think it will touch this case." (RNS) □



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THE BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS AND INDEED ALL BAPTISTS IN AMERICA, ARE GREATLY ENCOURAGED BY THE PROGRESSIVE SPIRIT THAT CHARACTERIZES THE PROPOSED LAW ON FREEDOM OF CONSCIENCE NOW UNDER CONSIDERATION IN THE SOVIET UNION, IN OUR RELATIONSHIPS WITH OUR BAPTIST BROTHERS THERE, WE HAVE LEARNED FIRST HAND OF THAT NEW SPIRIT AS THEY ACKNOWLEDGE GREATER FREEDOM OF WORSHIP, EASE OF RECEIVING CHRISTIAN LITERATURE, AND THE PRIVILEGE OF SERVING THEIR SOCIETY IN HOSPITALS AND IN CARING FOR CHILDREN FROM EARTHQUAKE STRICKEN ARMENIA,

NOT WITH PRESUMPTION BUT WITH GENUINE CONCERN FOR OUR BAPTIST BROTHERS AND FOR ALL THE PEOPLES OF THE SOVIET UNION, THE BAPTIST JOINT COMMITTEE ENCOURAGES YOU, MR GORBACHEV, TO BRING THE USSR TO FULL COMPLIANCE WITH DOCUMENTS YOUR GOVERNMENT HAS SIGNED FOR THE GUARANTEES OF HUMAN DIGNITY, THE HELSINKI FINAL ACCORDS OF COURSE, AND NOW WITH THE COMMITMENTS AS CONTAINED IN DOCUMENTS SIGNED IN VIENNA. WE FORESEE THE TIME WHEN TRUST BETWEEN CITIZENS AND NATIONS WILL OVERCOME ALL PREVIOUS SUSPICIONS AND HOSTILITIES,

JAMES H DUNN, EXECUTIVE DIRECTOR
BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS
WASHINGTON DC USA

Roger L. Shinn

Dr. Shinn teaches at Union Seminary in New York. The article is excerpted from an address on "Christian Faith and Public Policy" delivered in Washington, D.C. at the 1988 annual conference of the Christian Life Commission of the Southern Baptist Convention.

Faith and State in Conflict

STRIVING FOR SOLUTIONS

The community of faith cannot surrender its conscience to the state. Yet, government cannot recognize every claim of dissenting individuals to act for God.

There can never be a final solution to the potential conflicts between religious faith and the public order. The community of faith cannot surrender its conscience to the state. Yet, government cannot recognize every claim of dissenting individuals to act for God. We can make some valid efforts to sort out the authentic heroes of conscience and the criminals who defy the state. But we cannot finally solve the problem of conflicting authorities. Prophetic individual and religious communities will never grant the government absolute authority in matters of ethics; civil communities and government will never grant total freedom to dissenters who endanger the common good.

If we examine the First Amendment, we see some problems in it. The first is that the guarantee of "free exercise" of religion is not absolute. Churches, like other institutions, must obey the laws. Another problem is that the second of the two provisions of the First Amendment — "no establishment" — sometimes conflicts with the first clause. Suppose, for example, that Muslim children believe that at designated hours they should unroll prayer rugs, face Mecca, and pray audibly. Either the school can deny them religious liberty or allow them to do it — which the courts have ruled is an establishment of religion. Thus, the First Amendment sometimes sets us an insoluble conflict, one which gives an unlimited agenda to courts, legislators, religious communities, and individuals.

In the North American situation, it is clear, religious communities cannot seek to legislate an establishment of religion. For the most part they welcome that as good, both for society and for religion. But they can, like everybody else, try to influence the public process and legislate some ethical standards. It would be ridiculous to try to stop them.

Imagine public authorities confronting a demonstration on any of the many subjects people demonstrate about these days. Imagine the police saying, "All of you who are here for religious motives raise your hands. Now, you go home, and keep your religion out of politics. Everybody else can stay and exercise their constitutional right to freedom of speech and assembly."

That would be a political absurdity and a violation of religious liberty. But

not all mixtures of religion and politics are just or wise. Consider two examples of perplexity. The first is from Roman Catholicism in Latin America. Pope John Paul II wants to endorse the cause of poor people who have been oppressed by governmental tyrannies and economic exploiters, yet not identify too closely with revolutionary movements that, like all political movements, have mixed constituencies and mixed motives. So the Pope has said that the Church in Chile should, like the Church in the Philippines, struggle for human rights against a dictatorial government. But he has criticized priests who identify the Christian gospel with a particular political program. Whatever my differences with some of the Pope's judgments, I can understand his effort to affirm both the involvement of God in human life and the transcendence of God over all particular movements. I find it significant that Gustavo Gutierrez, the most impressive of the theologians of liberation, has the same double concern.

My second example is the debates in the United States during the 1984 presidential campaign. Campaign speeches usually are designed to get votes rather than to clarify issues, so it is not surprising that they were extremely inadequate. Ronald Reagan, on one occasion, declared that religion and politics are "inseparable." But then, under questioning, he retreated from that position, acknowledging important distinctions between the two. Walter Mondale, by contrast, made one speech calling for sharp separation of religion and politics. Then, under questioning, he retreated, saying that religion had justifiable influence on politics. Nobody really sorted out the issues.

Looking again at Catholicism, we see another interesting example. (I mention Catholicism because its positions are more easily identifiable than the positions of most churches). For the U.S. Roman Catholic Bishops, concerns about nuclear war, poverty, capital punishment, and abortion form a "seamless robe," as some of them have said. Unfriendly critics of their pastoral letters, *The Challenge of Peace* and *Economic Justice for All* argue that the bishops should keep religion out of politics. Some of the critics approve the bishops' opposition to abortion, but dislike their statements on nuclear war and the economy. Other

critics take the opposite stance, cheering the bishops' criticisms of the arms race and the economy, while faulting their views on abortion. All of us, whatever our agreements or disagreements with the bishops, have to keep thinking about the perplexing relationship between religious belief and public policy.

If you now begin to guess that I do not expect ever to see a final solution to the perplexities of the relation between religion and public policy, you are right. But, as Reinhold Niebuhr said so often, democracy is a way of seeking proximate solutions to ultimately insoluble problems.

As a society of diverse people, we have to live together. Most of us want to live together. Since all of us have convictions about the social good, which ones do we try to implement politically, and which do we not? And how do we relate our beliefs to people who disagree with us?

Some distinctions are helpful. Law is more appropriate to govern behavior than to govern the spirit. It is more relevant to public than to private life, to the common life than to the cult of the religious community. Such distinctions help, but they are not precise, not clear cut. There is great help if both religion and public policy include a commitment to freedom and a respect for diversity. Then, if you and I differ, I do not compromise my faith by letting you differ; I affirm my faith by affirming your freedom. That helps, but it doesn't solve everything.

So I reaffirm a thesis that includes two inseparable propositions: Religious faith, taken seriously, influences political beliefs and acts. Religious faith cannot neglect the common good. It is bound to influence the politics of believers. Yet, there is an important distinction between religious conviction (above all, Christian faith) and public policy. Caesar is not God, not when Caesar is some external authority and not when we are Caesar. We must not identify God with our nation or our political cause. Abraham Lincoln gave us the telling phrase, "this nation under God." Congress, I sometimes think in a moment of absent-mindedness, legislated that phrase into the Pledge of Allegiance to the flag. Perhaps it's unconstitutional. I would not want to see it enforced. But I believe it is profound.

From that basic thesis — affirming the

relationship and the distinction between religion and public policy — I draw three further propositions.

1. There are many occasions for a religious community to ask its members to make their own political decisions in the light of their faith and understanding. It will not expect agreement even within the religious community, but will urge its members to take seriously the meaning of their faith for public policy. Rather than tell its members what to do, it will urge them to make their own decisions, but in the light of the shared faith of the church.

2. There are some occasions for a religious community to define specific acts of responsibility for itself and to try to persuade the body politic. In retrospect, we wonder why the church was so slow to do this in relation to slavery and racial injustice. We honor the Confessing Church of Germany for opposing the Nazi idolatry. We see that the World Alliance of Reformed Churches, declaring apartheid a heresy, suspended the membership of South African churches that support apartheid. There, churches did not simply urge their members to make their own decisions in the light of their faith; they said, as churches, that their faith required specific public acts.

3. The religious community will not expect the body politic to become the community of faith — short of the messianic age or kingdom of God. But it will seek to incorporate in public life something of the spirit of the age to come. For example, the Christian church, when faithful to its heritage:

- will seek justice, not simply its own interests or the interests of its members, or the prominent class among its members;
- will show concern for human rights of everybody, especially those who are denied rights;
- will act for the poor and needy, and will advocate public policies that help the least privileged;
- will search for policies that support world community, not one nation, one class or one religion;
- will seek peace, without "crying 'peace, peace,' when there is no peace."

These things I believe. Do I expect them to solve the issues of the Christian faith and public policy? No. I expect that our grandchildren will continue testing their faith on issues like these. □

Quoting

Jesse Jackson
Moscow News

MN: In your sermons you appeal for mutual love among nations. Can tolerance, common sense and culture serve as substitutes for love in the complicated nationalities problems?

JJ: *Perhaps there's no substitute for love. The opposite of love is not hatred, but indifference. We must overcome the indifference to each other's suffering and hardships, regardless of faith, national temperament and convictions.*

MN: Given the American experience, what would you warn Soviet people about?

JJ: *The Soviet Union is experimenting to have a challenging press, competitive elections, and a democratic process of competition for leadership. Once these freedoms are achieved they must be used. Freedom is a living organism. Unless you nurture it, it will atrophy. Keep working to expand freedom, but do not use freedom to be decadent or self-destructive.*

MN: What ways do you see for drawing the United States and the Soviet Union closer together?

JJ: *Our relations are more encouraging today than they have been for years. Mr. Reagan and Mr. Gorbachev began meeting frequently and moved on with the process of arms reduction. Mr. Bush sent his son and grandson to Armenia, and recently called Mr. Gorbachev. These are good and healthy signs. But beyond the president-to-president relationship, there must be government-to-government and people-to-people relationship, for example, joint ventures in space development, more church-to-church, student-to-student, culture-to-culture, mass media-to-mass media contacts, so that the ancient barriers between the U.S. and the Soviet Union can come down and our two superpowers can use their combined efforts to relieve tension in Afghanistan, Central America, southern Africa and the Middle East. □*



Proposed USSR Law on Freedom of Conscience will grant religious entities legal status

Two draft versions of a Soviet Union Law on Freedom of Conscience, one written by Soviet Jurist Yuri Rozenbaum and the other by the chairman of the Council of Religious Affairs (CRA), Konstantin Kharchev, were reviewed by Keston College researcher John Anderson.

Keston College is recognized for its high calibre of work in the area of religious freedom and human rights in eastern Europe. Anderson, who serves as a research specialist on Eastern Europe, based his analysis and comparison of the two documents on primary sources published in the journal *Soviet State and Law (Sovetskoe gosudarstvo i pravo)*.

He pointed out that the "CRA version speaks of the need to bring the continuing application of Leninist principles into line with 'the contemporary stage of development of Soviet society.'" On the whole, Anderson found this draft to be rather vague and ambiguous.

Rozenbaum's version, he said, "reveals a greater precision in its wording and is accompanied by a commentary." Both documents, according to Anderson, only begin to alleviate the criticisms of existing legislation made by believers, although some clauses are open to differing interpretations.

Anderson, in a point by point critique of the two versions, made the following observations:

- Freedom of conscience appears to have a broader interpretation, entailing not only the right to profess any or no religion (CRA document), but also 'to propagate religious or atheist views' or 'to carry out religious or atheist education (Rozenbaum). CRA claims that this right is exercised 'in accordance with the Constitution, although Article 52 of the 1977 Constitution defines freedom of conscience in terms of 'performing religious worship or carrying out atheistic propaganda.'

Rozenbaum pointed out that this constitutional formulation has been criticized on the grounds that it puts believers and atheists in an unequal position and stated that the 1918 and 1925 constitutions permitted 'freedom of worship and antireligious propaganda.'

- Both versions include strongly worded guarantees against discrimination on

religious grounds and prohibit bringing any civil or criminal cases against citizens simply on grounds of their religious faith.

- Both versions restore to religious organizations the right of "juridical personality." This means that for the first time since 1918, churches will be recognized as legal entities with guaranteed rights and protections.

- Regarding religious education, the documents are unclear. Article 3 of the CRA versions speaks of the right of parents or those substituting for them 'to ensure the religious and moral education, and the teaching of their children in accordance with their own convictions.'

Article 17 of the 1929 Law on Religious Associations allows religious education of children only in the home and only by parents, and prohibits any form of group study of religion among adults. Now, says Anderson, it should be possible to set up adult study groups and to organize catechism classes or Sunday Schools in private homes or attached to places of worship. It will not be possible, however, to establish church related schools.

- The two versions appear to give greater scope to charitable activities and literature production, though neither makes this latitude explicit. The CRA draft speaks of the right of all citizens to 'freely acquire and use' religious literature in the language of their choice.

- A more significant change (CRA) states that while religious convictions cannot be used as a means of avoiding one's civil obligations, 'exceptions to this can be made in terms of exchanging one civic responsibility for another, with each case to be decided in court.'

- The bulk of both versions of proposed legislation deal in some detail with the way in which religious organizations come into being and function. The old law spoke of there being two types of 'religious associations,' 'religious societies' and 'religious groups.' The CRA draft describes all religious institutions from parish to Patriarchate as 'religious organizations.'

At the local level, religious societies are set up by a group of ten adult citizens who apply for registration with the local Soviet. If they are refused, they may appeal to the 'state organs of the

USSR for religious affairs.' Many believers will be unhappy with the continuing requirement that religious societies must register with the state, viewing it as the appearance of a sanctioning act rather than the simple recognition of an existing community.

- The CRA draft permits rites and ceremonies to be held in private homes and suggests they can also be performed in hospitals, old peoples' homes and prisons, with the relevant institution's permission. Interestingly, neither draft makes clear whether such rites must be performed by clerics belonging to registered congregations or whether, for example, Ukrainian Catholics or unregistered Baptists would find themselves liable to prosecution for conducting services in private apartments.

- Both draft versions comment on the need for changes in the way legislation on freedom of conscience is monitored. Rozenbaum suggests this should be left to the local Soviets and the legal organs away from the centre; the CRA version, less explicit as to what form its successor should take, refers simply to the 'state organ for religious affairs.'

- Rozenbaum's draft includes three articles on the right to atheistic convictions and education which spell out in far more detail than is the case for believers the rights to which atheists are entitled.

Anderson's analysis concludes that although neither draft explicitly permits many of the activities believers would like to become involved in, many of the 1929 bans on their activities are absent. In a climate where it is said that in Soviet society everything not expressly forbidden is permitted, the new law seems likely to be a significant improvement on its predecessor.

He cautions that one must express certain reservations about the ambiguous phrasing of some of the CRA draft and notes that while Gorbachev has stated his desire to create a 'law-governed state,' many officials remain reluctant or psychologically unable to commit themselves to such a formula. For this reason, party politics seem likely to remain more important in the immediate future than does the law. □



'West most resistant to Christian faith' — Newbigin

RUSCHLIKON

World-recognized missiologist Lesslie Newbigin, former missionary with the Church of Scotland and bishop of the Church of South India, told a Missions Emphasis Week gathering here that "western society is among the most resistant to the Christian faith."

The bishop told the International Baptist Seminary congregation that "Christianity is a growing force in great parts of Africa and Asia, whereas in Europe on the whole, the church is declining in membership."

Newbigin, however, recognized "some very important exceptions" to this statement, listing as one example the Soviet Union. "There we find the churches full," he said, "but that is a different kind of situation from western Europe."

The Institute for Mission and Evangelism of the seminary brought Newbigin to the Swiss campus for a series of three lectures on the theme, "Europe As a Mission Field."

In his lectures, which some found "too philosophical," the bishop countered that it is precisely European philosophy and modern culture themselves which must be challenged by the Gospel if the West is ever to be won.

The bishop accused the seventeenth century Enlightenment of "teaching us to doubt everything and always having to know 'why?'" But, he cautioned, "you cannot discover the purpose of a watch by examining its parts."

The problem, he says, is that modern culture has divided life into a dichotomy: a private world of values and a public world of facts. Faith, according to Newbigin, has been relegated to the private sector only. The Christian faith should challenge this dichotomy, rather than allowing this secularized philosophy to go unchallenged.

In spite of the serious decline of the Christian faith in western Europe, Newbigin is not at all pessimistic. "Pessimism and optimism are totally inappropriate words for talking about Christianity," he declared.

"It is simply a question of whether you believe or whether you don't believe. To the believer the idea of pessimism [in relation to the church or the gospel] is absurd." □

Political unrest in Burma closes Baptist colleges

RUSCHLIKON

All schools in Burma, including twenty-six Baptist Bible schools and colleges, have been closed since July 1988 because of the tremendous upheaval caused by political strife and because of student protest and uprisings.

The Burma Institute of Theology in Rangoon and the Myama Institute of Christian Theology are degree-granting institutions that reported the possibility of being closed for up to two years.

A consequence that concerns a Burmese student studying in Switzerland is the likelihood that schools teachers will be receiving no salary. He reports that inflation is another problem which is creating great difficulties. □

So. Africa church halts salary of white cleric

JOHANNESBURG

The Dutch Reformed Church, church of the South African establishment, has suspended the salary of a white minister and college lecturer who is an outspoken opponent of the apartheid system of racial segregation.

Stiaan van der Merwe, a lecturer at the Theological College Justo Mwale in Lusaka, Zambia, has been told his salary will be suspended until the "breach of trust" between him and the Dutch Reformed Church has healed.

van der Merwe is a member of the largely black Reformed Church in Zambia, a Dutch Reformed mission church. He played a key role in drafting a statement last May that condemned the Dutch Reformed Church and the South African government for their racial policies and called on specific measures for their dismantling.

Currently on two years' unpaid study leave, van der Merwe is pursuing a doctorate at the University of Western Cape. □

NEWS-SCAN

The "Rainbow Project" of the Presbyterian Church in Taiwan, having already focused on the problem of prostitution in that nation, has broadened its concern to include international aspects of prostitution. The personal plight of those drawn into prostitution — chiefly young women from poorer countries who illegally enter prosperous countries like Japan — is often relieved through employment opportunities . . . Christian artists and musicians are invited to the Ninth International Seminar of Christian Artists Europe August 7-12 in Rotterdam, The Netherlands. Promotion of Christian art and music and the utilization of Christian artists and musicians in evangelistic and ministry projects remain the chief purpose of the organization. Workshops designed for (classical to rock) music and other media (drama, dance, etc.) will be supplemented by lectures . . . The new revolution afoot in the Soviet Union has spilled over into other countries in eastern Europe: Christians in the USSR can now offer volunteer social services; for the first time in years, Baptist leaders in Poland and Czechoslovakia were allowed to attend a conference in the West accompanied by their wives; Polish Baptists will carry out evangelistic projects August 1-20 under the aegis "Love Krakow"; Bible distribution in some socialist countries has become so commonplace it fails to make headlines; and in Hungary, a Baptist Sunday School Board and the Hungarian National Youth Committee have been reorganized, after lapse of some forty years . . . American Baptist General Secretary Daniel Weiss is among the U.S. church leaders who have issued a statement calling for an end to U.S. support for political or military factions in El Salvador. "Our call is consistent with the positions of our own churches and denominations who, since the 1980s, repeatedly have called for an end to the U.S. role in the civil strife in El Salvador, an end to military aid, and have favored a negotiated political solution to the civil war" . . . The South African Council of Churches, which is funded heavily by overseas organizations, will not comply with a proposed bill requiring disclosure of foreign funding sources if the measure is enacted into law. □

—Church & States

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FLORIDA: A Winter Garden church is in trouble because of a city charter provision that prohibits businesses within 1,200 feet of a school or church from selling liquor.

Although the provision was intended to protect schools and churches, it now is being invoked to force a church to move.

Last September, the forty-member Oakview Baptist Church began renting a storefront office. But that office was within 1,200 feet of Bernie's Liquors, a store and lounge that has been in operation for more than twenty-four years.

The city attorney gave a legal opinion that the church is in violation of the charter.

The church's pastor said it would be a hardship for the congregation to move because it had only \$5 in its treasury after paying the February rent. The pastor, a school bus driver, receives no pay from the church.

PENNSYLVANIA: An independent Pentecostal pastor says local authorities have singled out his worship tent for "heavy-handed and unusual special handling" because his congregation is not mainstream.

But officials of Bensalem Township deny the charge made by the pastor of the Faith Oasis Bible Church.

The 450-member congregation was granted a one-year permit to erect a tent on eleven acres of property in 1987.

Following an examination by health and safety inspectors, township officials reported the tent and trailers presented "numerous life-threatening code violations" and "were not fit for human occupancy." The township revoked the temporary permits and has demanded the church file new land-development plans.

The church has filed a suit against township officials, saying the issue is one of freedom of worship. □

Wall, from page 5
steady secularization of the public schools; the parents of Catholic and Jewish children who attended these schools were troubled by their Protestant overtones. By 1892, Protestants withdrew from the contract with Indian schools made possible by Grant's peace policy, and Francis Paul Pruka saw Protestants as "preferring to lose their own meager benefits than to see the Catholics profit." And Keller's summary was that "not until American Catholicism began to grow in size did 'strict separation' become a Protestant constitutional doctrine."

The "wall" of Jefferson's metaphor of 1802, written into constitutional interpretation in 1879, rose higher and higher as the twentieth century dawned. The

Register Citizen Opinion 1989

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year 1892, when Protestants withdrew from the contract schools, may be seen as a turning point in the understanding of the relations between religion and government.

A climax in nineteenth century trends was reflected in the Supreme Court decision involving the Church of Holy Trinity that held this was, indeed, a Christian nation. A shift in emphasis, clearly evident by 1897, however, was that institutions of religion and those of government, including public and private schools, be decisively separated. The trend was to continue into the twentieth century.

A Wall, Still Higher

This historical background brings us to the years when the Supreme Court began to raise the wall even higher, especially in the 1940s and on into the 1980s. Dramatic change came when the Supreme Court acted in two instances to extend the Fourteenth Amendment (meant to secure the rights of newly freed black people) to all the states and by implication to all the arms of government. The court accomplished this in 1940 by incorporating the "free exercise" clause into the Fourteenth Amendment, and again in 1947 when in *Everson v. Board of Education* (school busing case) it made the "no establishment" clause applicable to the states and all other offices of government. Many regard the history of the elevating of the wall as actually beginning with the *Everson* decision, but the whole story becomes clearer when we see it from a larger perspective. □

Cooperation with the larger family of faith calls us not to lose our identity in a melting pot, but to be a part of the 'tossed salad'

REFLECTIONS

James M. Dunn
Executive Director



The "preacher" wrote, "I set myself to study and survey thoughtfully all that goes on under heaven," proclaiming himself the first sociologist of religion. Then he added "a sorry task this toil." (Ecclesiastes 1:13, Moffatt) It is a "sorry task" and painful. The "preacher" knew that, too. He went on to say in Ecclesiastes 1:18, "the more you know, the more you suffer. The more you understand, the more you ache." The pain falls upon anyone who would raise the question, specifically, "who are those who wear the label, 'Baptist.'"

But sociology largely has failed religion in general and Baptists in particular by not helping us with self-understanding. We have been understudied, we have not been passive, patient or willing subjects, more like a tank of eels.

We may be exposed just enough educationally to know that we need the exercise of a scientific study of religion but not be expert enough to do it. It is true that a little learning is a dangerous thing, but all over the land, wherever two Baptists get together, we face not just the inevitable parlor talk of political change, but we all engage in painful denominational psychotherapy.

Bill Leonard points out that "(q)uestions of theology cannot be separated from parallel issues of cultural and denominational instability." Leonard has analyzed the Southern Baptist identity crisis as coming from cultural pluralism that "challenges the remaining myth of Southernness and religious pluralism that presents new alternatives to denominational programs." We live in a day "when it is increasingly difficult to determine what it means to be Southern and what it means to be Baptist."

Hence, this warning in sociologese is needed: "Any group must have goals to match its task and structure in order to preserve the integrity and genius of the particular organization's self-concept."

Beyond the pain and our lack of qualifications for a cool assessment of our plight, many of us have been too busy with the alligators to survey the swamp. We are not, however, without the work of Martin Marty, Walter Shurden, Leon McBeth and Bill Leonard who have put a sociological spin on their history chore. I'm especially indebted to the splendid work of Nancy Ammerman and to Ross Sherer for his attempt to sort out North American denominations by organization types. It's almost as if he did his study to help all Baptists figure out the landscape.

We deal here with who we *are*, who we *ought* to be and who, by the Grace of God, we can be. It's essential to develop some tools, some symbols to lay hold on reality. We come, then, to sociology's ideal types, which are not to be judged as true or false but judged by whether they are useful. Yet, the ideal types set out by Sherer are useful in understanding who we are and what we're doing.

Sherer suggests more than the traditional rational and natural categories. He offers four models for denominations: Market, Clan, Mission and Bureaucracy. He further offers the axiom that "the more organizations embody mixtures of elements, the greater their survival powers." We can see ourselves in a quick look at these four types.

1. The Market depends upon the consumer, the law of supply and demand: sales, outreach, "a million more in

"54." But more than that, it includes the demand for a religion that cares about peace and justice, Christian social ethics and a Gospel applied in the marketplace. Whether evangelism, social gospel or both, it is a matter of offering what's called for that constitutes and permeates the "market." Positively stated, the market-type is colored by exchanges, is open to environment, in tune with the times. The market also can be merely reactive, driven by events, shaped by the situation.

A particular consumer demand of Baptists is the preservation of our heritage. We always have insisted upon retelling our story, conserving our distinctiveness, maintaining a conservatory. Isn't it ironic that many today who claim a conservative heritage are precisely the people most disrespectful of our roots, most oblivious to who we have been as a despised, rejected minority? And among them are some who want desperately to control the Baptist Joint Committee.

2. A second ideal type is the Clan.

The clan is the extended family. All who belong are really a part, involved. Membership characterizes the clan. There is a sense of loyalty. Behavior is marked by a high degree of reciprocity. Some suggest that Baptists are more tribal than clanish, with geography distinguishing some more than others.

Leon McBeth has given us a fascinating description of Southern Baptist history along tribal and territorial lines. There is, no doubt, much truth in his insight. I personally can testify to the reality as a tamed Texas megalomaniac, or as McBeth refers to us, a "jalapeno Baptist." I lived the first 48 years of my life in the world of Texas Baptists and I mean the world — quite self-sufficient and self-contained. Bigger was better. "Does it work?" was the important question, and tradition be hated, if there is a new more efficient way, "walk ye in it!" Then, for the last nine years, I've lived and worked on the East Coast where we seem to engage in "en-small-ment", not "en-large-ment" campaigns. But even in Baptist churches, people seem to be as concerned about faithfulness as effectiveness.

We need each other because we are more different dispositionally and culturally than we're willing to admit. These days I am often asked, as I'm sure you are: What is it that keeps Southern Baptists together? The flippant answer is "the Annuity Board." There is more truth to that as a symbol than we might think. Economic investments — corporate as well as personal — do play a part. That's not all evil.

Beyond that, other glues that keep all Baptists as clan together are indissoluble ties: missionaries who are *our* brothers and sisters and classmates, seminary students, *our* kids and the men and women from *our* churches who keep asking hard questions about their Baptist future; professors, whom we cannot ignore because they are meaningful shapers of our lives. The real super glue, therefore, is of flesh and blood.

3. A third type is the Mission, marked by a common sentiment and a depth of vision. Shared purpose characterizes the Mission type. If anything binds us together it is who we

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purpose, in our hearts, to be.

William Temple said "since we cannot deny the existence of power, we must be good stewards of it." That concept can be extended: because we cannot deny the existence of the opportunities and challenges that reside in our common calling, we must manage them well. Soul freedom evokes and ennobles a new role for the laity. A vitality for the local church will come only as she is self-determining. Cooperation with the larger family of faith calls us not to lose our identity in a melting pot but to be a part of the "tossed salad" — a better figure of speech. Without that it is not voluntary cooperation at all. The servant role of leadership recognizes that the phrase "ruling pastor" is an oxymoron and no person who thinks he is one is worthy of the label, "Baptist."

We see the church as a divine-human institution and the state as a humanely ordered, divinely ordained structure for all our good. But we refuse to sacralize the secular or secularize the sacred. We Baptists have rejected through the years as utter silliness the idea that "the men who wrote the Constitution intended the United States to be a Christian Union." Rather, separation of church and state has served as the corollary and guarantor of religious liberty. Hence, we despise politicians who would manipulate and use church mechanisms, who promise government permission or prescription for prayer in schools, and who would tempt us with tax dollars for our parochial schools.

4. A final ideal type of organization in American denominations is Bureaucracy. Bureaucracy speaks of efficiency, control and structure. Whatever else we do as Baptists, we organize, budget, promote, elect committees, plan, structure. It's in our genes. It's not all bad. Bureaucracy answers the question raised by Market and

Clan and Mission, "How do we serve the market, satisfy the consumer, confront the environment? How do we fulfill our shared sense of mission?" Bureaucracy is an attempt to answer.

Some proximate conclusions in pondering our ambiguities:

1. Rationality and intentionality must be the hallmarks of our identity and not reaction and definition, merely by "who we're not" more than who we are.

2. Baptists increasingly will be a coalition of dissimilar elements — the cultural and religious pluralism of our day guarantees that. Traditional ethnic churches are using innovative ministries to reach out to other nationality groups, attesting to our nature as a soul-freedom people and not as rock-bound and isolated entities.

3. Yet, functions of size, age, geography and leadership order the relative strengths of the ideal types differently. All evidence bureaucracy, then market, mission and clan. The only new questions involved deliberate and informed self-awareness and the relative dominance of each motif.

4. Finally, Bill Leonard expressed it well when he wrote, "Historically, dissent is what Baptists do best. Perhaps we can now begin to speak in terms of establishment Baptists and dissenting Baptists, not fundamentalists or moderates. As the persecuted minority, moderates must be re-energized ... in reassertion of that most Baptist tradition: dissent." (*The Christian Century*, Sept. 10, 1986).

Baptists of all hues, theological leanings and sociological destinies can and should remain Baptist in our dedication to the integrity of individual faith experiences, the independence of congregational self-reliance and the dedication to dissent as a Baptist contribution to religious freedom.

Free people everywhere keep standing for freedom. That inevitably involves dissent. □

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