1. Created in the image of God, humans bear ultimate responsibility to their Creator. No human authority can stand in the position of God or otherwise establish the terms of human responsibility to God. For this reason, the constitution, or basic law, of a political community should recognize and protect the religious freedom of citizens.

2. The religion of some people may be only a matter of worship or private conviction. The religion of others may entail obligations to serve their neighbors, educate their children, and carry out their work and civic duties as part of an entire way of life in obedience to God. Whatever the case, government does not have the authority to define true religion and thus must protect the religious freedom of all citizens.

3. Government therefore does not have the authority to establish an official religion. If all citizens should be free to practice their religions, then government’s establishment of one religion or one kind of religion would contradict the principle of equal treatment of all citizens.

4. Religious freedom entails not only freedom of conscience and worship; it also includes the right of citizens to conduct themselves in public life without legal or financial discrimination due to their religion. Public justice thus requires equal treatment of citizens in both the public and private practice of religion.

5. Equal treatment of citizens with regard to religion entails two additional prohibitions:
   - First, there must be no privileging of secularism or of anti-religion in the public square. That would be to discriminate unjustly against public religions.
   - Second, there must be no discrimination against those who make no religious profession or who are antagonistic toward religion. Such discrimination would mean the unjust privileging of the convictions of some citizens over others.

6. Governments bear responsibility to uphold the peace and welfare of the political community. Therefore, they have authority both to prohibit certain actions that degrade or destroy human life and to restrict conduct that disrupts public concord. These legitimate acts of government must apply universally to all citizens. On occasion, therefore, governments may be obligated to restrain or prohibit certain practices even though some citizens consider them proper to the exercise of their religions.
Implications
1. The First Amendment to the U.S. Constitution, properly interpreted, includes an excellent provision on the protection of religious freedom. A mistaken interpretation of this amendment contends that the “free exercise” of religion and the prohibition of any “establishment” of religion mean that religion is a private matter and that there is no requirement for the equal treatment of diverse religious practices in public life. However, the free exercise of religion does not require its privatization but rather the guarantee that all citizens receive equal treatment. Thus, neither a particular religion nor secularism may be established in public life. Instead, government should uphold public pluralism.

2. This Guideline as well as the First Amendment should be interpreted to recognize the religious freedom of non-governmental organizations and institutions, as well as of individuals. As long as they are freely formed, churches, social service organizations, schools, and other organizations should enjoy the freedom to articulate and maintain their purposes—and to hire staff in accord with those purposes. If no organization is given public privilege over others, then none will be discriminated against, for reasons of religion, by denying it equal opportunity to enjoy public-legal recognition through tax breaks, public funding, or other kinds of public benefit and encouragement.

3. Examples of how this religious freedom argument applies to education and social services can be found in the Center’s two Guidelines on Education and Welfare.

For Further Reading


For more information, search on this topic at www.cpjustice.org.