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COMMENT - Must we tolerate religious intolerance?

Gay marriage is now legal across the land. But some conservative Christians see gay marriage as sinful, and feel it's their right, consistent with their religious beliefs, to discriminate against marrying gays, by for example refusing to sell them wedding cakes or weddings invitations. Must we tolerate their religion-based intolerance? - Kevin McGee writes from USA.

The whole idea of religious tolerance dates back to the Peace of Westphalia of 1648. For the previous 100 years, Catholics had been putting Protestants to death as heretics. Protestants had been putting Catholics to death for their religion. Lutherans had been executing religious dissenters. Calvinists had been executing religious dissenters. If you're appalled by the Shiite-Sunni bloodshed in the Middle East, we Christians were 100 times worse.

For 30 years, Germany had been engulfed in internecine warfare. The Catholic Habsburgs, rulers of Spain, Austria and the Netherlands, and various Catholic German princes had been fighting against various Protestant German princes, plus Denmark and Sweden. The war, which also involved France and parts of Italy, was a stalemate that managed to kill about a third of the German population.

So the warring parties met in the Westphalian cities of Osnabruck (the Protestants) and Muenster (the Catholics) to hammer out a peace agreement. That agreement, among other things, affirmed that each ruler could designate the official religion of his realm. But it also affirmed that Christians who were not of the established religion would be free to practice their faith, in public during allotted time periods and in private as they wished.

The Peace of Westphalia did not end religious persecution in Europe. The Spanish Inquisition continued until Napoleon's domination of Spain. Catholic Emancipation in Ireland wasn't accomplished until the 1830s. And Jews were still persecuted everywhere. But the general rule had been established: sovereigns should let people practice the faith of their choice, certainly in private and to some extent in public.

Our founding fathers were certainly aware of this history. They knew what intolerance had wrought, and believed that the Peace of Westphalia had not gone far enough. After all, the Peace still allowed the state to establish an “official” religion, which for example forced Ireland’s 90 percent Catholic population to pay a tithe to support an Anglican Church of Ireland that served a mere 5 percent of the population.

So they adopted the First Amendment, which prohibited the government from establishing any official religion, or from interfering with the free exercise of religion. But they would never have confused the “free exercise” of religion with the right to persecute or mistreat those who held different religious views. After all, the whole point was to avoid the debacle of the 15th and 16th centuries, when persecution of dissenting religious viewpoints was the norm.

So, would prosecuting a conservative Christian who discriminated in their business dealings against gay couples be “interfering with the free exercise of religion”? Absolutely not. Conservative Christians would be free to discriminate in their private lives, by not shopping at a store owned by married gays, or by not inviting the married gays across the street to their barbecue party. But once those

Christians step into the public arena, and open their own business, their right to use their religious views against another ends.

After all, some Christians have argued that the Bible condones slavery. Some have claimed that their religion showed that Whites are superior to Blacks. Some have proclaimed “miscegenation” — the marriage of blacks with whites — an abomination. So, would we condone the public exercise of these religious beliefs? I think not.

So yes, we must tolerate the free exercise of religion. But we should never tolerate the free exercise of intolerance.

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