



Center for Religious Liberty
at Family Research Council



RELIGIOUS FREEDOM: A HUMAN RIGHT AND A PILLAR OF AMERICAN SOCIETY

by Arielle Del Turco



Center for Religious Liberty

at Family Research Council

OUR MISSION:

The Center for Religious Liberty exists to cultivate religious freedom for every person worldwide.

WHAT WE BELIEVE:

We believe that religious liberty is the freedom to hold religious beliefs of one's choice and to live according to those beliefs. While it was foundational to the formation of the United States of America, religious freedom is not merely an American right, but an inherent human right for all people of all faiths everywhere.

Of all people, Christians understand that we must have freedom to choose God, who does not want belief to be forced or compelled. Ensuring religious freedom is vital to affirming human dignity and treating each person with respect. Therefore, we seek to expand the freedom to choose one's faith, and live it out, as a fundamental human right.

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by Arielle Del Turco

Religious freedom has always been an essential component of American society. Some of America's earliest emigrants traveled to the New World in search of a land where they could practice their faith freely, having fled persecution in Europe. America's Founders believed religious freedom is an inherent right of conscience owed to all people. As a result, religious freedom is enshrined in the Constitution as a basic right, one the U.S. Supreme Court has routinely upheld.

A cornerstone of the American republic, religious freedom protects people of all faiths. Yet, those seeking to pit various groups against each other often paint religious freedom as a threat.

So, how are we to understand religious freedom and its role in American society?

This publication seeks to answer that question by exploring America's history, the unique importance of religious freedom, and how robust religious freedom protections benefit everyone, regardless of their faith.

RELIGIOUS FREEDOM PROTECTS EVERY PERSON'S RIGHT TO LIVE ACCORDING TO THEIR CONVICTIONS

Part of the human experience is actively seeking out answers to life's biggest questions, such as: What is the meaning of life? How should we live our lives? What happens after we die? Many people find answers to these questions in religion.

Throughout history, governments and cultures haven't always allowed their people the freedom to pursue the religion of their choosing. But because human beings are innately seeking answers to these deepest questions of life, religious freedom ought to be a fundamental right for all people.

At its core, religious freedom is not merely freedom of belief. It is the ability to choose, change, and live in accordance with one's own faith.

Religious freedom empowers individuals to seek answers to life's biggest questions and live in agreement with their conclusions. It enables individuals to seek and worship God as they see fit.

Religious freedom advocate Tom Farr suggests that freedom of religion is essential to human flourishing. He says human nature “impels us to seek answers to profound questions about ultimate things. If we are not free to pursue those answers... we cannot live a fully human life.”¹

Religious freedom empowers individuals to seek answers to life's biggest questions and live in agreement with their conclusions. It enables individuals to seek and worship God as they see fit.

Religious freedom should *not* be mistaken for relativism. It does not deny the existence of truth or reject the possibility of truth exclusivity. Rather, it recognizes that governments are not the arbiters of truth and that each person must determine for themselves what they believe to be true without government interference. Religious freedom permits—even encourages—a robust debate between those with different beliefs. Religious freedom matters because the truth matters—a lot.



The absence of religious freedom is damaging to individuals, communities, and countries. It undermines healthy pluralism and creates fractures in society between faith groups.

The threats to religious freedom are diverse, and in the West, they are often subtle. But regardless of how they manifest, every violation of a person's religious freedom is an attack on the very core of a person; it is an assault on one's conscience and the freedom to believe internally and live out those beliefs externally.

One subtle threat to religious freedom is employers being required to pay for things that violate their beliefs. Alliance Defending Freedom recently sued the Biden administration on behalf of the Christian Employers Alliance, contending that Title VII, which prohibits employment discrimination based on race, color, religion, sex, and national origin,² was being misused to force religious employers to pay for and provide health insurance coverage for gender transition surgeries and procedures.³ The U.S. Department of Health and Human Services' reinterpretation of "sex" in federal law to include gender identity also posed a threat to the Christian Employers Alliance by requiring religious health care providers to perform or facilitate gender transition surgeries. As the culture continues to embrace an understanding of sexuality that contradicts the Bible, faithful Christians may find themselves increasingly at odds with regulations that seek to redefine "sex" in the law.

Situations like this one are just a snapshot of the varied struggles encountered by Americans who have had their religious freedom challenged in recent years. Their stories serve as a reminder of the deeply personal nature of religious freedom, which, when challenged or lost, has profound and life-altering effects for people of faith.

RELIGIOUS FREEDOM IS AN ESSENTIAL PART OF AMERICA'S HERITAGE

Understanding how religious freedom became a core value of the American founding is critical to understanding its place in the United States today.

Some of the earliest Europeans to emigrate to the New World were people who had been persecuted for not worshipping according to the dictates of their home country's state-approved churches. They came to

America seeking religious freedom and a better life. The most famous example was an English Separatist congregation, better known to us today as the “pilgrims” of Plymouth Plantation.

Several American colonies—including Rhode Island, Pennsylvania, and Delaware—were characterized by their dedication to religious freedom.⁴ Each of these colonies recognized religious freedom more than a century prior to the adoption of the U.S. Bill of Rights in 1791. Rhode Island’s 1663 Charter provided for the religious toleration of all people, including one of the earliest Jewish congregations in the country.⁵ Roger Williams, the founder of Rhode Island, opened his new colony to Protestant denominations, Roman Catholics, and even Muslims—a scandalous move at the time. For Williams, state churches were anathema, and attempts to coerce someone in matters of religion were wicked.

Religious freedom was featured in colonial charters and then, after the country won its independence, state constitutions. The Virginia Declaration of Rights, drafted by George Mason and adopted by the Virginia Constitutional Convention on June 12, 1776, serves as a good example. It stresses the importance of religious freedom to each individual’s conscience:

That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.⁶

Thomas Jefferson drafted the Virginia Statute for Religious Freedom in 1776, and the Virginia General Assembly accepted it two years later. To this day, we recognize January 16 as “Religious Freedom Day,” marking the anniversary of the signing of Virginia’s Statute for Religious Freedom.⁷

The statute opposed the state establishment of churches, maintaining that every person ought to choose their religious beliefs for themselves. Jefferson explained the bill as an attempt to provide religious freedom to “the Jew, the Gentile, the Christian, the Mahometan, the Hindoo, and [the] infidel of every denomination.”⁸ The statute declared:



We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.⁹

The statute later acted as inspiration for the First Amendment to the U.S. Constitution. Many people might be surprised to learn that Jefferson requested just three things to be included on his headstone: author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia. Although he had countless accomplishments to point to, this request indicated just how important his statute protecting religious freedom was to him and the nation.

America's Founders understood that infringing on religious freedom is a violation of every individual's human right. It is wrong for the government to try to control what goes on in someone's head, heart, or soul. This was true in the 18th century, and it is true today.

Significantly, many early American religious leaders were at the forefront of societal protests against the establishment of a state religion. They did so not for secular but religious reasons. Baptist preacher Isaac Backus famously argued that a legally established religion or church corrupts "the purity and life of religion."¹⁰

Many religious leaders promoted religious freedom not just because they wanted people to be able to worship in accordance with their own consciences but because they understood that the state's establishment of a religion could have negative effects on the established religion itself. When a state forces religious practice, it fills houses of worship with individuals who do not truly believe but rather are practicing the faith externally because they are compelled to do so from cultural pressure.

Utilizing the force of government to require individuals to practice a religion is ineffective at making true religious believers. Persuasion, not coercion, is the only truly effective way to make honest believers. In the Bible, the apostle Paul's method of evangelism was persuading his audience (Acts 17:17, 19:8). In 1675, the founder of Pennsylvania, William Penn, rightly said, "force makes hypocrites, 'tis persuasion only that makes converts."

The U.S. Constitution famously and clearly protects religious freedom. It also gives religious freedom a place of honor, as it is the first freedom enumerated in the Bill of Rights. The First Amendment says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This protects an individual's right not only to choose their beliefs but to live them out in the public square and associate with other believers. This right isn't reserved for a select few or people adhering to a state-sanctioned religion; it belongs to everyone.

George Washington affirmed the inherent natural right to freedom of religion in a letter to a Jewish congregation in Rhode Island. While president, he told the congregation, "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their



effectual support.”¹¹ With these words, Washington strongly repudiated religious persecution and emphasized the equality of all religious groups and believers under the law.

The Founders understood religious freedom as an inherent and “unalienable” right that is given by God. Because it is not given by man, it cannot be taken away by man. Religious freedom involves the sacred right of conscience and “a government that intrudes on conscience will not hesitate to intrude on our other freedoms.”¹² Without religious freedom, it is impossible for anyone to truly be free. In his 1785 “Memorial and Remonstrance Against Religious Assessments,” James Madison wrote that man’s duty to search for truth—man’s duty to God—comes before man’s duty to government. Thus, the government has the duty to respect man’s pursuit of truth.¹³

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America’s embrace of religious freedom has contributed to what has made it exceptional among other countries throughout human history. It is critical that we maintain our religious freedom. Our Founders enshrined robust religious freedom protections into law because they believed everyone’s right to seek the truth and live according to their beliefs was deeply important. This freedom is worth protecting—for ourselves, future generations, and those around the world relying on our advocacy on their behalf.

RELIGIOUS FREEDOM CONTRIBUTES TO A FLOURISHING SOCIETY

Religious freedom is much more than an abstract concept. It has many practical benefits—both for individuals and society at large. Evidence suggests that religious freedom is a factor that leads to economic growth and stability. The building blocks necessary for religious freedom—limited government, the rule of law, freedom of association, and dignity of the individual—are the same as those needed for economic freedom to thrive.

Religious freedom promotes religious plurality, and the benefits of this diversity are creativity, innovation, and entrepreneurship. In contrast, religious restrictions stifle creative power, limiting what new ideas can be shared or implemented, thus inhibiting economic development.

A joint study by Georgetown University and Brigham Young University examined 173 countries and discovered a strong correlation between religious freedom and economic growth.¹⁴ Even after controlling for more than 20 factors, religious freedom was one of the only variables that was still a major predictor of gross domestic product (GDP) growth. While religious freedom is certainly not the only factor, it is meaningful that notorious violators of religious freedom such as Eritrea, Sudan, North Korea, and Afghanistan have low GDP.

Religious freedom contributes to a stable society. That stability fosters economic opportunity and allows businesses to grow and operate in an environment that does not suffer from religiously motivated violence or discrimination.¹⁵

A 2016 study conducted by Brian J. Grim and Melissa Grim found that religion contributes approximately \$1.2 trillion annually to the American economy.¹⁶ Out of this total, 36 percent is contributed by congregations, 26 percent by religious institutions, and 38 percent by religious businesses. These services include everything from addiction recovery programs and soup kitchens to universities and large corporations guided by religion like Hobby Lobby or the kosher food industry.¹⁷

Furthermore, religious freedom allows faith-based organizations to aid and support those in need. In general, religious citizens of all faiths are more likely to offer time and money to charitable causes than nonreligious people, allowing charities to act as social safety nets outside of the orbit of “big government.”¹⁸ These and other societal benefits of religion make it clear that religious freedom is essential to the state’s welfare. States that fail to cherish this ideal often face social consequences.

Few Americans know the importance of religious freedom protections better than Jack Phillips. Uniquely skilled in confectionary arts, Phillips’ Masterpiece Cakeshop quickly became a successful small business. However, his devout religious faith has caused him to be targeted by those who believe differently than him.



Phillips, a Christian, declines to make cakes that celebrate things that do not align with his biblical worldview. He does not produce cakes that commemorate divorces or celebrate Halloween. Phillips' agreement with the biblical view on sexual morality means that he does not make custom desserts (to him, a form of artwork beyond a mere product) that celebrate same-sex marriages or gender transitions.

In 2012, Phillips declined to make a specialty cake for a same-sex wedding, although he did offer any of his shop's premade cakes.¹⁹ The would-be customers sued, and the matter was brought before the Colorado Civil Rights Commission, which ruled in their favor. In the eyes of the Commission, Phillips' right to produce art (in the form of his cakes) that abided by his values was inferior to the same-sex couple's perceived right to have a specialty cake.

After a long and expensive legal battle, the case was appealed to the U.S. Supreme Court. In 2017, the Court ruled 7-2 in favor of Phillips, saying his religious freedom had been violated.²⁰ Despite this ruling, Phillips continues to face targeted lawsuits.²¹ Only weeks after the Court's decision, the Colorado Civil Rights Commission filed a complaint against Phillips for his refusal to design a cake celebrating a gender transition. Although this complaint was dismissed, the Christian baker has recently been sued for the same instance in state court.²² Phillips remains caught in a long, costly legal process.²³

The litigation against Phillips has personally affected his life, and attempts to violate his religious freedom have cost him greatly. As a small business owner coming under attack for living out his faith,

his story illustrates that religious freedom is not only something that intimately affects our lives but also an important factor in any country's economic growth.

THE BIBLE AFFIRMS RELIGIOUS FREEDOM

Even though “religious freedom” is not a term found in the Bible, it is an idea nevertheless consistent with Scripture and has deep roots in Christian tradition. Christians understand that God does not force or compel anyone to follow Him. Rather, He invites us to follow Him and gives us a choice.

For example, in Matthew 19:21-22, Jesus gives the young man he is speaking with the option to follow him or walk away. Everyone deserves the freedom to choose God because God gave that same choice to all of us.

Further evidence that the Bible embraces religious freedom is the language of appeal and persuasion it employs. As mentioned previously, the apostle Paul conversed and dialogued with people about the gospel. Knowing he couldn't force people to embrace Christianity, he patiently explained his views, trusting the Holy Spirit to work in the hearts of his hearers.

Everyone deserves the freedom to choose God because God gave that same choice to all of us.

Christianity also teaches the concept of *imago Dei* (derived from Genesis 1:27) that says every individual is made in the image of God. This reality extends to people of all faiths as well as those of no faith affiliation. Because everyone is made in the image of God, everyone possesses inherent worth and deserves to be treated with dignity.

Therefore, protecting the freedom to live according to one's conscience is vital to affirming human dignity and treating each person with respect. Any effort to coerce individuals to believe or abandon any faith violates the conscience of a person created in God's image who is deserving of respect.

Barronelle Stutzman is an expert designer of flower arrangements and owner of Arlene's Flowers in Washington. She found herself at the center of a national debate when a long-time customer requested a flower arrangement for his same-sex wedding. Stutzman declined to make the arrangement because she believed it would be inconsistent with her convictions regarding marriage.



After the account of the incident was widely circulated on social media, the state attorney general sued Stutzman for allegedly violating a state antidiscrimination law. In the course of litigation, the state attorney general attempted to get Stutzman to barter away her beliefs for \$2,001. She refused.²⁴ As a result, the case wound up in the state supreme court. Although the state supreme court ruled against Stutzman, the U.S. Supreme Court vacated the decision after she appealed. The Court ordered that the decision be reviewed in light of its own holding in Jack Phillips's case (discussed previously), which had been decided by the Court while Stutzman's case was at the state level.²⁵ In June 2019, the Washington Supreme Court ruled against Stutzman a second time. Her Alliance Defending Freedom attorneys appealed to the U.S. Supreme Court once again. Stutzman's eight-year journey came to an end when the Supreme Court said it would not hear her case in July 2021.²⁶

In November 2021, Stutzman's case ended in a settlement—one that allowed her to retire without compromising her conscience or paying ruinous attorney's fees.²⁷ Although Stutzman's case has ended, the legal battle to protect freedom of conscience continues for many others.

The biblical perspective affirms the importance of religious freedom for Christians and all people, and it is easy to see the damage to people like Barronelle Stutzman when religious freedom comes under attack. It is right and proper that civil laws, both in the United States and around the world, respect this basic freedom for all people.

RELIGIOUS FREEDOM PROTECTS EVERYONE

As we've discussed, religious freedom protects those of all faiths. Although often falsely maligned by its detractors as discriminatory, religious freedom actually allows diversity and pluralism to thrive, allowing the religious freedom of minority groups to be protected just like everyone else.

We must remember that Christians are not the only faith group in the United States that benefits from religious freedom. For example, in 2020, during the COVID-19 pandemic, New York Governor Andrew Cuomo issued restrictive guidelines that unfairly discriminated against religious groups, including Jewish synagogues. The U.S. Supreme Court heard a challenge brought by Jewish and Christian groups against this policy and declared it unconstitutional.²⁸ The Court's decision was not limited to practitioners of just one faith or denomination; the protections for believers are extended, in this case as in the Constitution, to followers of all faiths.



Opponents of religious freedom might do their best to smear this basic right, but they should always be countered with the truth: religious freedom allows everyone to express and live out their deeply held religious beliefs. It protects one's conscience—the core of each person.

WHAT CAN WE DO?

As challenges to religious freedom mount, it can be easy to feel discouraged about the future. Yet, rather than despair, it should spur us to action so that we can preserve our liberties for future generations. Amid increasingly heated cultural debates, it is critical for those who value our first freedom to affirm its importance.

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Although much of the battle over this constitutional right takes place in the courtroom, there are a few practical steps we can all take to strengthen cultural support for religious freedom.

- **Live It Out:** Although the law should (and does) include robust religious freedom protections, religious freedom also relies on cultural support. By consistently living out our faith in the public square, we can foster a culture that respects religious freedom. So, pray in public, share your faith, and do not compromise on your beliefs. Live according to your faith and defend the rights of others to do the same.
- **Advocate:** In the United States, we have the privilege and responsibility to vote. When choosing political leaders, we should carefully consider their stance on religious freedom. Do they understand the value of religion and the threats to religious freedom currently at work in our nation and abroad? No matter what political party is in power, it is the responsibility of representatives to reflect the will of the people. So, make your voice heard and let your representatives know what you care about.
- **Pray:** Most importantly, we should pray. In 1 Timothy 2:1-2, Paul says, “I urge that supplications, prayers, intercessions, and thanksgivings be made for all people, for kings and all who are in high positions, that we may lead a peaceful and quiet life, godly and dignified in every way.” Following Paul’s instructions, we should pray for our elected leaders, specifically that they would uphold religious freedom. We should also pray for the protection of religious freedom at home and its expansion to all people around the globe.

CONCLUSION

Religious freedom is the very first freedom enumerated in the U.S. Bill of Rights, and for good reason: it protects one's conscience and freedom to believe. It is core to America's heritage. It has significant practical benefits for society. For Christians, it is also a concept that is affirmed by Scripture. And it is a right that extends to everyone.

Yet, recent court cases involving the free exercise of religion demonstrate a growing resistance to religious freedom in the United States. We must recognize religious freedom as an essential right and a pillar of American society, and we must stand strong in its defense. We can protect and foster cultural support for religious freedom by doing precisely what it allows us to do—live out our faith, advocate for religious liberty, and pray for our leaders.





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FRC seeks to inform the news media, the academic community, business leaders, and the general public about family issues that affect the nation from a biblical worldview.

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Why is religious freedom essential?

Part of the human experience is actively seeking out answers to life's biggest questions, such as: What is the meaning of life? How should we live our lives? What happens after we die? Many people find answers to these questions in religion.

At its core, religious freedom is the ability to choose, change, and live in accordance with one's own conclusions about the things that matter most in life. It enables individuals to seek and worship God as they see fit. This publication explores the human necessity of religious freedom, its importance in American history, and how robust religious freedom protections benefit everyone, regardless of their faith.



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