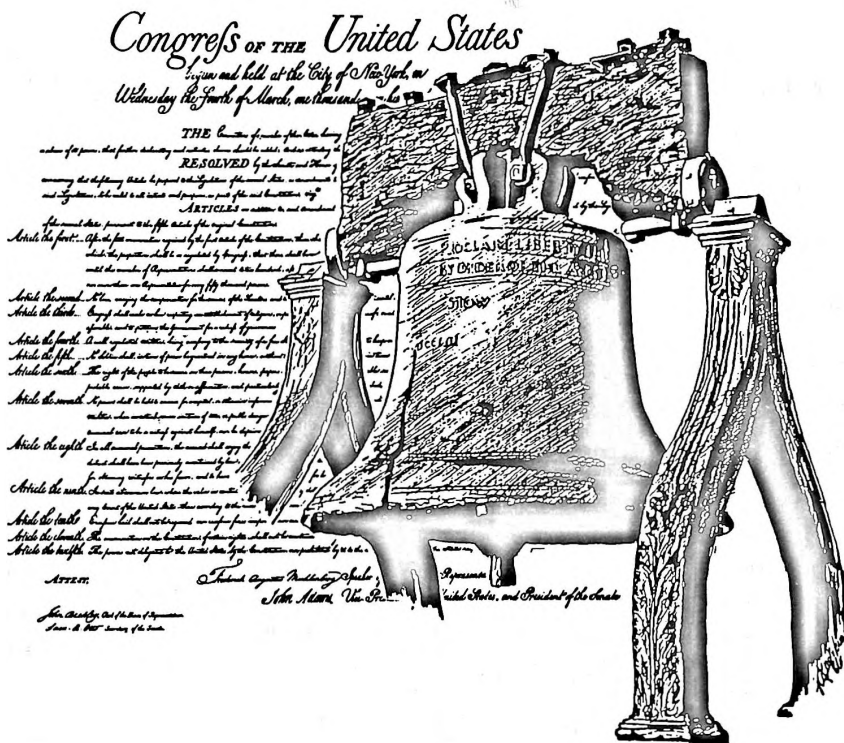


REPORT from the CAPITAL



Bill of Rights 1791-1991

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REPORT from the CAPITAL

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

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Celebrating, preserving freedom

The 200th anniversary of the Bill of Rights finds Americans both celebrating and battling to preserve liberties secured by that historic document. The freedoms outlined in the First Amendment, particularly religious liberty, are addressed by two writers.

In *Views of the Wall*, Oliver S. Thomas warns that Thomas Jefferson's wall separating church and state may be replaced by a picket fence if the Supreme Court continues its inclination to redefine First Amendment protections. The dismantling of the wall began with the high court's 1990 ruling that government no longer need demonstrate a compelling interest to restrict free exercise of religion. The dismantling may continue, he asserts, if the justices agree with the Justice Department's request to change the court's long-held standard preventing government-sponsored religion.

California Baptist College political science professor Tim Luther contends that the right to think and act for oneself lies at the heart of the Bill of Rights. Luther, a spring semester scholar-in-residence at the Baptist Joint Committee, asserts that the freedoms outlined in the Bill of Rights need to be stressed 200 years after the document's adoption because Americans have been more supportive of liberty as an ideal than as a reality.

Eileen Barker, professor of sociology of religion at the London School of Economics and Political Science, points out both the necessity and the difficulties of drawing boundaries in society. When it comes to defining "genuine religion," she asserts, a society that believes in religious freedom must guard against definitions and boundaries that encompass only the beliefs that do not threaten the interests of the boundary-drawers.

Some of what is being proposed under the new banner of "choice" in education is nothing more than a retreaded scheme to put public monies directly or indirectly into private and parochial schools. In "Reflections," James M. Dunn identifies a host of problems with the aid-to-private-school proposals. The pitfalls range from clear constitutional violations to the fiscal disaster of creating another federal government entitlement.

The Baptist Joint Committee lost two long-time friends in the recent deaths of two veteran denominational leaders: Violet Ankrum of the Progressive National Baptist Convention, Inc., and Carl Lundquist of the Baptist General Conference. Their contributions were many and some are noted in this issue. (Page 7). □

Larry Chesser

THE POLITICAL STEREOTYPES that have governed our thinking for decades are continuing to crumble. Recently, Congressman Henry Hyde and Professor Nadine Strossen stood shoulder to shoulder at a press conference to announce their mutual support of the Collegiate Speech Protection Act of 1991 (H.R.1380). What an unlikely coalition: Hyde, a conservative Republican congressman, and Strossen, a New York University law professor and president of the American Civil Liberties Union.

They joined together because of their mutual belief in the importance of the First Amendment. The legislation would prevent "private" colleges that receive some governmental funding from disciplining students solely on the basis of "speech or other communication protected from government restriction" by the First Amendment. The bill was prompted by crackdowns by college officials on "offensive" student speech that is not "politically correct."

This bill is a good one. It would protect the free speech rights of religious students on secular campuses. And, for colleges controlled by religious organizations it grants an exemption to the extent the offensive speech violates the religious tenets of the organization. There is a need, however, to expand this exemption to make absolutely clear that it applies to all church-related colleges and universities, even those that are not, strictly speaking, "controlled by" a formal hierarchical church structure.

Once again, political and ideological opponents were brought together by their mutual respect for the First Amendment. This is the way it should be. (JBW) •

A U.S. CIVIL RIGHTS LAW that prohibits employment discrimination based on race, color, religion, sex or national origin does not protect U.S. citizens employed by American corporations abroad, the Supreme Court ruled March 26.

In a 6-3 decision, the nation's high court upheld lower court rulings that Title VII provisions of the Civil Rights Act of 1964 do not extend to U.S. citizens employed by overseas U.S. firms. Ali Bourlesan, a native of Lebanon who became a naturalized U.S. citizen, filed suit against two Delaware firms, Arabian American Oil Co. (Aramco) and its subsidiary, Aramco Service Co., after he was fired from his position in Saudi Arabia in 1984. Bourlesan contended in the suit filed in the U.S. District Court for the Southern District of Texas that his dismissal was based on race, religion and national origin.

The district court granted Aramco's motion to dismiss the claim, an action later affirmed by the 5th U.S. Circuit Court of Appeals. The Supreme Court majority held that attorneys for Bourlesan "failed to present sufficient affirmative evidence that Congress intended Title VII to apply abroad." In a dissenting opinion, Justices Thurgood Marshall, Harry A. Blackmun and John Paul Stevens took issue with the court majority's conclusion, arguing that when all the traditional tools of ascertaining "unexpressed congressional intent" are brought to bear, "the conclusion is inescapable that Congress did intend Title VII to protect United States citizens from discrimination by United States employers operating overseas."

"Americans working for U.S. corporations should not give up their rights just because they work overseas, so long as there is no direct conflict with the laws of the host nation," said Baptist Joint Committee Associate Counsel J. Brent Walker. "This is particularly true concerning religious discrimination in employment. Now that the court has ruled, Congress may well amend Title VII to make absolutely clear its intention about the law's application to overseas U.S. firms." •

Bill of Rights—1791-1991

Stressing fundamental liberties after 200 years

The right to think and act for oneself lies at the heart of this nation's Bill of Rights. This year's observance of the 200th anniversary of that remarkable document is a propitious time to reflect on the fundamental rights it protects.

John Stuart Mill's 19th century classic work *On Liberty* asserts an incisive defense of individual freedom. No finer book has been written on the case for the individual's autonomy of conscience — a message just as important today as it was then.

Why do we need to stress the importance of liberty, other than in a symbolic and ceremonial fashion, two centuries after the adoption of the Bill of Rights? Unfortunately, a serious gap between theory and practice continues to exist. Americans have been more supportive of liberty as an ideal than they have of liberty as a reality. The American public has had a questionable history of supporting the application of civil liberties.¹

As Mill recognized, the greatest force operating against personal liberty in the modern world is the fact that people now read, listen and see the same things; they go to the same places and have similar hopes and fears. The pressure to conform in modern society is strong. This continuing trend toward conformity can undermine the toleration of those who are, or even only appear, different.

Government emerged, in part, to maintain order and security within society. Tension has always existed between the individual and the state — dating back to the origins of government. As Mill himself recognized, "the struggle between Liberty and Authority is the most conspicuous feature in the

Unfortunately, a serious gap between theory and practice continues to exist. Americans have been more supportive of liberty as an ideal than they have of liberty as a reality.



portions of history with which we are earliest familiar."² Liberty meant protection against tyranny by the political rulers. Although necessary to maintain order, their power was regarded as highly dangerous as well as a potential weapon against their subjects.

Civil liberties define areas upon which the ruler cannot infringe without a breach of duty. These liberties are so important, so fundamental, that governments should not encroach on them, except in the most extreme circumstances. This thinking has its roots in the political philosophy of John Locke.³ Liberty was among the natural rights that human beings possess. This natural right theory was incorporated into the American tradition by Thomas Jefferson as one of the "unalienable" rights endowed to us by the Creator. Under this view liberty is a God-given right.

The Bill of Rights gives political legitimacy and context to civil liberties. Certain protections are so important that they were placed beyond the scope of government, even a majoritarian government. Michael McConnell asserts that "avoiding certain consequences of democratic government is ordinarily thought to be the very purpose of a Bill of Rights."⁴ In fact, legitimate governments cannot interfere with natural rights or constitutional liberties, and they cease to be legitimate when they do so.

As Mill so wisely recognized, even

successful democracies pose a particular potential threat to liberty. Many advocates of democracy are more inclined to assume that their actions are more rational than the actions of any other type of political system. This hubris has given majorities cover to infringe upon minorities — a tendency not likely to cease in the future. Thus, Mill was keenly aware of the eternal human shortcomings present in all political systems, even democratic ones.

Therefore, it is imperative that protections against tyranny be applied to democratic governments as well. As Mill noted, "the people who exercise power are not always the same people as those over whom it is exercised . . ."⁵ Mill recognized that the will of the people actually means the will of its most numerous or most active part, and that they may desire to repress part of their number.

Tyranny of the majority is no less tyranny, and is, indeed, something to dread. Mill warns us that "protection, therefore, against tyranny of the magistrate is not enough; there needs to be protections also against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them . . ."⁶ There is a limit to the legitimate interference of collective opinion on an individual who is not in harmony with the prevailing mores of society.

Tim Luther, associate professor and chairman of the department of political science at California Baptist College, is a spring-semester scholar-in-residence at the Baptist Joint Committee.

The danger is that people frequently believe that their feelings, their philosophy and their way are better than those of others, particularly those who are different. Mill recognized that "wherever the sentiment of the majority is still genuine and intense, it is found to have abated little of its claims to be obeyed."⁷ Though it may be the best human form of government, democracy still is human and, therefore, suffers from human imperfections, thus making certain limitations necessary.

Nevertheless, it is necessary for the state sometimes to qualify civil liberties. However, this must be the exception, not the rule. The sole end for interfering with the individual's liberties is society's self-protection and the prevention of harm to others. Government has the burden of proving that there is a compelling interest at stake before infringing upon liberty. At times the legitimate claims of the individual and community collide, and when they come into conflict a need for adjudication arises.

Liberty and order are difficult to reconcile, particularly in a pluralistic democratic society. But we must have both; a happy balance is not easy to maintain. As Henry Abraham has so ably stated, "it is easy to state the need for a line between individual rights and the rights of the community, but how, where, and when it is to be drawn are questions that will never be resolved to the satisfaction of the entire community."⁸ Under the American constitutional framework, the Supreme Court has the ultimate responsibility for weighing the claims of each and determining which will prevail in a given situation.

Liberty and order are difficult to reconcile, particularly in a pluralistic democratic society.

The court's power of judicial review entails the responsibility to apply the Bill of Rights and determine the constitutionality of the government action. Justice Robert Jackson noted that "the very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and establish them as legal principles to be applied by the courts."⁹ In other words, it is the role of the court to protect civil liberties from governmental infringement.

Besides stressing the importance of liberty generally, the Bill of Rights attempts to give a more specific meaning to the freedoms to be protected. Among those protected are freedom of thought, conscience and expression, all of which fall under the domain of the First Amend-

ment. It establishes the fundamental rights of free speech, press, assembly, and religion.

It is again crucial to remember that these rights have nothing to do with the will of the majority. Mill put it well: "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."¹⁰ The suppression of thought and opinion robs the human race, if it is right opinion, because it denies the opportunity to correct the error for truth. Time often teaches that previously held opinions were false, and that opinions previously held as false were in fact true.

Suppression of thought assumes that the one who suppresses has found eternal truth, which is not realistic in a human world. People err, and human error is not infrequent. This belief in infallibility is both arrogant and unrealistic. The way to wisdom is in the hearing of all ideas and opinions and then studying them through free discussion. Ideas and beliefs must be expressed to test and challenge them. Free expression contributes to knowledge and truth. In fact, knowledge and truth may only be possible through the free exchange of ideas.

As mentioned above, while few Americans question the theory of the Bill of Rights, its application has been far less than ideal. Abraham recognized this: "But its paradox is that throughout history we often permit, wink at, even encourage, its violation in practice."¹¹ The court's protection of these individual liberties has been less than ideal as well. Nevertheless, it is up to the court to act as the guardian of liberty. We should remember the words of Oliver Wendell Holmes: "The question in every case is whether the words used in such circumstances are of such a nature as to create a clear and present danger that will bring about the substantive evils that Congress has a right to prevent."¹²

Religious liberty is among the rights established under the First Amendment. Mill recognized that "the great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an infeasible right, and denied absolutely that a human being is accountable to others for religious belief."¹³ James Madison asserted that free exercise of religion should prevail in "every case where it does not trespass on private rights or the public peace."¹⁴

The Supreme Court recently altered the free exercise of religious liberty radically. Last year the court essentially nullified the "compelling state interest" test.¹⁵ This test is essential to religious liberty in that it would justify government interference only when the government interest was demonstrated as

James Madison asserted that free exercise of religion should prevail in "every case where it does not trespass on private rights or the public peace."

compelling. With *Employment Division of Oregon v. Smith*, all of that was undone.¹⁶ The government is no longer required to show a compelling governmental interest, but only has to make sure that a generally applicable law is reasonable.

The Religious Freedom Restoration Act attempts to remedy this grave threat to religious freedom. It does not establish any new liberties but merely, and importantly, restores religious liberty to its original status. This is crucial. It is also timely since it is the 200th anniversary of the Bill of Rights. Finally, Mill warns us that "no society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified."¹⁷ This is not a new idea, but no doctrine stands more directly against the general tendency of existing opinions and practice. □

Endnotes:

¹Dye, Thomas and Zeigler, Harmon, *The Irony of Democracy* (Brooks/Cole Pub. Co., 1990).

²Mill, John Stuart, *On Liberty* (F.S. Crofts, 1859).

³Locke, John, *The Second Treatise on Civil Government* (1690).

⁴McConnell, Michael, *Free Exercise Revisionism and the Smith Decision*, U. Chi. L. Rev. (1991).

⁵Mill.

⁶Mill.

⁷Mill.

⁸Abraham, Henry, *Freedom and the Court* (Oxford University Press, 1972).

⁹*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

¹⁰Mill.

¹¹Abraham.

¹²*Schenck v. United States*, 249 U.S. 47 (1919).

¹³Mill.

¹⁴Hunt, Gaillard, *The Writings of James Madison* (G.P. Putnam's Son, 1901).

¹⁵*Sherbert v. Verner*, 374 U.S. 398 (1963); *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

¹⁶*Employment Division of Oregon v. Smith*, 110 S.Ct. 1595 (1990).

¹⁷Mill.

VIEWS OF THE WALL

Oliver S. Thomas
General Counsel



Whatever happened to the First Amendment?

A year ago the U.S. Supreme Court ruled that religious liberty is a "luxury" this nation no longer can afford, and now the Justice Department is asking the court to begin dismantling Mr. Jefferson's wall of separation between church and state.

Justice Antonin Scalia last year convinced a majority of his colleagues that the free exercise clause should no longer protect religious exercise unless religion were singled out for discriminatory treatment (never mind that the equal protection clause already provided this minimal protection). With a stroke of his pen, Scalia reduced the nation's first liberty to a constitutional redundancy.

Now Solicitor General Kenneth Starr is asking the justices to wreak similar havoc on the establishment clause, the constitutional basis for the separation of church and state. Mr. Starr has very shrewdly chosen to work his mischief in a case in which the result he is seeking will be popular with most Americans. A federal appeals court has struck down a high school graduation prayer — a fairly innocuous religious exercise — and the good solicitor is merely asking the court to reinstate this time-honored American practice.

In fact, the solicitor's brief urges the court to jettison its decades-old test for analyzing establishment clause cases. That test, set forth in *Lemon v. Kurtzman*, provides that a law violates the establishment clause unless it (1) has a legitimate secular purpose, (2) has a primary effect that neither advances nor inhibits religion and (3) does not cause excessive entanglement between church and state.

The solicitor complains that the *Lemon* test "has spawned persistent confusion in the lower courts, particularly in its application to practices with historical sanction." May I suggest that history alone is an inadequate guide to constitutional decision making? Discrimination, for example, has a considerable history

in our society, but still it violates the Constitution.

In place of the *Lemon* test, the solicitor suggests the two-part test set forth by Justice Anthony Kennedy in his dissent in *Allegheny County v. American Civil Liberties Union* — the 1989 creche case. According to Justice Kennedy, a law does not violate the establishment clause unless it (1) provides direct benefits to religion in a way that threatens to establish a single national church or (2) coerces people to participate in religion in violation of their consciences. It is worth mentioning that Kennedy voted to uphold the display of a free-standing nativity scene in the heart of the Allegheny County courthouse with a banner stretched overhead proclaiming glory to God for the birth of Jesus Christ. This same justice a year earlier voted to allow the government to fund the teaching of sexual morality in classes held on church premises and taught by clergy. These opinions make clear Justice Kennedy's view that using tax dollars to support religious institutions — a practice Jefferson called "sinful and tyrannical" — is not coercive.

The test put forward by Justice Kennedy and the solicitor at bottom would allow government to sponsor a non-denominational religious service as long as no one was forced to attend. Even Chief Justice William Rehnquist has joined the merriment, referring to church-state separation as a metaphor based on bad history that "should be frankly and explicitly abandoned."

To those in positions of power whose majoritarian religious views are not offended by the notion of state-supported religion, I have a few questions. Why shouldn't a law be required to have a bona fide secular purpose? Do we really want to put the engine of the state behind purposes that are explicitly and exclusively religious in a nation where more than 3,000 different religious sects and denominations are trying peaceably to coexist? And, why shouldn't we insist that laws not have the primary effect of advancing or inhibiting religion? Is this too much to ask in a nation that claims to be respectful of conscience?

As a religionist, I can only thank God that our Founders had the foresight to banish the coercive power of government from the sacred precincts of religion. This "separation of church and state," as we have come to call it, was hatched not by "secular zealots" but by evangelical Christians such as Roger Williams and Isaac Backus. These re-

Do we really want to put the engine of the state behind purposes that are explicitly and exclusively religious in a nation where more than 3,000 different religious sects and denominations are trying peaceably to coexist?

ligious visionaries had the good sense to recognize that when government promotes religion, the big loser is religion. One need only travel to western Europe to witness this truth firsthand. There may be prayers in the public schools, but the churches are empty. America's commitment to separation of church and state has yielded what may well be the strongest religious and political institutions on earth.

The Supreme Court has already agreed to hear the graduation prayer case. If we're not careful, we may wake up to find that Mr. Jefferson's wall has been replaced by Mr. Kennedy's picket fence. □

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The test put forward by Justice Kennedy and the solicitor at bottom would allow government to sponsor a non-denominational religious service as long as no one was forced to attend.

Violet Ankrum—

Long-time friend of BJC dies

"Her life was love." That was an assessment of Violet M. Ankrum in the eulogy delivered by the Rev. Charles G. Adams and affirmed in the various tributes paid her.

Joyous song, words of scripture and dynamic preaching testified to a spiritually festive occasion. Members of her congregation were joined by ministers of the Baptist Convention of D.C. and Vicinity and representatives of denominational and community organizations in honoring the life and service of Miss Ankrum, a long-time member of the Baptist Joint Committee.

All this attention would have chastened this deserving but self-giving woman, who repeatedly was lauded for her dedication to Christian service. "My Gospel mother," said one, noting that "she was a woman teacher before it became fashionable for women to teach" and a great influence in his life. Sensitive, Christlike and spiritual but not self-righteous were other statements about Miss Ankrum.

"She was a woman among women, and a great woman among great people," summarized the Rev. Tyrone Pitts, general secretary of the Progressive National Baptist Convention, Inc. Recognizing the depth and length of her service to that denomination, he added, "She worked well with all Baptists across this country."

Adams, president of the PNBC, referred to the occasion as one that is "not hard and mournful" but a celebration of one who has now entered into the experience of eternal life. She was "our mentor," he told the responsive gathering, with reference to her leadership abilities.

Miss Ankrum was born in Forrest City, Ark., in 1907 into a segregated and sexist society and lost her parents while still a teen-ager. Adams reminded the congregation, "But she prevailed," he said. He called her an "activist Christian," drawing attention to her participation in the turbulent civil rights movement of the 70s.

Somewhat quiet and retiring, yet stately in her demeanor, Miss Ankrum was always prepared to make significant contributions to deliberations and to the religious liberty agenda of the BJC. Adams observed that she was "spiritual and intelligent, and intelligent and always spiritual; she was godly and did business, but did business and remained godly; and she never left her mind at the

door." From that, one would safely conclude that she was uncompromisingly competent.

Miss Ankrum never married, but in the words of one who came to honor her, "she was married to the church." She was the "matriarchal mother of hundreds of young people through her heart," Adams said.

"With poetry on her tongue and poetry in her personality, she was somebody," Adams concluded. "Amens" resounded in agreement throughout the two-hour service.

Thus was the life of Miss Ankrum honored at Washington, D.C.'s Mount Carmel Baptist Church, where she worshipped and served for some 40 years.

The tributes captured the selfless character of this remarkably alert and active woman; but that was just one part of her nature that endeared her to so

many and enabled her to serve without the need of personal recognition or favor. It suited her "style" of glorifying her Lord in Christian service.

Miss Ankrum, who since 1971 had served on the board of the Baptist Joint Committee, represented the PNBC. Afflicted with cancer, she died March 19 at the age of 83. In October, she attended her last meeting of the Baptist Joint Committee; her presence was always meaningful.

"Violet Ankrum's service as a committee member reflected her basic character as a Christian: sweet, but firm," said BJC Executive Director James M. Dunn. "Her gentle, compassionate supportive attitude never blinded her to the importance of her primary task as a faithful board member."

Miss Ankrum will be missed. □

— Victor Tupitza

Noted evangelical leader Carl Lundquist dies at 74

The Rev. Carl H. Lundquist, a noted evangelical educator who was president of Bethel College and Bethel Theological Seminary in Arden Hills, Minn., for 28 years, died Feb. 27 in a St. Paul hospital of a rare form of skin cancer at age 74.

A native of Elgin, Ill., Lundquist graduated from Sioux Falls (S.D.) College in 1939. He received a bachelor of divinity degree from Bethel Seminary, a master of theology degree from Eastern Baptist Seminary, doctor of theology and doctor of divinity degrees from Northern Baptist Theological Seminary, Chicago, and an honorary doctor of laws degree from Houghten College in New York.

He was ordained to the ministry of the Baptist General Conference in 1944 and was pastor of Elim Baptist Church in Chicago when he became acting dean of Bethel in 1953. When he became president the following year, Bethel was a small, unaccredited two-year college.

Under his leadership, Bethel College and Bethel Seminary received their first accreditations and their enrollments quadrupled to 2,700. The campus was moved from St. Paul to a multimillion dollar lake site in Arden Hills, a St. Paul suburb.

After retiring from Bethel in 1982,

Lundquist assumed the presidency of the Christian College Consortium, a nationwide network of 13 colleges.

He had traveled to more than 40 countries and had been a board member of World Relief, the National Association of Evangelicals, the Baptist Hospital Fund, the International School of Theology, Baptist World Alliance and Executives in Church-Related Higher Education. He was founder and coordinator of the Fellowship of Evangelical Seminary Presidents and a resource scholar for *Christianity Today* magazine.

Survivors include his wife, Nancy, three daughters, a son and six grandchildren.

"Dr. Carl Lundquist epitomized the logical outworking of the best of Swedish Baptist distinctives," said Baptist Joint Committee Executive Director James M. Dunn. "His understanding and practice of authentic piety had implications in all directions."

"As one 'in Christ' he responded to kindred spirits, bore a faithful witness, insisted upon freedom for all others to do the same. He gave the Baptist Joint Committee not only his loyal support and enthusiastic encouragement. He did better than that. He loaned us a daughter as an intern and, in the person of C. Emanuel Carlson, shared a close colleague with the BJC for 17 years." □

News in Brief

Justices to review ban on graduation prayers

The U.S. Supreme Court has agreed to review a lower court ruling barring invocations and benedictions at public school graduation ceremonies in a case that some court observers say could be used to open the door for expanded government promotion of religion.

The high court will examine a Rhode Island case in which lower courts held that the inclusion of clergy prayers at public school promotion or graduation exercises violated the First Amendment's ban on establishment of religion.

U.S. District Judge Francis J. Boyle held that the Providence School District's practice of including the prayers in graduation ceremonies failed the second-prong of a three-part test frequently applied by federal courts in deciding establishment clause claims. That standard, known as the *Lemon* test, requires that governmental actions have a secular purpose, neither advance nor inhibit religion and avoid excessive entanglement with religion.

Judge Boyle, in an opinion affirmed by the 1st U.S. Circuit Court of Appeals, held that the ceremonial prayers impermissibly advanced religion "by creating an identification of the school with a deity."

In asking the high court to review the lower rulings, Providence School District attorney Charles J. Cooper argued that ceremonial acknowledgements of religion do not violate the establishment clause. Cooper's brief asserts that graduation prayers are just part of the nation's long tradition of ceremonial acknowledgment of religion that includes such practices as legislative prayers and the inscription of "In God We Trust" on the nation's currency. The brief also cited a decision by the 6th U.S. Circuit Court of Appeals that affirmed graduation prayers.

Cooper also argues that the graduation prayers should be permissible because of the absence of "any government coercion, even indirect, on those present at the graduation ceremony to conform on matters of faith."

A friend-of-court brief filed earlier by U.S. Solicitor General Kenneth W. Starr asks the high court to go even further and essentially replace the *Lemon* test with a softer standard that would permit

"There's a lot more going on in this case than graduation prayers. The court is being asked to begin dismantling Mr. Jefferson's wall separating church and state and to replace it with a picket fence."

— Oliver S. Thomas

government-sponsored religion as long as the practice "is not coercive and not part of an establishment of an official church."

The solicitor's brief argues that application of the *Lemon* test in all establishment clause cases is inappropriate and that it should be applied only in cases that involve direct federal aid to religion, as did the *Lemon* case.

"There's a lot more going on in this case than graduation prayers," said Baptist Joint Committee General Counsel Oliver S. Thomas. "The court is being asked to begin dismantling Mr. Jefferson's wall separating church and state and to replace it with a picket fence."

"If the school board is successful, the government would be allowed to sponsor non-denominational religious services as long as no one was forced to attend."

"Although the Supreme Court could decide this case without disturbing *Lemon*, the chances of that happening are slim," said BJC Associate Counsel J. Brent Walker. "The court probably would not have taken the case simply to adjudicate the prayer issue."

Walker noted that four high court justices already have indicated a willingness to depart substantially from the strict *Lemon* standard and that the court's newest member, Justice David Souter, may prove to be pivotal.

"The new 'coercion' test advanced by the solicitor general would tend to allow more government promotion of religion and move away from the time-honored notion of neutrality," Walker said. "Just as government should not be allowed to inhibit religion, neither should it advance religion."

Walker cited the observation of 18th century Virginia Baptist leader John Leland that "The fondness of magistrates to foster religion has done it more harm than all the persecution ever did." □

Judge rescinds orders in faith healing case

PHILADELPHIA

A family court judge here rescinded orders that would have compelled the city to identify all religious bodies that believe in faith healing, after strong protests by the American Civil Liberties Union.

Judge Edward R. Summers, in March 18 action, also revoked orders issued two weeks earlier that would have required monthly medical examinations for all children in Faith Tabernacle Church and demanded that the church school report student absences of three days or more.

A fourth order, requiring that five children linked to the church be vaccinated against measles against the wishes of their parents, has been carried out.

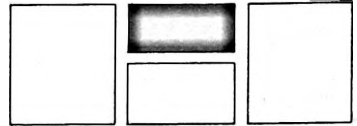
Five children from the church died after contracting measles in the wake of a citywide epidemic. Faith Tabernacle congregants do not believe in accepting medical care, relying instead on prayer for healing.

The city had sought the vaccinations, but not the sweeping order, said City Solicitor Charisse Lillie. "We are not in the business of registering people's religion," Lillie said.

Referring to the move to seek court-ordered vaccinations, Lillie said, "As children started to die, the mayor (Wilson Goode) said, 'Do everything you have to do to save more lives.' We are hoping that we are not going to have to have more major intervention in these lives."

The ACLU challenged three of the four orders because of their potentially chilling effect on religious freedom and the rights of people not even before the court, according to ACLU attorney Stefan Presser.

"Once those draconian orders came down, the city discovered the (church) community started to pull back," Presser said. "The city was saying, 'Judge, you are concerned about these kids, and we are telling you that in fact you can best protect this community's children by allowing us to cooperate informally with these families.'" □



School officials sued over recess prayer ban

OKLAHOMA CITY

The Rutherford Institute has charged public school officials in Norman, Okla., with violating the free speech rights of a fifth-grader who was told to stop reading the Bible and praying with her friends during recess.

In the suit filed in U.S. District Court in Oklahoma City, the civil liberties group said officials of the Lakeview Elementary School in Norman illegally censored the personal speech of 11-year-old Monette Rethford solely because of its religious content.

According to the complaint, Monette and a friend, April Jones, began engaging in Bible reading and praying for students, parents and school officials during recess and later persuaded four other students to join with them. The lawsuit says that Monette's father, Stanley Rethford, was told his daughter's devotions were "illegal" during a meeting with Lakeview Principal Lynn Miller and Director of Principals John Scroggins.

In addition to the censorship charge, the lawsuit accuses the school officials of ostracizing Monette, causing her to suffer "humiliation, embarrassment and mental anguish."

The lawsuit seeks a court declaration that school officials violated Monette's free speech and free association rights as well as an order barring future constitutional violations. It also asks for an unspecified amount of compensatory damages and attorney fees. □

Hyde, ACLU promote free speech legislation

WASHINGTON

Conservative Republican Congressman Henry Hyde of Illinois has linked arms with the American Civil Liberties Union to challenge college campus codes that restrict free speech.

At a news conference announcing the introduction of the Collegiate Speech Protection Act of 1991 (H.R. 1380), Hyde lamented what he described as a growing trend on university campuses to adopt disciplinary codes designed to provide penalties for speech considered offensive or controversial.

"Free speech is under siege in our country today in places where it ought to be nurtured, protected and enhanced,

namely at our universities," Hyde said.

Under the banner of "political correctness," Hyde and ACLU representatives said, many universities are enacting rigid speech codes designed to punish students for abusive speech.

While public universities already are barred from violating the First Amendment rights of students, Hyde's proposal would extend the same free speech protections to students at private universities. Under his legislative proposal, universities would be barred from making or enforcing any rule that subjected a student to disciplinary action on the basis of protected speech. It would allow private university students to seek injunctive relief in federal court and would allow students at both private and public schools to recover attorney fees.

The proposed measure would exempt schools controlled by religious organizations to the extent that the enforcement of the bill would violate the school's religious tenets. The proposed exemption for religious schools is similar to one exempting religious schools from sex discrimination statutes.

The Baptist Joint Committee has expressed concerns that the language could be interpreted to exclude Baptist and other congregational institutions that may not be strictly "controlled by" the church.

Under the Civil Rights Restoration Act, Hyde said, private colleges can be regulated if any of their constituent parts receive federal aid. The receipt of federal financial assistance by any student or portion of a school subjects the entire school to provisions of the law.

While it is troubled by the racism and bias that has sparked some campus disciplinary codes, ACLU President Nadine Strossen said the organization considers such speech codes a "misguided and unconstitutional way of dealing with the problem."

J. Brent Walker, associate general counsel of the Baptist Joint Committee, applauded the proposal's provisions that protect the rights of religious institutions when students' speech violates the school's religious tenets.

"It does no good to sacrifice one constitutional liberty to promote another," he said. "Thus, when free speech collides with free exercise, the bill provides a reasoned, workable exemption for colleges controlled by churches. We would also support an effort to ensure that the exemption is not interpreted in a way that discriminates against Baptist colleges." □

Churches suffer defeats in landmarking cases

WASHINGTON

Churches battling two municipal landmark ordinances suffered setbacks in March 4 actions by the U.S. Supreme Court.

The court's actions further demonstrated the impact of a 1990 ruling that watered down the high court's longstanding test protecting free exercise of religion.

Last year, the high court virtually abandoned its strict standard that required governmental agencies to demonstrate a compelling state interest before taking steps to curb religious freedom. In that case, *Oregon v. Smith*, the justices held that the state of Oregon need demonstrate only a reasonable interest, not a compelling interest, to deny members of the Native American Church the right to ingest peyote in religious ceremonies.

In one of its March 4 actions, the Supreme Court vacated a Washington Supreme Court ruling that the application of a Seattle landmarks preservation ordinance to churches violated the First Amendment's free exercise clause and the Washington state constitution. The case was sent back to Washington for reconsideration in light of the *Smith* case's "reasonableness" test.

Washington's Supreme Court had ruled prior to the *Smith* decision that Seattle's landmark preservation ordinance did not constitute a compelling state interest and that the application of the ordinance to First Covenant Church over the church's objection violated its free exercise rights.

In another municipal landmark ordinance case, the high court declined to hear the appeal of a lower-court ruling against a New York City congregation that challenged that city's landmark statute.

The court let stand a ruling by the U.S. 2nd Circuit Court of Appeals that the landmark ordinance did not violate the free exercise rights unless the church is completely unable to carry out its religious mission in its existing facilities.

"Washington was the first state to recognize that restrictions on a church's architecture are restrictions on religious freedom," said Baptist Joint Committee General Counsel Oliver S. Thomas. "That the Supreme Court would vacate this decision indicates how deeply the justices are committed to *Smith*'s watered-down view of the free exercise clause." □

But is it a genuine religion?

Boundary drawing an essential but risky task

In her book *Purity and Danger*¹, the anthropologist Mary Douglas asks why it is that certain things are considered impure, dangerous and taboo. Her argument goes roughly along the following lines: All societies need to have a means of communicating with each other. We need to make sense of our experience. We need to *order* reality—"in order to" *create and control* reality. We need conceptual boxes or categories in which we can place the social and physical phenomena that appear to us.

A society might, for example, cut the world up into living and non-living phenomena. It may then divide living things into plants and animals and then divide animals into those of water, land and air, and so on. But what, Douglas asks, if that society finds something that crosses its boundaries? Amphibians cross the boundary between animals of the land and those of the water. Such aberrations, Douglas argues, not only endanger the taxonomic system but also present a threat to the entire fabric of the society. They are dangerous; they are "out of place"; they must be dealt with; and Douglas describes a number of ways in which societies deal with their categorical anomalies.

Furthermore, Douglas points out the enormous difference that moving a boundary can make to a society. Consider, for example, the difference it could make to a society if one were to change the age at which a "boy" becomes a "man" (at age 13, 18, or 21). There is no physical necessity why a youth should be able to marry, vote or die for his country one day, when he was precluded from doing so the day before. The change in status is more likely to be marked by a socially determined *rite de passage* than by an individual's arrival at psychological maturity or physical puberty.

The basic assumption is, thus, that boundaries—separating those things that "go together" from those that "are

separate"—are *necessary* to a society, but *where* the boundaries are drawn is, to a greater or lesser extent, arbitrary. It follows from this that those who define or control our conceptual boundaries can wield considerable power in so far as they determine what "naturally," "rightly" or "genuinely" goes with what.

I would like to suggest that this combination of the necessity and the arbitrariness of conceptual boundaries gives rise to (and can, perhaps, help us to understand) some of the disputes that have arisen over the use of definitions of religion. I shall try to illustrate this by drawing from my research in the realm of new religious movements (NRMs).

The title of this article is derived from three years' experience of running INFORM (Information Network Focus On Religious Movements), a charity that I set up with the support of the British government and mainstream churches to provide information about NRMs that is as objective and up-to-date as possible. Enquirers frequently want to know whether a particular movement is "a genuine religion." If they are asked what they mean by a genuine religion, they tend to answer by asking "Well, is it like the Moonies?"

In such circumstances, it is pointless to ask, "In what way like the Moonies?" What they are really asking is not whether the movement in question has beliefs or practices anything like those of the Unification Church. The real question is: Is the movement respectable (like the Baptists, perhaps) or is it one of those that the media would like to classify as a cult—and, therefore, something

that is *not* respectable—and therefore, "a bad thing"? Exactly what makes a movement bad would appear to be something to be investigated only after it has been decided whether it falls into the "cult" or "genuine-religion" category—and the boundary between these two categories is, very often, seen in Platonic, absolute, unchanging, non-negotiable terms, with very little notion, if any, of *what* the actual content of either might be.

The point that I am trying to make is that there is a sense in which the categories are used to provide an *a priori* judgment which will inform the enquirer whether the movement is good or bad—despite the fact that it sounds, even to the inquirer, that the inquiry is for purely factual information.

A highly educated, middle-class mother, let us call her Mrs. R., has a son who had joined the Unification Church. During the course of her conversation with me, she expressed irritation that I had called the movement a new religion rather than a cult. I explained that, in popular parlance, the term "cult" had come to be associated with evaluative overtones of a negative kind and, although I certainly disagreed with certain aspects of the Unification Church and would even go so far as to say that I disapproved of others, I felt it was unhelpful to start from a negative evaluation.

Mrs. R.'s response was that it was just as bad to give an aura of respectability to the movement by calling it a religion when it was no such thing. I protested that calling a movement a religion did not, for me at any rate, mean that it was either good or bad; it merely suggested that it had certain characteristics.

"But it's not a religion." Mrs. R. insisted.

"The members believe in God," I demurred, admitting to myself only (not wishing to confuse matters) that Raelians refer to themselves as an atheistic religion.

There followed a fairly lengthy discussion during which I challenged Mrs. R. to produce a definition—any definition—of religion which would exclude the Unification Church. She could not, so she changed her tactic:

It follows from this that those who define or control our conceptual boundaries can wield considerable power in so far as they determine what "naturally," "rightly" or "genuinely" goes with what.

Eileen Barker is professor of sociology of religion at the London School of Economics and Political Science.

"It's not a religion; it's a political organization; and it's Big Business."

"Yes, but surely that doesn't stop it from also being a religion? Does the Roman Catholic Church cease being a religion when it becomes involved in politics or owns property, businesses and shares?" (Mrs. R. is a Catholic.)

"That's not the point. The point is that it's not a proper religion—it's not true, all that junk about Eve having sex with Satan, and Jesus being meant to marry and not saving the world."

"Do you believe in the tenets of Islam?"

"Of course not. I'm a Catholic!"

"Is Islam a religion?"

"Yes, but it's a genuine religion."

"What's the difference?"

"Well, it's been around for years and has millions of followers."

"If the Unification Church had been around a bit longer and it managed to get a few million more believers, would that make it a religion?"

"Heaven forbid! No!"

"So, what would make the Unification Church a religion?"

"Nothing would. It's rotten to the core."

Mrs. R. had made her point.

But not everyone automatically puts "religion" into the same category as "good" or "true." There are, indeed, those for whom the term "religion" has decidedly negative overtones. For such people "religion" conjures up a picture of an institutionalized, rather dead thing that has little to do with spirituality. They do not want to be associated with "a bad thing" any more than Mrs. R. wants the Unification Church associated with a "good thing."

Defining religion in terms of approval or disapproval is not the only way in which the concept can be used. The boundary distinguishing what is or is not a religion may be negotiated, redrawn and/or exploited in a contradictory manner according to whether or not the definer has an interest in ensuring that a particular movement falls inside or outside the category.

I was talking to a university chaplain one day. "We can't call the Hare Krishna a religion," he confessed.

"Are 'ordinary' Hindus a religion?" I asked.

"Oh yes, of course," he answered. "But they've already got a room."

I must have looked decidedly non-plussed because he went on to explain, "It's a university rule that each religion should have its own room, but there just wouldn't be enough rooms to go around if all these new cults were to claim to be a religion. We'd have to start sharing and you can see how that would lead to all sorts of problems."

Somewhat naively, I suggested that it

might be easier to modify the university rules than to redefine the Krishna devotees. "Oh, but that would involve religious discrimination!" he protested.

Not just room allocations, but literally millions of dollars may hang on whether or not the label "religion" is officially (legally) sanctioned. Unlike the Unification Church or the Hare Krishna, the Church of Scientology is not unambiguously a religion according to most of the more popular definitions which rely on there being a belief in a deity (and which could, thereby, exclude Buddhism). There are, however, considerable economic advantages to be gained from being defined as a religion. Scientology has fought and, indeed, won court cases in Australia and the United States to the effect that it is a religion and therefore, eligible for tax concessions.

A society which believes that all religions should have equal rights ought not to be fiddling with the boundaries and definitions in order to ensure that "religion" can refer only to those whose beliefs do not threaten the interests of the boundary-drawers.

Conversely, the Science of Creative Intelligence, better known as Transcendental Meditation (TM), has strong connections with Hinduism that might suggest that it is more eligible for the label of religion than the Church of Scientology. Not surprisingly, the movement is anxious that its meditation techniques should be taught as widely as possible, but the First Amendment of the United States Constitution is interpreted as meaning that no religion may be taught in the public schools. TM has fought (and lost) a case in the courts in which it claimed *not* to be a religion. The opinion stated that the teaching of TM in New Jersey public schools is a violation of the U.S. Constitution and is, therefore, prohibited.

My last story comes from a conference attended by charming gentlefolk in an elegant resort in the South of England. I was sharing a platform with an anthropologically-minded artist who showed slides illustrating the art of the Borneo head-hunters. The slides were indeed impressive, and the audience oozed benevolent enthusiasm for the primitive artists. My talk was about science and religion and all went well until question time, when I happened to mention that the Unification Church was one of the new religions which believed that it had unified science and religion. A

tension filled the room. "You mean the Moonies?" I was asked.

"Yes," I answered.

Unease, consternation then hostility seeped (or, more accurately perhaps, flooded) into the room.

"They're wicked—evil—they should be stopped," a thousand genteel voices seemed to hiss at me.

I invited my audience to elaborate. "What do you think's the matter with them?" I asked.

The reply was instant and it was greeted with furious nods of approval: "They're not Christian!"

Why was it that the head-hunters, who by no conceivable stretch of the imagination could be described as Christian, could appear to this group of Christians to be so infinitely preferable to a movement which based its theology on a particular, albeit unorthodox, interpretation of the Old and New Testaments and which, in public at any rate, proclaimed itself to be Christian, and whose official name was, moreover, the Holy Spirit Association for the Unification of World Christianity.

It was, of course, the very fact that there was no way in which they could be considered Christian which made the head-hunters perfectly safe as objects of admiration; they belonged to another world; they were, quite unambiguously, beyond the pale. The Unification Church, on the other hand, was staking out a claim on the boundary perimeter. It claimed to know how to interpret Holy Scripture. In the area where there is a lack of obvious empirical refutation available, the Reverend Moon—a Korean of all things—was claiming that his was not only a possible, but a superior, interpretation of the Christian heritage. The boundary of what might be included under the rubric of "Christianity" was being renegotiated. And, to cap it all, young, middle-class Westerners were accepting his redefinition of the boundary.

The Unification Church was threatening a boundary that, to some extent at least, defined not only the identity of the individual members of my audience, but also the stability of the society to which they belonged. The art of headhunters could be appreciated as a religious art, because their beliefs and rituals were so obviously removed from those of the "genuine religion" of Christianity.

I am not suggesting that the people spend hours considering the contents of categories, nor that they spend time considering the importance for themselves or for their society of the delineation of boundaries. It does, however, appear that at some level, they are cognizant of the stakes that are implicit in the stakes. Stretching the metaphor a bit further, my argument is that people with vested

Continued on Page 14



INTERNATIONAL DATELINE

Special observer sought to monitor rights abuses

RGUATEMALA CITY
Representatives of the Roman Catholic Church joined human rights groups in Geneva in February to ask for the appointment of a special observer from the United Nations who would monitor what has been called an appalling rate of killings, disappearances and other human rights abuses.

"The military continues to use the country's doctrine of national security to justify violence," said Bishop Juan Gerardi, testifying before the U.N. Human Rights Commission in Geneva. "There has been no punishment for culprits of human rights abuses because of the inefficiency of the judicial system and because those responsible are active members of the military."

Opposition to the idea of an international monitor has come primarily from the government of new President Jorge Serrano Elias and the military, who fear the appointment would amount to a condemnation of the country and affect the amount of incoming foreign aid.

So far, the Guatemalan Congress has fallen in line behind the administration on the issue. When opposition Congressman Edmond Mulet introduced legislation in January that would have requested an international rights monitor, it was rejected by the majority of the 116-member body.

A visit in February by U.N. special envoy Christian Temuschai, his second in six months, led to a flurry of promises on the part of the government. Administration officials say the new president, who has been in office one month, should be given a chance to prove his resolve to stem human rights abuses before being saddled with an observer or condemned by the international community.

The government human rights ombudsman, in his annual report to the congress this month, said his office recorded 599 extra-judicial killings and 140 disappearances in 1990. Non-governmental human rights groups recorded more than 1,500 killings during the same period.

In a related Religious News Service report, the U.S. embassy in Guatemala was expected to release the State Department's annual human rights report—one said to be critical—but postponed that action after an unusually public dispute

between U.S. officials and the Serrano administration.

Guatemalan President Serrano had said earlier that he had rejected U.S. offers to gradually restore \$2.8 million in military aid that was cut off late last year in response to the previous government's refusal to prosecute rights violators.

Serrano has tried hard to counter criticism leveled against his predecessor's inability or unwillingness to curtail human rights abuses, promising to do "everything I can under the law to pursue people who commit crimes or violate human rights."

During his first 30 days in office, the president has met with congressional and judicial leaders to look for ways to strengthen the country's judicial system. He introduced legislation that would create a national prosecutor's office to back up a human rights office. □

Tutu, others issue call to continue sanctions

As Archbishop Desmond Tutu and other black leaders in South Africa call for continued sanctions against their country, anti-apartheid activists in the United States are gearing up to oppose expected calls in the Congress to lift sanctions in response to South African moves toward reform.

Reforms have come as a pleasant surprise for the anti-apartheid community, but they also have spawned concern that South Africa may be viewed as being on an irreversible march toward democracy.

Jerry Herman, Southern Africa peace education coordinator for the American Friends Service Committee, warned that such a view could prematurely interrupt the sanctions effort, allowing South Africa to adopt a more leisurely attitude toward the demands of its black majority population.

Herman said the release of Nelson Mandela left many Americans with the feeling that "things (in South Africa) are on the way to some kind of democracy."

But, he pointed out, the government persists in rejecting the thing Mandela, Archbishop Tutu and other black leaders say is the most basic of all their demands: giving blacks the right to vote on a one-person, one-vote basis.

South Africa is at a "critical point" and over the next year could see a resurgence of armed struggle if opponents of the apartheid system see no "light at the end of the tunnel," according to Herman. □

Soviets said to continue religious liberty policies

Despite the Soviet Union's moves toward the "right" in economics and political policies, signs suggest that the religious freedom policies instituted under Mikhail Gorbachev are continuing and even increasing.

Dr. Kent Hill, executive director of the Institute on Religion and Democracy in Washington and a long-time Soviet scholar, told RNS the return of religious relics and the public attention given to the event were "entirely consistent with what we have seen in the past two or three years" in religious liberalization in the U.S.S.R.

"It is conceivable in my mind that there will be a move back to the right on political and economic questions without a significant reversal" on religious matters," Hill said.

He maintained that "what we see is not so much necessarily an attempt to reassert communist ideology as an attempt in the old Russian political sense to keep the empire together."

The IRD official said he and other American evangelicals have been invited to lecture at the Moscow State University. Josh McDowell, author of several popular books on Christian apologetics, spoke there recently and Thomas Ogden of Drew Theological Seminary has been invited to speak in the future. □

Russian pastor seeks support for missions

CHICAGO

Russian Baptist Pastor Sergei Nikolaev, speaking at the 34th annual Southern Baptist language missions leadership conference here urged support of missions among Russian people at home and abroad during a time of openness created by glasnost and perestroika.

He issued a plea for Southern Baptists to sponsor and resettle the thousands of refugees from the Soviet Union, many of whom are immigrating to the United States.

Nikolaev, who leads one of the world's fastest-growing churches, the Temple of the Gospel in Leningrad, told the gathering that the church has grown from only 35 members to more than 1,000 members in one year.

Having been deprived of its downtown site during the height of persecution, the church was given a 100-year old



NEWS-SCAN

former Russian Orthodox building that had been shut down from 1937 to 1989. It's location on the edge of the city was thought by government officials to pose an obstacle to the faithful as well as to future growth.

In words of caution, Nikolaev said "Don't make the mistake of believing that communism failed" and that restrictions that existed in the past might not be reinstated.

He also noted that "we have a communist administration but we do not have a communist nation." Nikolaev pointed out that only 7 percent to 8 percent of the population belongs to the Communist Party, compared with 33 percent who are members of Orthodox and Protestant churches.

He urged Baptists in America to help equip and train Russian immigrants to America in theology and evangelism with the hope that they might one day return to the Soviet Union to reach their own people. □

Polish bishops release 'unprecedented' letter

Leaders of the American Jewish Committee say a pastoral letter on anti-Semitism issued by the Polish Catholic Bishops is "unprecedented and represents an extraordinary breakthrough."

The letter, issued in Warsaw in December, expresses "sincere regret for all the incidents of anti-Semitism which were committed at any time or by anyone on Polish soil." It was approved by all 244 of the country's bishops, and was read during Masses in all churches on January 20.

In the document, the Polish bishops address controversies that have divided Polish Catholics and Jews for much of the 20th century, including the role of Poles during the Holocaust and anti-Semitism during the Communist period.

Referring to World War II, the letter says that "many Poles saved Jews during the last war. Hundreds, if not thousands, paid for this with their own lives and the lives of their loved ones. For each of the Jews saved there was a whole chain of hearts of people of good will and helping hands."

At the same time, the bishops acknowledge that "in spite of so many heroic examples of help on the part of Polish Christians, there were also people who remained indifferent to this inconceivable tragedy. What is especially painful for us is those Catholics who in some

way were the cause of the death of Jews."

In expressing "sorrow for all the injustices and harm done to Jews," the Polish bishops note that "we consider untrue and deeply harmful the use by many of the concept of what is called Polish anti-Semitism as an especially threatening form of that anti-Semitism, and in addition frequently connecting the concentration camps not with those who actually were involved with them but with Poles in occupied Poland."

Rabbi A. James Rudin, the American Jewish Committee's interreligious affairs director, and Arnold B. Gardner, who chairs the committee's Interreligious Affairs Commission, said it represents the first time in history that the Polish bishops "have directly addressed the critical issues in Polish-Jewish relations in a strong, honest, and direct manner."

As another sign of significant change in Poland, Rabbi Rudin reported that President Lech Walesa pledged to work for a nation free of "all forms of anti-Semitism, extreme nationalism and chauvinism" during a meeting the two men had in Warsaw following Walesa's election to the presidency. □

Canadian group targets anti-Muslim sentiment

The human rights unit of the B'nai B'rith Canada has begun a series of meetings with Canadian Muslims to help them deal with the rise in anti-Arab and anti-Muslim feelings unleashed by the Persian Gulf war.

Since the war erupted, members of the Arab-Canadian community have been threatened and mosques have been vandalized. Complaints of harassment by the Canadian government's Security and Intelligence Service have also been received.

The Jewish community has also been caught up in the war's backlash and has tightened security in the face of bomb scares and the defacing of synagogues. "The Gulf war has provided the impetus for anti-Semites to come out of their closets," said Loren Shipmen, Ontario director for the League for Human Rights of B'nai B'rith Canada.

"Since the night the scud missiles started landing in Israel," Shipman said, "we've had 60 anti-Semitic incidents in Toronto alone." In comparison, there were only a total of 210 incidents in all of Canada last year. □

Inauguration services on Feb. 10 in Moscow brought to realization the new Evangelical Baptist Theological Seminary of the Soviet Union. The seminary, a long-time dream, officially was founded last October by Baptists in the USSR and the Baptist World Alliance. Classes will meet for the first two years in the Odessa Bible School and then in Moscow, where the government already has made property available for the Seminary. Nineteen students have been accepted and currently are part of a study program in anticipation of first semester studies in September. ... *USSR New Briefs*, continues to monitor human rights violations in the Soviet Union and reports that its "List of Political Prisoners in the USSR" totals 101. Of that number, the status of 34 is uncertain. The organization, based in Munich, Germany, notes that the list is under constant change. ... Baptists in England used Education Sunday (January 27) to call attention to the dilemma of staff and teacher shortages and their low morale in center cities of that country. Teaching in a multi-faith, multi-ethnic environment adds to the difficulty, reports the *Baptist Times*. Calling for church support, the denominational newspaper recalled that the church had a leading role in establishing the foundation of the educational system and its values and ideals. ... With the intention of fostering links between theological students in England and Romania, encouraging local churches in evangelism, and for its own values, 20 Spurgeon College students took part in a week-long mission, leading evangelistic services for Baptist churches in four cities of Romania — Brasov, Tirgu, Ures and Cluj. In addition to the party flying over, the British sent over a truck full of food, medicines and literature, including 60,000 copies of the Gospel of St. John. ... The first official order of the Autonomous Republic in the Chechen language was to order Friday to be considered a day off for its Muslim citizens and to make Sunday a working day. The recommendation allows citizens to "use their guaranteed freedom of conscience and adhere to the tradition of *ruzva* (Friday prayers in the mosque). ... In Perm, dozens of citizens had approached military officials asking to be sent as volunteers to the Persian Gulf, but were told that volunteers were not being sent. □

RELIGION IN PUBLIC LIFE:

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Quoting

Erich Weingartner
the ecumenist

Every day this past year, an average of nine Christian churches have been reopened in the Soviet Union. Plans for the first new cathedral in 70 years of communist rule are nearing completion in Moscow, and many other churches are going up in areas where none existed before. Government-appointed heads of parish councils have been abolished. Secular publications now run excerpts of the Bible. Religious broadcasts appear on radio and television. The ban against church involvement in social work activities has been lifted. A draft law on religion and freedom of religion is likely to give believers the right not just to worship, but to propagate their religion and conduct religious education.

But what is the price of these breathtaking accomplishments? The

boast by some western human rights organizations that it was international pressures on Soviet violations which led to perestroika is wishful thinking. Perestroika was motivated by the realization that the communist authorities could no longer guarantee exactly those rights for which they were supposed to possess a unique competence.

Economic rights, unlike political freedoms, are not immediately demandable. Bourgeois liberties are in fact much easier to implement, because they involve mainly a negative obligation: the government must refrain from interfering with the lives of individuals. Socialist aspirations, on the other hand, require the positive obligation of governments to manage the economy in such a way as to benefit all their citizens. It requires a strong and sustainable economy. □

Boundary, from Page 11

interests will not sit on the conceptual or the proverbial fence and let others move it while they sit.

Increasingly, social scientists are being asked in the courts, in the popular press, on radio, on television, and elsewhere to pronounce upon what is genuine "religion," "Christianity" or whatever. But it is not their task to draw the boundaries that our society will use. Society's categories may overlap with those that social scientists use as tools; but society's concepts and sociologists' concepts do not have the same ontological status. The latter are used to study the former. Social science has no expertise to decide what *ought*, by *definition* to go with what and what *ought* to be rent asunder. Its expertise, such as it is, lies in describing what *does*, as a matter of empirical fact, go with what.

In other words, social science can investigate what people believe and what they do, and it can try to discover how one phenomenon, described by a concept (such as religion), may vary in the presence of other, *independently defined* phenomena, such as politics or family life. Social scientists can point to inconsistencies; they can recognize and perhaps make recognizable the uses to which concepts and boundaries are put, and they can draw attention to the unintended consequences of drawing boundaries one way rather than another.

But they cannot judge whether or not "it is a genuine religion" without knowing what the enquirer means by the terms "genuine" and "religion"—what, that is, the enquirer has *already*, by *definition*, put into the boxes.

A society which believes that all religions should have equal rights ought not to be fiddling with the boundaries and definitions in order to ensure that "religion" can refer only to those whose beliefs do not threaten the interests of the boundary-drawers.

I am not, of course, suggesting that the anti-social practices of a religion—any religion—should not be subject to scrutiny, disapprobation and the meting out of due justice. I am suggesting that a just society should not allow any groups or individuals to lure us into thinking that things which *were*, as members of a society, have, by definitional decree, put together (such as "belief in God" and "goodness") are God-given alliances. They are not. They are man-made. And, like many man-made assumptions, they can be very wrong.

'Mary Douglas, *Purity and Danger: an analysis of concepts of pollution and taboo*, London: Routledge and Kegan Paul, 1966.

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there is an over-analysis of certain arguments, causing fuzziness and detracting from the readability of the book. However, the book does succeed in leaving the reader with a renewed sense that a healthy discourse does exist between opposing camps about religion's role in society, thereby insuring that the issue will remain on the front edge of our conscience.

Gordon Northcutt

It's really
a thinly
veiled welfare
for the well-off.

REFLECTIONS

James M. Dunn
Executive Director



"Choice" is the buzzword for education reform. It's hard to fight choice. One must ask, however, "Choice for whom?"

Greater flexibility within particular public school systems has both appeal and pitfalls. That's one matter. "Choice" that would include private schools, some church related, is quite another matter.

What's wrong with voucher schemes and other plans that would put public monies directly or indirectly into private and parochial schools?

First, they constitute a clear violation of the principle of separation of church and state. Sister Christine Vladimiroff, superintendent of schools for the Cleveland Catholic Diocese, says, "We cannot let the threat of 'unconstitutionality' silence the debate." She sounds much like many members of Congress in the recent debate on federal funding for church child care centers who said, "Leave the church-state question to the courts." These are they whose first words as members of Congress are a pledge to uphold and support the Constitution.

One must wonder if Jefferson's words have any appeal today: "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

Then, such approaches encourage elitist educational enterprises. A private school is by definition elitist. It doesn't have to accept all comers. Such ventures have every right to exist. The people have every right to deny tax support to them.

At this juncture in our nation's history perhaps we should be wary of anything that widens the gap between haves and have-nots. Robert B. Reich in "Secession of the Successful" (*New York Times*, 1/20/1991) points out that "America's high earners—the fortunate top fifth—feel increasingly justified in paying only what is necessary to insure that everyone in their community is sufficiently well educated. . . ." That top-fifth takes home more money than the other four-fifths combined. They, as Reich reports "have simply removed their children from the public schools and applied the money they might otherwise have willingly paid in higher taxes to private school tuition instead."

Next, it follows that federal funding for private and parochial schools inevitably involves blatant economic injustice. Even the average private school tuition would not be met by any legislation yet proposed.

Where do parents with no disposable income find the rest of the money for school? Now that we know that 1 out of 8 children in America are hungry, do we honestly propose to escalate the misery of those same children by making a decent education less accessible?

As James Copple, principal of a Wichita, Kan., high school says, "Free-market education will work for the poor like a free-market economy has worked for the emerging underclass." It's really a thinly veiled welfare for the well-off.

Again, a project of public support for private schools bears the seed of fiscal disaster. When hand-wringing legislators at every level wail about the deficit, sound the alarm regarding how much of the budget is "locked in" to entitlements, prove over and over that there is neither the public will nor the congressional courage to bite the bullet and reduce spending, what is proposed? Another entitlement.

Further, tax support for private schools is bad public policy regularly turned down by voters when they have a chance. Most recently, in November 1990, Oregon voters rejected such a plan.

Common sense citizens see that private schools look better and seem to produce because of certain advantages. They are academically picky, seldom offer costly training programs for blue-collar kids, quickly toss out "problem" pupils, usually avoid disabled students and most often serve those children who already have a good support system. Of course, they look good! As Rep. William F. Goodling, R-Pa., says, "I believe in competition but it should be fair competition."

Other public policy problems include the *de facto* discrimination favoring large private schools already in existence vs. small or beginning private schools, favoring a few geographic areas of the nation, especially the northeastern cities (most parts of the country have no private schools), favoring the religious denominations with the most schools and sophisticated lobbyists, expert at finding tax dollars.

The above complaint about a built-in bias toward existing programs should not be seen as narrow or bigoted. It is simply a recognition of the difficulty of crafting a fair, just approach to funding church schools. Eye hath not seen the number or variety of "religious" private schools that will pop up like crocuses after fresh funding with vouchers. Nor hath the eye seen the conflict, divisiveness and yes, competition that will follow.

Beyond that, there is a certain social shortsightedness and a philosophical flaw in any design that would deny exposure of all students to the common culture. Democracy depends upon learning to live with our deepest differences. The need to know all sorts of folks is essential to civility and good citizenship. "Hot house" Christians make sorry citizens.

Another concern is the threat to religious schools. Government regulation follows government aid. Church schools would have to comply with federal guidelines and regulations and lose something of their freedom to evangelize and speak prophetically. He who pays the fiddler calls the tune.

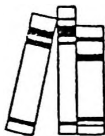
Penultimately, the inevitable lack of accountability for those private and religious schools which would ultimately profit from a choice crusade is troubling. There are few institutions the average citizen knows more about than the public school. A lot of what is reported is negative. Yet, what do we really know about private and parochial education? What kind of education is being offered?

Sometimes it's indoctrination instead of education. Sometimes "truth" as taught there is not subject to questioning. Sometimes critical thinking is discouraged and controversy is a dirty word.

Yet, while enemies of the public school have all the facts and figures regarding public schools, the public is largely in the dark about what actually goes on in hundreds of closed door institutions.

Finally, we must recognize that upsetting the apple cart of public schools will produce an administrative nightmare. As Rep. Ron Wyden, D-Ore., says, "Passing legislation today is just the very first step." Then, it's up to the bureaucracy. Oh, me! Some choice. That's not the way it ought to be; that's just the way it is. □

REVIEWS



THE STRUGGLE FOR AMERICA'S SOUL: Evangelicals, Liberals and Secularism

Robert Wuthnow, William B. Eerdmans, Grand Rapids, 1989, 186 pp.

Robert Wuthnow, respected sociologist and scholar, has written a short sociological description of the conflict in modern American religion between conservatives and liberals. Wuthnow first addresses the role of religion (churches and other voluntary organizations) in society by placing it in its societal context, and then identifying the cultural and political issues that shape the landscape of society. A short analysis of the Presbyterian denomination provides a look at how the conflict has affected a part of American denominational life. In the second part of the book, he focuses on three important areas of concern in the secular arena: the state, the mass media and higher education.

In identifying and defining the three elements of society, (government, private industry, and the voluntary sector, or "third sector", including churches) the author sets up his framework for discussion. With references to Alexis de Toqueville and German sociologist Jurgen Habermas, Wuthnow analyzes American society in light of these elements, showing the inconsistencies and how each sector defies easy classification.

Positing the theory that the major players in this religious realm are not the ACLU, the National Council of Churches or the Southern Baptist Convention, it is here that the author begins to focus on the theme of the book: the ideological cleavage that exists between religious conservatives and liberals. Then, in one of the most interesting parts of the book, he identifies the cultural and political issues that shape our society. Touching on the rise of religious revivalism in America, Wuthnow moves to a stimulating discussion of the "special purpose group." Operating on a national scale and cutting across denominational boundaries, these issue groups "give explicit identity to religious and religious issues." (Page 52). Addressing issues such as prayer in the public school, abortion, equal rights, and separation of church and state, special purpose groups make religious conviction more visible in the public arena, and another voice to the struggle for America's soul.

In his examination of the Presbyterian

denomination, the author shows the true character of a sociologist. Here his analysis becomes mired in data, surveys and percentage analyses. After recounting a brief history of a "flagship" denomination, he then seeks to show how the social and cultural dynamics of the last thirty years have impacted it and highlights again the conflict between conservatives and liberals in the Presbyterian church.

Having successfully identified the societal context, the issues, and the players in the religious realm, Wuthnow then proceeds to explore the secular areas that affect the role of religion in society. To what extent has the increased growth of the state (here meaning the growth of government entities and institutions in general) contributed to the decline in activity in voluntary organizations? Habermas' concept of "civil privatism," this process of eroding voluntary participation in secondary groups, including churches, is marked by individuals becoming increasingly disinterested in the public arena, more oriented toward personal consumption and a developing "atomization" of society. According to Toqueville, democracy depends on voluntary organizations. Their indirect role is "to mobilize individuals for political participation by bringing them into contact with others, broadening their sphere of concerns, and providing them with resources such as interpersonal skills and information." (Page 101). Here the author's subject seems somewhat nebulous and he fails to reach the level of layman's understanding on the subject. But he does provide an adequate historical analysis of the role of the voluntary sector in the American democratic experiment.

In the chapter covering the mass media, Wuthnow very effectively presents a hypothetical case study of "Mabel" and her experiences with televised religious broadcasts. As the reader analyzes Mabel's typical viewing habits, he realizes how televangelism contributes to "privatized religion" by promoting a passive participation and perhaps detracting from involvement in the local church. On the other hand, Mabel might become more actively involved in politi-

cal issues by responding to a particular program (by sending money or signing a petition), thereby contributing to religion's role in the public sphere. Whichever the case, the fact remains that mass media contributes to the process of defining religion's role in the secular realm of society.

Following a very brief chapter devoted to analysis of science and religion, Wuthnow asserts, in his discussion of higher education, that the segment of academia which can most effectively address the present religious conflict is the social science faculties of our nation's evangelical colleges. After discussing their qualifications for addressing this question, the author asserts that the greatest contribution they could make would be a study of the sociological personae of the evangelical/fundamentalist; his lifestyle, his mindset, family, religion and church. Wuthnow states that researchers should concentrate their efforts to best maximize the resources at their disposal, thereby, in this case, providing an in-depth look and the psyche of the evangelical.

Despite its overabundance of sociological data and figures, the book provides compelling insights into the struggle between religious conservatives and liberals. From a practical standpoint, Baptists can gain insight from his denominational analysis. In review, as I read the book, the old adage came to mind: "There are two sides to every argument." I am not speaking simply of the explorations of the conservative/liberal conflict, but also in each of the other areas of discussion where the author states an opinion and backs it up with facts and data, then proceeds to explore the opposite theory as well. For example, does the growth of the state really lead to less involvement in voluntary associations, or can the organizations exert sufficient pressure on the state to ensure a viable role for themselves? Further, does televangelism encourage the privatization of religion or encourage followers to become more involved in the public sphere? While there is the need to analyze all points of view from a sociological perspective,

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