

# REPORT from the CAPITAL

## THE AMERICAN BAPTIST BILL OF RIGHTS

### *A Pronouncement Upon Religious Liberty*

No issue in modern life is more complicated than the relation of organized religion to organized society. The sudden rise of the European dictators to power has changed fundamentally the organic law of the

governments through which they exercise sovereignty, and as a result, the institutions of religion are either suppressed or made subservient to the ambitious national programs of these new totalitarian states.

### *Baptists Opened the Door of Religious Liberty*

Three hundred years have passed since the establishment under Baptist leadership of the first civil government in which full religious liberty was granted to the citizens forming the compact. The original document, preserved in the City Hall, Providence, Rhode Island, is a covenant of citizens. "We, whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active or passive

obedience to all such orders or agreements as shall be made for public good for the body in an orderly way, by the major assent of the present inhabitants, masters of families, incorporated together into a town fellowship, and such others whom they shall admit unto themselves, only in civil things." These four concluding words opened wide the door to religious liberty.

### *Baptists Stress Spirituality*

The principles that animate the activities of the Baptists, principles which they hold clearly to be taught in the New Testament, are the worth of the individual, the necessity of the new birth; the preservation of Christian truth in Christian symbols; spirituality, or the free pursuit of Christian piety; the persuading of others through personal testimony, by the life of example, the preaching of the gospel and the creation of Christian institutions, to the end that the unbelieving will be reconciled to God

through a personal faith in Jesus Christ, the organization of groups of obedient believers into churches of Christ, democratic in the processes and theocratic in the principles of their government, and the continued uplifting of human society through the Spirit of Christ and the ideals of His Kingdom, having as its final objective the establishment of the eternal, unchanging purpose of Almighty God in the hearts of men and the institutions of mankind.

### *Today Baptists Feel Constrained to Declare Their Position*

Since every session of the Congress considers legislation that raises the question as to the relation of the Federal Government to the institutions and the agencies of religion, and since recently many tendencies have appeared that involve the freedom of religion and conscience, and

furthermore, since there are some state constitutions which do not have embodied in them the Bill of Rights of the Federal Constitution, American Baptists feel constrained to declare their position and their convictions.

### *Citizens of Two Commonwealths*

We acknowledge ourselves to be citizens of two commonwealths, one earthly, the United States, the other heavenly, the Kingdom of God, and we claim the right to be good citizens of both. We recognize the sovereignty of the State and we give allegiance to the State, but we cannot give to the State the control of our consciences. We must obey God rather than men.

The government resorts to coercion, we use persuasion. The government has authority over the acts of its citizens, we have to do with motives. The business of the government is to make good laws; our business is to make

good citizens who continue to demand the enactment of better laws, embodying higher and still higher ethical standards. The end of governmental administration is equal justice under law. The end of our endeavor is the establishment of the will of God in the hearts and institutions of men. If one of us accepts an office in the government, he recognizes it not only as a public trust, but also as a divine entrustment; for the powers that be are ordained of God. In a democracy like ours, it is possible to be a loyal American and a devoted Christian. This is true because religious liberty is an essential part of our fundamental law.

### *Defenders of Religious Liberty*

Believing religious liberty to be not only an inalienable human right, but indispensable to human welfare, a Baptist must exercise himself to the utmost in the maintenance of absolute religious liberty for his Jewish neighbor, his Catholic neighbor, his Protestant neighbor, and for everybody

else. Profoundly convinced that any deprivation of this right is a wrong to be challenged, Baptists condemn every form of compulsion in religion or restraint of the free consideration of the claims of religion.

*We stand for a civil state, "with full liberty in religious convictions"*

Unanimously Passed at the Annual Sessions of  
The Southern Baptist Convention (May 20, 1939)  
The Northern Baptist Convention (June 21, 1939)  
The National Baptist Convention (September 20, 1939)

**SOUTHERN BAPTIST HISTORICAL  
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# REPORT from the CAPITAL

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

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**Cover:** The American Baptist Bill of Rights, A Pronouncement Upon Religious Liberty, was unanimously passed at the 1939 annual meetings of the Southern Baptist Convention, the Northern (American Baptist Churches, USA) Baptist Convention, and the National Baptist Convention, Inc. That document sets forth the objectives and ideals for their new creation, the Baptist Joint Committee on Public Affairs.

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BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS  
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## Our Heritage, our Buoy

"**R**ough Waters for Mainstream Protestant Churches," reads the title of a recent study by the Lilly Endowment. This study on American Protestantism, written by a team of journalists, notes that denominational loyalty may no longer carry the weight it once did. Why? For one reason, denominations are failing to educate new generations in their rich heritage. The erosion that threatens the membership and institutional well-being of these denominations also may jeopardize the preservation of their historical and theological distinctives.

Baptists, fortuitously, so valued their commitment to religious liberty and church-separation that over the past 53 years ago they set aside some of their differences to begin a cooperative work in the nation's capital. And among the services it renders its constituents, the Baptist Joint Committee on Public Affairs maintains a pronounced emphasis on education in religious liberty — through its National Religious Liberty conferences, brochures, first-hand news coverage of government, the annual Religious Liberty Day observance, and this newsmagazine. More than just a reminder of Baptist spiritual/historical antecedents, religious liberty is integral to our self-identity as proponents of unfettered conscience.

Law professor Carl Esbeck, in an article written during a teaching sabbatical in England, presents a "Case for Disestablishment" in which he reviews an example of established religion, in principle and in practice, and finds it wanting. Establishment at the least lacks on three counts. Christianity best thrives in the soil of free conscience. Sincere belief cannot be advanced through the coercive efforts of state or church. Civil government, with no competence in things spiritual, cannot determine the truth or error of belief, says Esbeck, while a state church risks its credibility by its attachment to a particular party or political agenda. When culture and Christianity wed, patriotism and faith commitment march hand-in-hand.

Lenten season calls attention to one of the poignant biblical incidents, Jesus confronting ecclesiastical and governmental authorities. In a sermon, David Henry (pastor, ABC/USA) voices his concern over the misuse of political power, citing such authority as a grant of God for the proper ordering of society; especially for justice. To speak of separation would be anachronistic, yet this paradigm tells something about the dichotomy between religious and secular law and language. Kings and kingdoms, Pilate fails to see, vary in the allegiance due them. Pilate's inability to understand Jesus demonstrates the state's inability to mediate in matters of spiritual consequence.

Reminders: First day of worship in June: Religious Liberty Day Observance — "Walking in Christ, Living by Faith." October 1-3: the 22nd National Religious Liberty Day Conference — "Freedom's Spiritual Roots — Baptists and the Bill of Rights." □

Victor Tupitza

● **A JUDGE HAS** overturned a ruling by city officials that Volunteers of America is not a church.

The ruling a year ago by Denver's zoning administrator attracted national attention because religious leaders objected to government officials defining what activities are religious.

Volunteers of America planned to move its church and social service operation to a new location, but a neighborhood organization objected.

Zoning officials rejected the group's plan, contending the organization is providing food, clothing, and other services for the needy, which they said represent social service -- not church -- functions.

Denver District Judge Connie Peterson ruled that Volunteers of America is a church. She said the zoning officials' "narrow approach cannot stand constitutional review." (RNS)

● **THE OREGON SUPREME** Court has upheld a ruling that two YMCA fitness centers in Portland are not charitable and, therefore, not exempt from property taxes.

The unanimous decision means that the YMCA must pay about \$750,000 in taxes and interest dating back to 1985. Tax exemptions for eight other YMCA centers in the Portland area are not affected.

Justice Edward N. Fadeley, who wrote the opinion, said each property must qualify separately for exemption.

One of the fitness centers gave free or reduced-price privileges to five percent of its members, and the other accorded them to fewer than eight percent. Fadeley said those figures are too little for the centers to be "actually and exclusively occupied or used in charitable work."

The court, however, did not set a percentage of charitable work needed for tax exemption. (RNS)

● **SEVERAL FAMILIES AT** Briarlake Baptist Church in Decatur, Georgia, say Christian students at an Atlanta high school are being harassed for their faith.

The Fellowship of Christian Athletes has

been barred from meeting after school at Henderson High School and has been told it must drop the word "Christian" from its name to participate in any school activities.

Members of the organization who distributed flyers at school advertising their meetings were told the practice was in violation of school rules. One student was given a written reprimand that said, "Any further occurrence of possession of Christian material could lead to suspension of some type."

A spokesperson for the Dekalb County schools said the school board has no policy on such matters. "There is absolutely no basis for preventing any student from possessing and reading religious literature on his own time," he said.

An attorney with Christian Advocates Serving Evangelism, said he is working with several Briarlake Baptist families to pressure the school board to draft a policy that spells out the rights of students regarding their religious faith. (RNS)

● **A MINNESOTA COUPLE** who abducted and attempted to "deprogram" their daughter because they believed she was a member of a religious cult pleaded guilty to false imprisonment charges and were sentenced in Minneapolis.

The couple accepted a plea bargain that placed them on three years' probation after which the felony conviction will be reduced to a misdemeanor. (RNS)

● **THE BAPTIST JOINT** Committee is sponsoring an essay contest for students in grades nine through twelve.

The essays are to focus on the theme "Freedom's Spiritual Roots: Baptists and the Bill of Rights." Essays should be between 800 and 1,200 words and must be received by the BJC by July 20.

The contest winner will receive an all-expense paid trip to Washington for the BJC's National Religious Liberty Conference October 1-3.

Students, teachers, and other interested individuals are encouraged to write the BJC for official contest guidelines.

# A Case for Disestablishment

A virtuous people  
with the moral  
restraint to enable  
self-government may  
be an offshoot of  
the church's task,  
but its foremost  
purpose is to  
proclaim its Lord.

While severance from the Church at Rome was the result of Henry VIII's desire to marry Anne Boleyn, the Church of England has its origin in the Elizabethan Settlement of the mid-16th century. Four significant elements of that establishment remain. First, any measure enacted by the General Synod must be submitted to Parliament for approval. Second, the Prime Minister appoints the archbishops at Canterbury and York and the diocesan bishops. Third, the two archbishops and 24 senior bishops sit in the House of Lords. Fourth, constitutionally, the monarch is 'Supreme Governor' of the Church and "Defender of the Faith." As such, the monarch must be in communion with the Church of England and, upon taking the throne, declare that he or she is Protestant, will uphold the Protestant succession, and take no Roman Catholic consort.

Each of these four elements has generated controversy. For example, last July, the House of Commons rejected a synodical measure concerning the ordination of divorced men and men married to women previously divorced. In November, the General Synod rekindled the feud by voting to resubmit the issue to Parliament. As is her prerogative, in 1981 the Prime Minister named the Bishop of London even though he was not first-listed by the Appointments Committee of the General Synod. More recently, the inconsistency did not go unnoticed between the Queen's role as Supreme Governor and the Archbishop of Canterbury's suggestion in October 1989 that the Anglican Communion recognize the universal primacy of the Pope. And in 1993, it can be anticipated that the explosive Priests Measure (Ordination of Women) will be submitted to Parliament.

Although these four elements would be cast off, disestablishment need not entail the loss of the Church's houses of worship, other property, or endowments. While freedom from intervention by Parliament and the Prime Minister would presumably be welcomed, this new freedom would be exchanged for

the loss of representation in the Lords and loss of the imprimatur of the crown on the Church's place in English society.

## Making the Case

The case for disestablishment entails both prudential reasoning and rules of principle drawn from Christianity itself. Turning first to reasons of prudence, one begins with the rather commonplace truism that Great Britain is at present a religiously diverse state, and becoming more so with time. Given the commitment to democratic pluralism and political self-determination, the state cannot hope to represent the desires of England's multireligious citizens and continue unabashedly to favor Church of England Protestant Christianity. The Church's own census released in October indicates that for 1989 a mere 1,591,000 Britons appear on its electoral rolls. On an average Sunday, only 2.5 percent of the population (one in 40 Britons) attend one of the church's worship services. Empirical data from 1987 reveal that 34 percent (one in three Britons) indicate that they have "no religion," a figure exceeded in the West only by The Netherlands. Thus, not only does the established Church represent few of the citizens that have a religion, it has had little (perhaps a negative?) effect in maintaining a nominal Christian hold on the populace.

During the reign of Elizabeth I, the Second Act of Supremacy (1559) "by law established" the Church of England. In the Elizabethan Settlement, the Church was an institution marked above all by Protestant inclusiveness — the idea of

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The author is professor of law at the University of Missouri. This article was written when Dr. Esbeck was in London teaching at the Academy Institute for Foreign Study.

which was that those of differing theological emphasis can nevertheless share one church, provided that no single tenet is stressed so as to unchurch those who disagree. Although void of profound theological insight, the Settlement was ingenious political realism. While reducing domestic sectarian strife, the Protestant unity symbolized by the church acted as a bulwark against Roman Catholic ambitions centered in Spain and France. But what was *real politick* for its day is a 20th century anachronism. Conceived in political expedience, neither tradition nor familiarity is an adequate rationale for clinging to this historical relic.

The *Times* ("The Mind of the Commons," October 21, 1989) editorialized in favor of what it termed "creeping disestablishment." This concedes in principle that the church should be disestablished but disagrees on the matter of timing. The newspaper argues that it should continue only at a "slow and steady pace in step with the gradual movement of public feeling." The latter point assumes little harm is done by delay and implies the evolution to complete disestablishment will be smooth. However, experience has been to the contrary. The piecemeal dismantling of the establishment has been one of lurching from crisis to crisis with consequent damage to the Christian message and loss of respect for political institutions. While initially painful, the radical surgery of a thoroughgoing disestablishment offers a more promising prognosis than to suffer the death of a thousand minor wounds.

### Voluntaristic Religion

The reasons of principle rooted in Christianity that augur for disestablishment arise from an altogether different 16th century development. Beginning with the Reformation, there has evolved in the Western world an understanding of authentic Christianity (indeed, authentic faith in any religion) that presupposes voluntary adherence, not coercion, however subtle. Two centuries later, the secular Enlightenment with its celebration of individual conscience must be credited with routing many remaining vestiges of Constantinianism. Although the welding of state and church yielded grudgingly in the West, sincere religious belief is now presumed to be a matter of persuasion, not privilege or position.

Belief or disbelief in God is a matter of free will, withdrawn from the reach or influence of civil authorities. The depth of the West's acceptance of the concept of an individual's zone of spiritual autonomy can be seen in the surprise and then aversion to the rise of Islamic fundamentalism in the Middle East or calls for a Hindu state in India.

Influenced as it is by the common

cause of Armenian Protestantism and the Enlightenment, in the West churches are now left to attract members by force of persuasion and the appeal of their doctrine, not by the sponsorship of state. It is inconsistent, then, that the church through its well-positioned client, the established Church, should continue to strive for the preservation and propagation of its own special interpretation of Christian Protestantism.

### A Limited State

A natural correlative to the first principle — voluntaristic religion — is that civil government has no competence in matters of creed, nor is the state equipped to determine any one system of Christian belief as more true than other denominations. However, the establishment of the Church of England necessarily implies that other Christian beliefs are less true, or, when conflicting, that the doctrine of others is heresy. But Christianity, indeed theism in general, limits the authority of the state because sincere religious faith refuses to recognize the state's sovereignty as ultimate. Christianity posits another sovereignty — God — that is beyond, before, and transcendent over the state. To be sure, this God is understood to have ordained the state in order that it might maintain civil peace and restrain the excesses of sin. But God also sits in judgment over the pretensions of power and infallibility of the modern nation-state. Since the state's authority is thereby limited, government is understood to have no jurisdiction over the confessional beliefs that compromise the very core of Christianity, or any other religion, for that matter. The universal Church is understood to be God's instrument for determining, preserving, and propagating the Gospel of Jesus. St. Paul described this Church as the very "Bride of Christ." How is it, then, that we can explain the Church "by law established" having become the consort of the state?

### Cultural Christianity

In addition to the fundamentals of a limited state and voluntaristic religion, there is the danger of cultural Christianity. This is the confusing of genuine faith with pride in tradition, love of country, and the indicia of entering into the full citizenship of a nation. Cultural Christianity is the elevating of certain ceremonies, holidays, and other habits of a nation, all good in themselves, to the level of the sacred. Concomitantly, it can be seen when baptism, confirmation, and the marriage and the burial ceremonies are regarded not as sacral events but rites of passage in proper English life. In its extreme form, sociologists term it "civil religion," which comes about when the predominant religion

has identified so closely with state and national self-identity that patriotism and nationalism march hand in hand with spirituality.

Cultural Christianity causes harm both abroad and at home. The universal Church has duties that transcend state

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boundaries. Peoples abroad have resisted the Gospel of the State Church because they mistook it as an instrument for advancing the cultural hegemony of Empire. Domestically, cultural religion anesthetizes a state's own citizens from squarely confronting Christ's call to accept or reject in faith his claim as Saviour and Lord.

### Political Shackles

The final reason or principle that argues for disestablishment is that a state church is always more vulnerable to having its ministries redirected to means and ends dictated by government policy. Surely, the ministries of the Church of England must be guided by its scriptures, as best its lights understand the counsel of the canon's revealed truth. Direct government intervention by Parliament or No. 10 Downing Street is manifestly unacceptable in an age when there can be no serious claim that the sovereign in the form of Parliament is a "godly Prince" to be trusted in spiritual matters.

If the Church of England hopes to restore Christianity's prior influence on public life, including shaping government policy, it must first unshackle itself from state control. Try as it might, the institutionally subservient state church inevitably is reduced to chaplaincy echoing the political rhetoric or either the left or right. Whenever the church is seen as closely attached to a particular party or political agenda, it risks being discredited by the turn of historical events. To effectively function in its rightful priestly and prophetic roles, both affirming and calling into account developments in secular society, the Church must be perceived by those it hopes to influence as

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## VIEWS OF THE WALL

Oliver S. Thomas  
General Counsel



**"C**lergy malpractice" has raised its ugly head again.

Many of us had hoped that the dismissal of *Nally v. Grace Community Church* by the California Supreme Court would be the death knell for the inchoate theory, but a recent decision by the Ohio Court of Appeals has put clergy malpractice back in the news.

Admittedly, the Ohio case (*Byrd v. Faber*) is a difficult one. An Adventist minister is accused of becoming sexually involved with a woman who, along with her husband, had come to the minister for counseling. While the Ohio courts are understandably sympathetic with the plaintiffs in such cases, they need not create a new, constitutionally suspect tort theory to remedy the problem.

All counselors are under a fiduciary duty to act in the best interests of their counselees. A counselor who exploits that relationship to his advantage, sexual or otherwise, may be subject to liability under a number of established torts, including outrageous conduct, breach of fiduciary duty, or, in extreme cases, sexual battery. The fact that a particular counselor also happens to be a clergyman is immaterial as long as the alleged misconduct is not compelled by sincere religious belief. Since I know of no religious organizations whose doctrines require sexual exploitation of counselees, a free exercise defense in these cases is inappropriate.

The intentional nature of the minister's misconduct also should take it outside the "scope of employment," thereby absolving the church of any liability under principles of agency. In short, the minister and the minister alone should be held liable — but under established, generally applicable tort theories, not clergy malpractice.

The theory of clergy malpractice is fraught with insurmountable practical and constitutional problems. As Douglas Laycock of the University of Texas law faculty has candidly observed:

Tort liability for spiritual counseling is dubious tort law and outrageous First Amendment law. ... In most of these cases, duty and standard of care are vague, causation is wholly speculative, and harm is vague, self-inflicted, or both. Such issues invite ... crushing liability on unpopular faiths. But even if jurors were never biased, such liability would violate religious liberty in many ways.

Malpractice, which by definition

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means that a person has fallen below the established standards of conduct for a particular profession, raises at least four difficult questions when applied to clergy. Professor Carl Esbeck of the University of Missouri identified these four concerns in his 1986 article "Tort Claims Against Churches and Ecclesiastical Officers: The First Amendment Considerations" that appeared in Volume 89 of the *West Virginia Law Review*.

First, what is the clergy's duty, and what civil authority is capable of defining it? Since pastoral counseling is a spiritual enterprise, courts would appear wholly incapable of establishing standards of conduct for its governance. Indeed, judges would seem no more competent to determine the standards of care for ministers, priests, and rabbis than to determine whether prayer is efficacious for healing the sick.

Sam Ericsson, lead counsel in *Nally*, underscored the difficulty of constructing a duty for clergy:

The difficulty facing the courts in constructing a duty in these cases is amplified by the confusion and lack of definition as to what falls within the parameters of spiritual as opposed to psychological or psychiatric counseling. What is the nature of the problem plaguing the counselee? Is it "poor mental health" or "poor moral health"? And how shall a court determine, as a matter of law, whether a counselee's problem is "sin" related or its psychological equivalent? How can one draw the line and where should it be drawn?

Second, when does the duty arise? What does it take for a person to become a minister's counselee and thus be entitled to these additional legal protec-

tions? Once again Ericsson aptly notes the problem:

Does ["spiritual counseling"] include the one time, five-minute emergency telephone call that pastors and counselors may receive in the course of their day from distressed individuals, members as well as nonmembers of their congregations? Does it include confessions? Or is "spiritual counseling" limited to formal office visits where a pastor or other counselor counsels, notebook in hand, at a scheduled time, on a regular basis, over a long period of time? In the *Nally* case, the complainant alleged that the church staff failed to make themselves available to the counselee when he requested their counsel and guidance. The courts will thus be called upon to determine the scope of a church's duty to be available to counselees.<sup>2</sup>

The California Court of Appeal's attempt in *Nally* to answer this question is woefully inadequate.<sup>3</sup> Particularly poor is that section of the court's opinion that seeks to explain when the duty does not arise. Despite its well-intentioned effort to relieve anxieties, the court's words actually create a church counselor's nightmare:

We emphasize this duty does not extend to personal friends [whom] emotionally disturbed people may consult for advice and counsel about their problems. Unlike counselors — therapists and non-therapists alike — the ordinary person has not held himself out as possessing any expertise in treating emotional problems and invited a special relationship of dependence with seriously disturbed individuals. Similarly, it is easy to distinguish "teen hotlines" or analogous services which only offer short-term "band aid" counseling since they have not undertaken a sufficient "special relationship" with the counselee to justify imposition of a duty to prevent foreseeable suicides. Nor do we hold a duty arises when a parishioner approaches a pastor after morning services for some casual advice about his emotional problems.<sup>4</sup>

Although the key to the puzzle seems to be a "special relationship," the court does not, and most likely could not, explain what that is.

Consider the church elder who tries to help a struggling couple with their failing marriage, or a deacon who assumes responsibility for the spiritual, emo-

# Quoting

Vladimir Shevelov  
Moscow News

tional, and physical needs of a specified group of church families. Presumably, either situation could give rise to a "special relationship."

Third, who has the duty, and will it vary with the ecclesiastical office? Here, too, Ericsson ably troubleshoots the problem:

All religions identify various positions, offices, or titles reflecting a person's authority and service. For example, the Roman Catholic Church has nuns, mother superiors, brothers, fathers, priests, bishops, cardinals, and the Pope. Protestants identify ministers such as evangelists, pastors, elders, deacons, deaconesses, youth ministers, and Sunday school teachers. Other religions have their apostles, prophets, rabbis, vicars, divine masters, seers, and even presidents. The relationship a counselee has with a counselor may depend upon the nature and function of the office of the counselor. Arguably, the various offices of a given faith are not to be treated legally alike in counseling cases, any more than all those in the medical profession are treated alike in medical malpractice cases where it makes a difference whether the person is a nurse, surgeon, orderly, anesthesiologist, or laboratory technician.<sup>5</sup>

Professor Esbeck points out yet additional pitfalls: "If the legal duty varies with the nature of the church office, the scope of training, and the expectations of church members or the counselee, then the civil courts cannot help but find themselves probing deeply into the forbidden terrain concerning the spiritual duties of an ecclesiastical office and interpretation of religious dogma. Further, if diverse standards of care are to be applied, then the law of torts will vary from church to church. The equal protection difficulty with such an approach is obvious."<sup>6</sup>

Finally, the imposition of a legal duty on clergy to perform in a particular manner may well violate the free exercise clause of the First Amendment. The Supreme Court has clearly ruled that the validity or invalidity of religious belief, practice, or speech, cannot be reviewed or determined by the courts. Rather, the courts are limited to deciding whether such belief, practice, or speech, is sincere.

For these reasons, the Supreme Court of Ohio (which has agreed to hear the case), should join the other courts

The oversimplified, barracks atheism, which we are trying to shake off, has done our country a lot of harm. There have been times in history when an atheistic stand demanded uncommon courage and spiritual strength; a man makes up his mind to argue with the heavens, with God and with standard public opinion. But not so long ago atheism in our country didn't call for any courage or special conviction — it was an established rule of conduct, nothing more. To be considered an atheist it was enough to learn several basic quotations and to use them to expose believers.

Admittedly, the numerous atheistic lectures and booklets didn't have any particular effect on anyone. But they somehow justified their lawless attitude toward believers. And this demoralized the whole of society. People got accustomed to living in the world of double dealing: on the one hand, they proclaim freedom of conscience, and on the other, brand believers as defective, preventing them from enrolling at institutes and engaging in charitable activity. Sometimes they are tried and imprisoned for their convictions.

A destroyed church is a scar on the soul of a believer. But a desecrated church depraves, drains the spirit, and embitters the souls of those who destroy it, or simply did nothing to prevent its demolition.

So much effort and ink was wasted on proving that religious morality is imperfect. We were persuaded that the precepts "you shall not commit murder," "you shall not steal," are mere prattle. We have a man, they allege, far better than the one religious morality created. Under the slogan of the struggle against religion and the church, human values — kindness and mercy — were rejected. They "prevented" the emergence of a new man. Meanwhile,

throughout the country which have uniformly resisted the invitation to recognize this ill-founded, unnecessary, and constitutionally suspect cause of action. To that end, the Baptist Joint Committee, along with the American Jewish Congress, Christian Legal Society, National Association of Evangelicals, and National Council of Churches, has filed a "friend of the court" brief in the case. Stay tuned. □

## End Notes

<sup>1</sup>Ericsson, *Clergyman Malpractice: Ramifications of a New Theory*, 16 Val. U. L. Rev. 163, 166 (1981).

<sup>2</sup>*Id.* at 169-70.

<sup>3</sup>*Nally v. Grace Community Church of the Valley*, 240 Cal. Rptr. 215 (1988).

<sup>4</sup>*Nally*, 240 Cal. Rptr. at 227.

<sup>5</sup>Ericsson, *supra* note 4, at 170-71.

<sup>6</sup>Esbeck, at 83-4.

the crime rate grew in the country: careerists, liars, and bribetakers flourished, the wall of estrangement between man and society, man and man, grew and grew.

Now, it seems to me, society has enough wits and common sense to realize all this before it is too late. Now, there is less conceit in assessing the successes, and more soberness in assessing the difficulties. Repentance, tolerance, mercy, confession, temptation, are notions coming into general use.

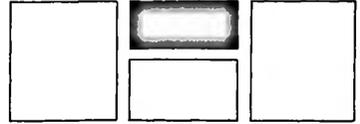
Society which has proclaimed the principle of freedom of conscience in actual deeds, hopes to see in a church (of all religions) an equal participant in the reforms going on in the country, moral reforms, first and foremost, without which no progress is possible regarding nature, family, and ethnic relations — everything that gives us an acute sense of alarm. The efforts of all public forces are to be united, and the church, with all its experience and prestige, is to have a major role in this. □

Dale Brown  
*The Plough*

At a meeting of Evangelicals for Social Action a speaker from Peru by the name of Samuel Escobar (currently a professor at Eastern Baptist Seminary, Philadelphia, Pennsylvania), caught my attention when he said that the only choice Christians have in South America is to become Marxist or Anabaptist. Afterwards, I went up to him and said, "Can't you be a Christian and be something else? Why do you say what you did? Who taught you about the Anabaptists?" He replied: "Well, you don't have to be taught this. If you are a Christian and interested in the poor, there are only two choices. One is to try to overthrow the oppressive structures by coercion and the other is to become a faithful, suffering community. Can you think of any other choice? One option is to use violence in order to help the poor; the other option is to become a suffering community, which is to become Anabaptist as I understand it historically." ...

So when you think of base Christian communities, you are thinking of a wide-spread phenomenon. What they have in common is a much greater expression of the priesthood of all believers. Their leadership evaporates; they are too poor to have priests; they begin taking over the church, sometimes the church buildings. □

# News in Brief



## Groups urge rejection of 'clergy malpractice'

WASHINGTON

A group of religious organizations, including the Baptist Joint Committee, has asked the Ohio Supreme Court to reject the legal theory of "clergy malpractice."

Filing a friend-of-the-court brief with that state's high court, the organizations argued such a theory is "fraught with insurmountable practical and constitutional problems."

At issue is whether clergy malpractice suits may be filed against pastoral counselors.

Last fall, the Ohio Court of Appeals reversed a trial court decision that dismissed charges of professional negligence against Richard P. Faber, a Seventh-day Adventist pastor. The appeals panel held legal action may be taken against a pastoral counselor if that counselor is negligent in treating a patient.

The dispute arose when Leroy and Garnet Byrd, a Knox County, Ohio, couple, charged Faber with using information he gained during counseling sessions with them to induce Mrs. Byrd to have sex with him against her will. The Byrds also claimed the Seventh-day Adventist Church knew or should have known of Faber's inclination to commit such acts and thus was negligent in allowing him to assume the role of pastor.

In their brief, the BJC, American Jewish Committee, Christian Legal Society, National Association of Evangelicals, and National Council of Churches said applying the claim of malpractice — which means falling below the established standards of conduct for a particular profession — to clergy raises difficult questions.

The first question, according to the brief, centers on who is to define the duty of the clergy.

"Since pastoral counseling is a spiritual enterprise, the secular courts are particularly ill-equipped to establish standards of conduct for its governance," the groups wrote. "Indeed, it is no more the business of courts to determine the standards of care for ministers, priests, and rabbis than to determine whether prayer is efficacious for healing the sick."

Clergy malpractice also would force courts to determine when a person

becomes a minister's counselee and, thus, entitled to additional legal protections and which church offices have counseling duties, the brief said.

In addition, mandating that clergy perform in a particular manner may violate the First Amendment's free exercise clause, according to the brief.

"The Supreme Court has clearly ruled that the validity or invalidity of religious belief, practice, or speech cannot be reviewed or determined by the courts," the groups wrote. "Rather, the courts are limited to deciding whether such belief, practice, or speech is sincere."

Pointing out that other existing legal theories could be applied in cases against clergy, the groups urged the Ohio Supreme Court to avoid the "creation of an unworkable" theory of clergy malpractice and "join the other courts throughout the country which have uniformly resisted the invitation to recognize this ill-founded, unnecessary, and constitutionally suspect cause of action." □

## Bush addresses nation, religious broadcasters

WASHINGTON

Recent changes in Eastern Europe and Panama serve as a tribute to the American concept of freedom, President Bush told the nation during his first State of the Union address.

"Remarkable events, events that fulfill the long-held hopes of the American people," he said. "Events that validate the longstanding goals of American policy, a policy based on a single, shining policy: the cause of freedom."

"America — not just the nation — but an idea, alive in the minds of people everywhere. As this new world takes shape, America stands at the center of a widening circle of freedom — today, tomorrow, and into the next century."

The president said the challenge for America is to take its democratic system — which he called "second to none" — and make it better. Building a better America, he said, means increasing jobs, expanding child care, improving the environment, strengthening the economy, providing equal opportunities, combating homelessness, improving schools, and fighting drugs.

Previewing many of the themes contained in his State of the Union address, Bush earlier in the week told participants at the National Religious Broadcasters

annual convention he will endorse policies that reflect the rights that "form the essence of America and that to other nations have become the message of America."

The president voiced his support for: — Helping parents obtain the best child care for their children. "But I want to ensure that parents, not bureaucrats, are the ones who decide how to care for these children," he said. "I will not see the option of religious-based child care restricted or eliminated."

— Enhancing and supporting the nation's schools.

— Encouraging adoption, not abortion. "I support the sanctity of life," he told the group.

— Passing a constitutional amendment "restoring voluntary (school) prayer."

Before citing examples of expanding religious freedom around the world, Bush told the religious broadcasters: "There is no denying that America is a religious nation. And sure, differences exist over sect and theology. And yet, you know that what unites us, eclipses what divides us. For we believe that political values without moral values — a moral underpinning — cannot sustain a people."

"I speak of the qualities of tolerance and decency, courage and responsibility, and, of course, faith. Values which remind us that while God can live without man, man cannot live without God."

Bush said he is convinced the nation can and will uphold those values. "For as Americans we always have," he said. "Consider that for more than two centuries America has endorsed — properly so — the separation of church and state, but it has also shown how religion and government can coexist." □

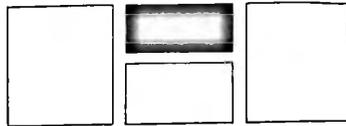
## Court refuses to hear emotional distress case

WASHINGTON

The Supreme Court has rejected an appeal by the Church Universal and Triumphant in a case the church claimed attacked its core religious beliefs and practices.

The dispute arose in 1980 when Gregory Mull, a San Francisco architect, sued the Santa Barbara, California-based church and its leader, Elizabeth Clare Prophet, for fraud and infliction of emotional distress.

In 1974, Mull, then 53, began attending the church, including a special two-



week training session at a church-owned facility. According to later charges, the training included sleep deprivation, separation from family and friends, fasting, colonics, and decreeing — a church practice similar to chanting.

Three years later, the church asked Mull to move to Calabasas, California, to help design a complex of church facilities that, according to church fund-raising materials, was to be the "New Jerusalem."

Mull later testified that during the time he worked on the "Camelot" project, the church failed to fulfill promises it made to him, including that it would make payments on his house in San Francisco. In addition, Mull said, the church falsely convinced him to sign two promissory notes.

After Mull left the church, Prophet publicly condemned him, and church members harassed him.

In Mull's suit against the church and Prophet, the jury held both defendants liable for \$521,000 in compensatory damages and \$521,000 in punitive damages. Mull died about three months later.

The California Court of Appeal affirmed the lower court judgment, and the California Supreme Court refused to review the case.

In appealing to the Supreme Court, attorneys for the church argued the First Amendment protects nonfraudulent religious speech and peaceful religious conduct. Thus, they said, the church should not be held liable for Mull's charges of fraud and emotional distress.

But attorneys for Mull's estate said it was not the church's religious beliefs that were under question but its conduct — including psychological and physical coercive practices — to obtain large sums of money from individuals. □

## Congress to resume debate on child-care legislation

WASHINGTON

As members returned for the second session of the 101st Congress, child care promised to remain high on the legislative priority list.

Since the Senate already has passed a comprehensive child-care bill, action now must be taken by the House of Representatives — where Democrats are divided over how to provide federal funding for child-care services.

Last fall, the House attached two versions of a child-care bill — one designed

by the Education and Labor Committee and the other by the Ways and Means Committee — to the fiscal 1990 budget-reconciliation bill. But when the measure went to conference with the Senate, House participants were unable to work out a compromise between the competing versions and finally stripped both from the reconciliation bill.

During the new session, the House Democratic leadership is faced with either forcing a compromise between supporters of the two approaches to federal child-care funding or allowing the dispute to be fought out on the House floor.

The conflict centers on whether the government should establish a new grant program or use the existing Social Services Block Grant to distribute federal funds for child-care services.

The Education and Labor Committee advocated establishing a new grant program that would provide funds for day-care programs for children under age 13. The funds would be distributed through the states, which in turn would give the money to eligible child-care providers.

In contrast, the Ways and Means Committee approved a proposal to increase the Social Security Act's Title XX block grant program. The increase would be earmarked for child care and could not be used to take the place of federal and state funds already being used for that purpose.

But even after the House works out a compromise on the child-care issue, that legislation must be reconciled with the bill already passed by the Senate.

The Senate child-care package would authorize \$1.75 billion in direct grants for payments to parents and child-care providers, as well as almost \$2 billion in tax credits to assist low-income parents with young children.

The final hurdle to enactment of child-care legislation will be the approval of President Bush, who has expressed concerns about the approaches being taken in the Senate and House. □

## Legislation would offer protections to disabled

WASHINGTON

As Congress begins its new session, members are expected to resume work on legislation that would extend broad antidiscrimination protections to the estimated 43 million Americans who have physical and mental disabilities.

The Americans with Disabilities Act

would give the disabled the same civil rights protections given to women and minorities under the 1964 Civil Rights Act.

The bill, which the Senate passed last fall, has been referred to four House committees. The Education and Labor Committee gave its approval to the bill just before Congress adjourned in November. It still must be considered by the Energy and Commerce, Public Works and Transportation, and Judiciary panels.

The Senate-passed version of the bill would apply to both public and private sectors but would include exemptions for religious organizations.

The bill would ban discrimination against individuals with disabilities in public accommodations, such as stores, restaurants, theaters, and office buildings. It would not require that existing facilities be modified but would apply to new facilities or existing facilities that undergo renovation.

But the measure excludes religious institutions or entities controlled by religious institutions from a list of categories of establishments considered to be public accommodations.

The ADA bill also would prohibit any employer — except those with fewer than 15 employees — from discriminating against any qualified individual with a disability. Employers would be required to make "reasonable accommodations" to the needs of a qualified individual with a disability unless such accommodations would impose an "undue hardship" on the business' operation.

The legislation, however, would allow religious organizations to exercise religious preference in hiring. It also would allow a religious organization to require all applicants and employees to conform to the organization's religious tenets.

The Senate version would protect people who have AIDS or the related HIV virus, but it would not include coverage for a wide variety of sexual practices, including homosexuality. It also would not cover current users of illegal drugs or alcohol.

The ADA bill now must receive approval by the three remaining House panels before going before the full House. Should the House-approved version differ from the Senate bill, the two would have to be reconciled before being sent on for the president's signature. □

# PILATE

## Authority and Injustice

**W**hat does the Bible have to say about the separation of church and state, about the relationship between the Kingdom of Christ and the kingdoms of this world? Why was Jesus brought before Pilate?

Pontius Pilate was a politician, the Roman procurator, or governor, of Judea from A.D. 26-36. Of course, he was not a politician in our American sense, having no need to run for election and to appease voters. Appeasement was a big part of his job, nonetheless.

Pilate was charged with the responsibility of keeping order in Jerusalem. He had to maintain firm Roman control and, at the same time, keep the people peaceful, tolerating as little discontent as possible. He had to maintain harmony between the various feuding, conflicting factions among the people. He had to keep the rebellious Zealots in check without inciting the rest of the people to rebellion. In short, he had to appease both his Roman superiors and his Judean subjects.

We know that Pilate occasionally resorted to brutality. Luke 13:1 makes reference to Galileans "whose blood Pilate had mingled with their sacrifices." It is possible that this refers to a Jewish protest against Pilate's plan to use funds from the temple treasury to build an aqueduct. Pilate put a violent end to that protest. Another similar incident led to Pilate's removal from his post in 36 A.D. You see, the Romans wanted to keep the Jews from joining the Zealots and staging a full-fledged revolution. Pilate's job was not to rule with an iron hand but to keep the peace in a delicate, volatile situation.

And, except for two or three isolated incidents, Pilate must have been pretty good at it, for he lasted 10 years in that post. Appeasement. Trying to please all of the people all of the time. This is the Pilate we encounter in the passion narratives: Pilate, the consummate politician.

Mark tells us that Pilate released Barabbas and delivered Jesus to be crucified in order to "satisfy the crowd" (Mark 15:15). John shows Pilate talking with Jesus, then out among a gathering of Jews, again with Jesus, back and forth. With each exchange his fear grew. If Pil-

ate did not execute Jesus, there very well might be a riot. Furthermore, letting a supposed rival king go free might not set well with his Roman superiors.

On the other hand, crucifying Jesus might also cause a riot — didn't Jesus ride into town to great acclaim only a few days earlier? Also, in spite of the charge that Jesus claimed to be the "King of the Jews," Pilate found him to be innocent of any wrongdoing. Executing an innocent man would surely get him into trouble with Rome.

There are some other similarities between Pilate and American politicians. Matthew tells us that Pilate's wife tried to influence his decision. That sounds familiar. Luke tells us that Pilate tried passing the buck. When Pilate found that Jesus was a Galilean, he sent him to the ruler of Galilee, Herod Antipas, who happened to be in town. It didn't do any good; Herod sent him back.

Matthew also tells us that Pilate washed his hands of the affair. Ever since, "washing one's hands" has been an expression for avoiding responsibility, dodging accountability for one's actions. These days there is a new wrinkle on washing hands. When some politicians want to evade accountability, they say: "I take full responsibility," and then they expect everyone to forget about what they have done.

John notes an exchange between Pilate and Jesus, which ends with Pilate's famous question, "What is truth?" He doesn't wait around for an answer; instead, he goes outside to the Jews to say, "I find no crime in him" (John 18:38) — perhaps we can make a deal. It was as if to say, "Truth is irrelevant. The last thing we need to deal with around here is truth."

The truth was that Jesus was a king, and that the Kingdom of God was at hand. Thus, truth is quite relevant; it is the focus of John's account. Jesus was "King of the Jews." But Jesus was more than king.

Consider this: why was it that, according to God's plan, Jesus was crucified by Pilate? Why wasn't he stoned by the Jews? True, the Jews did not have the authority to carry out capital punishment. But that didn't stop them from trying to stone Jesus earlier, and it didn't prevent them from stoning Stephen a few months later.

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Here is what I think is the answer: God's design was for Jesus to be executed by the civil authority of his day, not only by the Jews, because Jesus is not only the King of the Jews, but King of Kings and Lord of Lords.

In the creeds, only two figures outside the Trinity are mentioned: Mary, the mother of Jesus, and Pontius Pilate. Jesus "suffered under Pontius Pilate, was crucified, dead, and buried." Pilate is the representative of Caesar, who stands for all the kingdoms of the world. So the Son of God was brought to death by the kingdoms of the world. Jesus' resurrection established his sovereignty over both Jews and Gentiles, over both religious and civil kingdoms. Jesus is King of Kings and Lord of Lords.

What does this mean for us? By "us" I mean people who claim Jesus as Savior, who proclaim him to be King of Kings and Lord of Lords. I am increasingly drawn to the conviction that such allegiance will inevitably come into conflict with the kingdoms of this world. Sooner or later, Christian discipleship will come into conflict with citizenship. At the climax of Jesus' life and ministry, he came up against not only the chief priests but also against Pilate.

Didn't Jesus say, "My kingdom is not of this world"? Yes. In fact he said it to Pilate: "My kingship is not of this world; if my kingship were of this world, my servants would fight . . ." (John 18:36). The conflict between discipleship and citizenship is not a military one. It should not lead us to establish an Iran-style theocracy and fight holy wars.

Didn't Jesus say, "Render unto Caesar the things that are Caesar's, and to God the things that are God's"? Yes, in fact he said this only a few days before his arrest, while teaching in the temple — see Mark 12:17. But let me ask you this question: what are the things we are supposed to render to God? The answer comes a few verses later, in Mark 12:29-31: "The first [commandment] is, 'Hear, O Israel: The Lord our God, the Lord is one; and you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' The second is this, 'You shall love your neighbor as yourself.' There is no other

commandment greater than these."

Love God with all your heart, soul, mind, and strength — absolute, ultimate loyalty belongs to God, not to any nation.

Love your neighbor as yourself — seek justice and righteousness for all people, regardless of any country's national interests.

It is very likely, perhaps even inevitable, that Caesar will demand from us some of the things that belong to God. Nations are most comfortable with the idea that a citizen's religious affiliation ranks below his or her loyalty to the nation. And nations may oppose our loving our neighbors, particularly if those neighbors are seen to be national enemies or outcasts.

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Nations are most comfortable with the idea that a citizen's religious affiliation ranks below his or her loyalty to the nation.

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Jesus anticipated this conflict. These words are from another Holy Week discourse: "They will lay their hands on you and persecute you, delivering you up to the synagogues and prisons, and you will be brought before kings and governors for my name's sake. This will be a time for you to bear testimony. Settle it therefore in your minds, not to meditate beforehand how to answer; for I will give you a mouth and wisdom, which none of your adversaries will be able to withstand or contradict" (Luke 21:12-15).

Do we have the courage to stand with Peter and say, "We must obey God rather than men" (Acts 5:29)? Would we have reached out in love to our neighbors in defiance of Caesar, if they were slaves on the underground railroad or Japanese Americans confined during World War II? Will we reach out now to Native Americans on reservations who are being cheated by government policy? Will we reach out now to Central American refugees, those our government deem to be illegal?

Will we be involved in pursuing righteousness and justice and peace and

food and clothing and shelter for people here and around the world regardless of national interests? Or, will we leave such things to the compromises, buck-passing, evasions, and handwashing of some politicians?

Will we place our allegiance to Christ and the gospel of the Kingdom above our allegiance to the flag of the United States of America? Or will we simply assume that "one nation under God" is a guarantee that our nation can do no wrong? Will we be reduced to saying, with the chief priests on that Friday, "We have no king but Caesar" (John 19:15)?

Jesus told his disciples that they would be brought before kings and governors, and so it happened to Jesus, himself. He was brought before Pilate. He made no defense of himself. "Pilate therefore said to him, 'You will not speak to me? Do you not know that I have power to release you, and power to crucify you?' Jesus answered him, 'You would have no power over me unless it had been given you from above; therefore he who delivered me to you has the greater sin'" (John 19:10-11).

Yes, Pilate's authority for government comes from God. It is supposed to be used for justice (Romans 13). But remember Jesus' temptations in the wilderness. The devil offered Jesus the kingdoms of the world because they were his to offer (Luke 4:5-8).

So it was, that the authority of God granted to Pilate was used for the ultimate injustice. Pilate handed Jesus over to be crucified. □

### Register Citizen Opinion

Register Citizen Opinion contains information to help you get in touch with government in Washington: the White House, Supreme Court, the Senate and House of Representatives, with addresses and telephone numbers. Committee assignments in the Congress are also included. Updated with latest information.

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# INTERNATIONAL DATELINE

## Evangelicals in Nicaragua united in voicing concerns

**I**n an unusual display of unity, eight Nicaraguan evangelical church groups that span the political spectrum jointly issued a pastoral letter condemning continued U.S. aggression against the government, while taking the ruling Sandinistas to task for errors made since their rise to power more than 10 years ago.

The letter was made public in mid-January during a gathering of almost 2,000 evangelicals in the Olof Palme Convention Center. Pastors and other church leaders had been called together for a face-to-face dialogue with Nicaragua's President Daniel Ortega, campaigning then for re-election in the February elections.

Many church leaders at the gathering said the letter symbolizes a "new maturity" among conservative evangelicals here. Signatories included the Council of Evangelicals Churches (CEPAD), the National Council of Nicaraguan Evangelical Pastors (CNPEN), the Nicaraguan Institute of Evangelism in Depth, the Interchurch Center for Theological and Social Studies, and the Baptist Convention of Nicaragua.

Traditionally, the Council of Evangelical Churches, supported by mainline church groups in the U.S., and the National Council of Nicaraguan Evangelical Pastors, heralded by such groups as the conservative Institute on Religion and Democracy in Washington, have been viewed as political opposites.

But now bodies like the National Council of Evangelical Pastors, some of whose leaders were briefly detained by the government in 1985 for alleged links to the Contras and other opposition groups, have come to accept that the Sandinistas are here to stay and seek a way to live with them.

The pastor's group invited Ortega to address a September seminar here, and the Sandinista-controlled National Assembly voted in December to grant legal status to the organization and 20 other denominations and evangelical groups.

The pastoral letter claims U.S. "interference and aggression" since the time of independence from Spain have been "disasterous for the history of Nicaragua." It declares that during the last 10 years the U.S. government "has maintained systematically a policy of

political, economic, and military aggression, generating pain, death, violence, and suffering."

The statement also criticizes the ruling Sandinistas, saying the government "has committed errors" during this same time, though it also praises the Nicaraguan government for "its great efforts to reach an understanding with the United States."

In the letter, the church leaders commit themselves to maintain "a critical and prophetic attitude towards the government" when acts occur which "obstruct the development of the values of the reign of God." RNS

## Church Alliance a goal of Baptists in Romania

The Committee of Baptists in Romania, a group formed to reorganize the present Baptist Union, to prepare a new constitution, and to organize elections for the new leadership of the church, have invited six other Protestant churches to join it in forming an Evangelical Alliance in Romania.

Pentecostals, Brethren, Seventh-day Adventists, Lord's Army, Lutheran, and Reformed Church leaders received the written invitation to meet for discussions on the proposal.

Pastor Iosif Ton, who has returned to Romania after nine years of exile, expressed the views of members of the Baptists' Committee in a meeting with the nation's vice president, Dumitru Mazilu. It has asked for the abolition of the Department of Cults, which was responsible for controlling religious affairs, and of laws restricting religious practice. □

## Proposed radio-TV bill gets mixed church reaction

**LONDON**  
Churches are giving a mixed reception to a broadcasting bill proposed by the British government, a bill the Evangelical Alliance has branded as "dangerous," according to a report in the *Baptist Times*.

The Alliance is calling on Christians to write their representatives in Parliament, the Home Secretary, and newspapers to protest against proposals that will, it claims, "gag" the Christian voice.

"The proposals are based on a paranoid fear of special interest groups like the Unification Church, Scientologists,

and distorted TV evangelism as it has been presented on the TV over here," said Peter Meadows, communications secretary for the Alliance.

As it stands, the bill will remove the "requirement" on radio and TV to include religious broadcasting. It will also prevent Christians from owning TV stations or sponsoring programs as licenses will not go to organizations "whose objects are wholly or mainly of a religious nature."

The bill also proposes that TV and radio franchises be auctioned to the highest bidder and that public demand should play a greater part in what programs are made.

David Beer, Baptist minister and Free Church adviser to Anglia Television is wary of overreaction before the bill is finished.

The government has "had a lot of feedback from the white paper and has already had to rethink about the auctioning process and also about aspects of ownership," Beers said.

"Obviously, I regret that there is no requirement for public service broadcasting within the TV channels," Beers added, "but I don't think that means the end of religious broadcasting." □

## Bible societies founded as antireligion bias eases

The first Bible societies in the history of the Soviet Union have been organized in Latvia and Moscow at a time in which the Bible increasing becomes a prominent concern among other nations.

A Latvian Bible Society was organized in December by Baptist and Lutheran churches and is headed by Egon Rus-anovs, a Lutheran and former public prosecutor who left his government post last March and began studying theology in December.

The Latvian society has requested a total of 17,000 copies of several versions from the United Bible Societies.

The Russian Bible Society has been founded by a group working under the auspices of the Soviet Charity and Health Organization. Its members include Alexei Bychkov, secretary general of the All-Union Council of Evangelical Christians-Baptists; Konstantin Kharchev, former head of the Council of Religious Affairs; M. P. Kulakov, chairman of the Adventist Church Council; and M. G. Konstanenskaya, a member of the Supreme Soviet.



## NEWS-SCAN

Membership in the Russian Bible Society thus far includes only individuals, not church bodies; there is no Russian Orthodox Church representation. A "memorandum of understanding" has been signed in Moscow between the Orthodox Church and the United Bible Societies regarding a new organization that could lead toward the establishment of "the first-ever interconfessional Bible distribution organization" in the USSR.

In other Bible society news from Eastern Europe: Armenian church leaders are planning to open a Bible shop in the spiritual center of Etchmiazin as a first step toward establishing an Armenian Bible Society; the Czechoslovakian Bible Society has announced that about 180,000 Bibles and New Testaments are expected to be published each year by the government printing house; and the East German Bible Societies of Dresden, Berlin, and Finsterwald recently celebrated their 175th anniversaries. □

### Unregistered Baptist in govt. 'cat and mouse' game

The lifestyle of Gennadi Kryuchkov, the leader of the unregistered Baptist movement in the USSR, is creating some discussion because of its anomalies, some even accusing him of living "underground" in order to appear a martyr.

Kryuchkov has been in hiding since 1969 to avoid being rearrested after his release from a three-year labor camp sentence. At one time, he was apparently on the national wanted list, with posters asking the public to report any sighting of him.

In July 1989, Kryuchkov appeared in Rostov-on-Don on the platform of the first annual conference of unregistered Baptists to be held openly. While no move to detain him was made at the conference, intensive checks by Soviet authorities at the airport, the main railway station, and roads leading out of town, failed to locate him.

The newspaper *Sovetskaya Rossiya* said that in the past a criminal case against Kryuchkov for violating Soviet laws regulating religious activity had been instigated by the public prosecutor's office. But with *perestroika*, attitudes have changed and interpretations of illegal activity with them.

The newspaper reported that the case against Kryuchkov was dropped in June 1988. It accuses him, however, of "fail-

ing to respond to an invitation of the Council of Religious Affairs to meet to discuss ways of normalizing relations between the state and unregistered Baptists. □

### Jewish leader fears antisemitism in GDR

In an interview published in *Neues Deutschland*, Heinz Galinski, the chairman of the Jewish Community in West Berlin, told of a meeting with Erich Honoecker in which he expressed his disquiet about the deep-seated neo-Nazi and antisemitic attitudes to be met with in the German Democratic Republic (GDR).

Today, Galinski believes, members of the "extreme right" in the GDR feel that the hour has come for them to proclaim their ideals publicly and to build up relations with the extreme in the Federal Republic (West Germany) and abroad. □

### Witnesses, once banned, gain recognition in USSR

Jehovah's Witnesses in the Soviet Union "now enjoy the prospect of their activities being legalized," according to the news bulletin *Religion in the USSR*.

Willi Pohl, the head of the religious body in West Germany, reported that "here and there" local authorities are considering applications to register congregations.

Jehovah's Witnesses remained the largest single group that in practice was not allowed to register and was specifically banned under an unpublished instruction of March 1961. That instruction, along with all secret laws on religion issued between 1961 and 1983, were revoked in April 1989. □

### Vietnamese free, exile two pastors; now in U.S.

Two leading Vietnamese evangelical pastors, imprisoned since 1983 and freed from prison in Ho Chi Minh City early in January, were exiled with their families and have come to the United States.

Pastors Ho Hieu Ha and Nguyen Huu Cuong were offered refuge in the United States after American officials interviewed them in Chi Hoa Prison in Vietnam. Their release from prison was conditioned on acceptance of exile. □

There are no personal dangers for Gorbachev, who enjoys the support of government and society, Fyodor Burlatski told a gathering of scholars at the Washington-based Kennan Institute for Advanced Russian Studies. Chairman of the Subcommittee on Humanitarian, Scientific, and Cultural Cooperation in the USSR, Burlatski explained that *Gorbachev is the "first real parliamentary leader" in Russian history. He is a political figure, not a philosopher, and represents the postwar generation, many of whom felt a need after Stalin's death for a "new political system, and a new civilized political society". ... Jacob Dukonchenko, vice president of the Soviet Baptist Union and superintendent of the Ukraine, said that 20 million Bibles are needed to meet the needs of believers and the general public in the Ukraine. Baptists in the Ukraine last year bought land and built more than 100 churches and aimed to build a similar number by the end of this year. ... A crackdown in Haiti on movements toward democracy, issued in acts of brutality and violations of the civil liberties of Haitians by the Avril regime, followed the announcement of national elections to be held in November. The Washington Office on Haiti in a statement lamented the "scant media coverage" outside Haiti of these violations. Among its demands, it called upon the Avril government to release all political prisoners and air publicly any charges against citizens. ... Candy bar politics! Alphonz Lamprecht, American Baptist missionary in Europe, writes of a recent journey, "My last chocolate bar I saved for the last soldier at the border barrier — it was the soldiers who finally sided with the people and hunted down the Securitate goons [in Romania] who were shooting at the people from roof tops". ... Religious democracy? After a Reform rabbi, a Conservative rabbi and an avowed atheist had been elected to the Haifa religious council, the city's two chief rabbis, both Orthodox, pledged not to approve the members. The elections were lauded by the director of the Israel Center for Pluralism, who commented, "We welcome this as part of the democratic process and believe it signals the end to the Orthodox monopoly over religion in Israel." □*

# CORRESPONDENCE

Your response extends the dialogue and contributes to clarifying the issues. Letters must carry both the signature and address of the writer, and should not exceed 250 words. We reserve the right to edit for length.

## To the Editors:

A statement in REFLECTIONS, December 1989, prompts both affirmation and suggestion. Though "religious providers of child care" should be unwilling to accept guidelines and regulations in order to receive government funding, they ought, nonetheless, fulfill — even surpass — such guidelines as one evidence of intention to provide quality care.

In my experience with child-care programs — directing, consulting, certifying — I found church centers, for the most part, poor

providers, ignoring minimum "standards" of health, safety, staffing, and programming. When pressed to improve, using minimum standards set by the state of North Carolina, they protested in the name of church-state separation. Meanwhile, children were subjected to crowding, fire and health hazards, and ill-prepared staff who were said to be "good Christian women."

In contrast, our Child Care Center at Southeastern Seminary was considered a model and demonstration for both religious and non-religious institutions proposing to offer care and education to young children. Believing that the church should be in the forefront of giving value and protection to children, the seminary, under Dr. Stealey's leadership, invited the state of North Carolina to approve us (no funds exchanged). We pressed ministers in seminary training to give intelligent theological thought to planning for children's programs in their congregations.

All of this is to encourage you to be diligent in all areas of child care presently in debate by the Congress. □

Theлма Arnote Pearson

Christian religion, for Christianity sustains civic virtue. A virtuous and self-disciplined people is essential if Western democracies are to maintain free and open societies. Where moral self-restraint is absent, the state must in turn impose order by coercion. The passions of intemperate minds forge their fetters, said Burke. Therefore, concludes the argument, out of its own self-preservation the state has an interest in maintenance of the Church.

The argument proves too much. If Christian morality is essential to the retention of Western free societies, then England should equally establish all Christian denominations, or at least those that teach their communicants a traditional morality. Indeed, by this argument, England should establish non-Christian religions as well, so long as they inculcate traditional moral behavior. Second, and the more fundamental flaw, is that the defense misconceives the nature of the universal Church. The Church does not exist to sustain political order. This is pragmatic instrumentalism that seeks to use the church as a tool to control the citizens of a nation. To be sure, a virtuous people with the moral restraint to enable self-government may be an offshoot of the church's task, but its foremost purpose is to proclaim its Lord. □

Carl Esbeck

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## Establishment, from page 5

having earned its right to be heard, not as a sheltered and pampered child owing its position and privileges to the graces of state.

## Conclusion

The most common defense of continued establishment — beyond its sentimental agreeableness — is that the state has a vital interest in nurturing the

## Life with Liberty



### Christianity in American Life

Is America a Christian nation? Despite the wise decision of the nation's founders to separate church and state, Christianity has played an important role throughout American history. Its influence on the state is undeniable and has led many to think of the United States as a Christian nation. While this tendency is understandable, it nevertheless poses a real danger to the proper understanding of the nation's identity.

In the legal, constitutional sense, the United States is not — and never was — a Christian nation. On the contrary, the founders sought to set up a church-state arrangement in which neither would dominate the other.

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At the same time, it is important to note that the institutional separation of church and state was never intended to "keep religion out of politics." Christian citizenship is not optional for believers, especially for those blessed to live in a free society. □

[Study guide includes questions, activities, and research suggestions.]

Why claim the freedom to proclaim a spiritual message with all its implications if timidly we fail to offer hope to a hurting world?

## REFLECTIONS

James M. Dunn  
Executive Director



The American experiment in the separation of church and state adds an undeniable measure of responsibility to those who enjoy the blessing of religious freedom. One of the responsibilities riding on that freedom is the duty of the churches and persons of faith to speak prophetically to society. Why claim the freedom to proclaim a spiritual message with all its implications if timidly we fail to offer hope to a hurting world?

The church's message as peacemaker — "there is hope!" — must never be silenced. Too often churches have allowed nationalism or national circumstances to set its social agenda, to color its ethical proclamations, to cloud its collective conscience. The subtitle of a new biography of Gandhi, "prisoner of hope," could fit, as it describes all who work for peace in a warring world. In fact, as believers, hope is endemic to our condition and identity.

Somehow we must come to terms with the hope dimension of Christian peacemaking if we are to find our niche in the political ecology. Without the hope factor religious peace pushers lose a distinctive contribution to make to public policy. With hope to share, it is absolutely incomprehensible how followers of the Prince of Peace can remain silent.

We, in the West, should hang our heads when we see the dogged press for peace and justice in the churches of East Germany. They stuck it out. They never gave up. They kept going to those prayer meetings and in the face of utter hopelessness they prayed and worked nonviolently for freedom. Their witness made the church a gathering place for the peaceful revolution that is transforming the nation.

Isn't it interesting how humanity has prevailed in the Czechoslovakian revolution? Poets, playwrights, and novelists acted upon their highest insights and brought a glimmer of hope to an entire people. I am reminded of William Faulkner's 1950 Nobel Prize acceptance speech: "I decline to accept the end of man. It is easy enough to say that man is immortal simply because he will endure: ... I refuse to accept this. I believe that man will not merely endure: he will prevail. He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

We've so taken for granted our freedom that we have allowed the possibility of controversy or our own self-absorption or some other factor to intimidate our witness for peace. Martin Luther King, Jr., on April 4, 1967, at Riverside Church in New York, said, "It is a sad fact that, because of comfort, complacency, a morbid fear of Communism, and our proneness to adjust to injustice, the Western nations that initiated so much of the revolutionary spirit of the modern world have now become the arch antirevolutionaries."

Approaching the Lenten season, the Fellowship of the Resurrection should remind us that it is the duty of the church to hold out hope in its function as an outpost of the Eternal. In the light of the developments of the last six months, could it be time to re-examine the need for proclamation of Sermon-on-the-Mount idealism? Can we be seeing what Neibuhr called impossible possibilities?

As authentic hope, our hope is the sort we act upon. The sequence in everyday life is "do then think" quite as often

as "think then do." And so, our hope is not idle, wishful thinking nor some vague spirituality hidden in a closet, even a prayer closet. Our hope is a robust way of coming at all of life. How then may we practice hope as blessed peacemakers? Some of these suggestions are as phrased by that champion of biblical faith, one who practices what he preaches, Vernon Grounds.

First, we come to pray for peace, not simply as a mind trick for attitude adjustment but because we accept a biblical picture of the Divine as one whose many people "shall beat their swords into plowshares, and their spears into pruning hooks" (Isaiah 2:4). We cannot war our way to peace, hate our way to love, or fight our way to nonviolence.

Then, we denounce war as against God's will. Not merely in general terms. Any minimal peace politics must oppose all efforts to continue the mad race for superiority and resist all attempts to promote confidence in a "limited nuclear war." We will also oppose all weapons systems that build false hopes for effective defenses against nuclear weapons.

Next, we will study biblical ethics. Waging peace is warranted by biblical teaching that we need to know to share with others. Nonetheless, we should not expect everyone in the family of faith to understand and believe as we do, but humbly and lovingly accept those who disagree. All of us who are committed to the things that make for peace need to bear one another's burdens.

Again, it is essential that we stay informed. The Baptist Peace Fellowship and the Peace Program of the American Baptist Churches offer more news, more challenges, more updated information than we can say grace over. Add to that a disciplined regimen of keeping up with developments through newspapers and newsmagazines.

We will refuse to be uncritical nationalists. Biblical nonconformity offers underpinning for those who must go against the tide. Baptists for all our existence have been dissenters. Among us, some conscientiously engage in public protest and follow the course of civil disobedience because we must demonstrate our faith to be true to a strong scriptural tradition.

Finally, we stress the interconnectedness of peace and justice. Our witness to a Christian social ethic is made in the context of personal morality. If either is genuine the other is implied. We work because we have been transformed by the grace of God and through the power of hope confront the evils of the day. Martin Luther King, Jr., in a verbal snapshot captured the essence of that hope, perhaps the secret of his own greatness, in the ultimate triumph of God's Kingdom.

We shall overcome ... [T]here is something in this universe that justified Carlyle in saying no lie can live forever. We shall overcome because there is something in this universe which justified William Cullen Bryant in saying truth crushed to earth shall rise again. We shall overcome because there is something in this universe that justifies James Russell Lowell in saying, truth forever on the scaffold, wrong forever on the throne. Yet that scaffold sways the future and behind the dim unknown standeth God within the shadows keeping watch above his own. With this faith in the future, with this determined struggle, we will be able to emerge from the bleak and desolate midnight of man's inhumanity to man into the bright and glittering daybreak of freedom and justice. □

# REVIEWS



## THE WALL OF SEPARATION

A Primer on Church and State

William McDowell Ramsey, Louisville, Kentucky: The Westminster Press, 1989, 137 pp.

*The Wall of Separation: A Primer on Church and State* is an introduction to the American principle of separation of church and state. Ramsey, who teaches philosophy and religion at Bethel College in McKenzie, Tennessee, discusses the historical roots, current status, and future challenges facing Thomas Jefferson's "wall of separation between church and state." The book, which includes questions and discussion topics at the end of each chapter, may be used as a study guide for an individual or small group.

The relationship between church and state has manifested itself in many different ways throughout history. Ramsey begins by describing three distinct biblical models for government: a decentralized government overseen by God (i.e., the period of the judges), a God-ordained government in which rulers are recognized as God's agents (i.e., kings of Israel), and, finally, a government called to maintain justice and uphold righteousness (i.e., the government demanded by the prophets). Afterwards, he traces the historical development of church-state relations from biblical times through the early 17th century.

Religious freedom and the concept of the separation of church and state resulted from the efforts of members of the religious community to end religious persecution. The European colonists who came to America established state-sponsored churches that persecuted and martyred those who refused to conform. The single exception to the virtually universal religious persecution and discrimination common during the colonial period was the colony of Rhode Island. Founded in 1636 by the Baptist Roger Williams, Rhode Island provided complete freedom of conscience.

After the American Revolution, several prominent American patriots wanted to

establish Christianity as the national religion. A number of Christian denominations resisted this movement. Baptists, according to Ramsey, "... more than any other group, fought consistently, unanimously, and most vigorously for freedom of religion." The efforts of dedicated and sensitive Christians in the fledgling American states resulted in the novel American principle dividing civil and ecclesiastic power.

The theological perspectives of "fundamentalists" and "liberals" and the implications those beliefs have on church-state separation are discussed at length. Ramsey credits the popular perception of judicial activism and hostility toward Christianity and traditional values as the primary cause for the current and growing strength of fundamentalism. Among the cases cited are the United States Supreme Court's ruling against state prescribed prayer in public schools (*Engle v. Vitale*, 1962) and its prohibition of prescribed Bible reading in public schools (*Abington School District v. Schempp*, 1963). In the wake of *Schempp*, many textbook publishers, apparently misunderstanding the court's pronouncement, gradually eliminated references to religion in textbooks they offered to public schools. These events fostered a feeling among many Americans that God was being extirpated from the lives of America's young people.

The wall of separation is not absolute. Ramsey points out numerous breaches in the wall resulting from tradition and judicial decisions. Government has traditionally supported religion through its employment of chaplains in the military, government hospitals, and prisons; designation of churches as tax exempt; and monetary support of church colleges, hospitals, and social services.

Judicial decisions have created breaches in the wall. In *Lemon v. Kurtzman* (1971) the court ruled that states could provide textbooks to parochial schools. At that time the court established a three-part test to determine the constitutionality of state support of church-affiliated institutions. In an earlier decision, the court declared that

states could provide transportation for students attending parochial schools (*Everson v. Kurtzman*, 1947). In 1983 the court ruled that states could allow tax deductions for tuition paid to parochial schools (*Mueller v. Allen*, 1983).

Mainline churches, Ramsey contends, are the traditional defenders of separation of church and state. He feels the "Religious Right," with its majoritarian mentality and its desire to promote "Christian" values, is the greatest threat to the continued viability of the long standing principle of separation of church and state.

In the concluding chapter, Ramsey calls all Christians to work together in maintaining the wall separating church and state. He challenges fundamentalists and liberals to find areas of common concern in which they may cooperate. Cooperation and sincere respect for the beliefs of others, says Ramsey, will lead to deeper understanding and appreciation of the positions of the two scarred and battle weary groups.

Ramsay's book is an easily read and understood introduction to the history and development of the principle of separation of church and state. His concise and insightful discussion helps the reader grasp the complexities of church-state issues.

At the beginning of his book, Ramsey candidly declares his firm commitment to maintaining the separation of church and state. Ramsey is highly critical of fundamentalists such as Jerry Falwell and Pat Robertson and the "Religious Right" whom he sees as the greatest threat to the maintenance of the wall of separation. The book, despite its strong criticism of fundamentalists, remains an informative and valuable study of contemporary church-state issues.

Donald Chenevert, Jr.

### Reviewer

Donald Chenevert, Jr., a recent graduate of Mississippi College, in a BJC intern, serving as legal research assistant. Don, a native of Slidell, Louisiana, plans to enter law school this fall.

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