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**The First Amendment is not Optional**  
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In the political fuss over the New York Islamic community center (with a prayer room) a couple blocks from “Ground Zero,” the Constitution’s First Amendment supporting religious freedom has become a casualty. Some critics have argued that it does not apply, while others have used it as a tool of discrimination giving them the right not to have a particular religion in this place.

Neither is the case. The First Amendment was designed exactly for this situation and it stands solidly on the side of the Muslim association planning to build the center. That judgment may be politically controversial, and many do not agree with it, but it stands squarely in the middle of United States’ law governing treatment of religious groups. The legal position is straightforward.

First Amendment laws prevent the interference of government entities in religious matters and ensure our country’s widely respected freedom of religion. It has been regularly used to uphold the rights of religious minorities against opposition by the majority. Historically, these minorities have included Quakers, Native Americans, Catholics, and most recently, evangelical Christians. Ironically, evangelical Christians, who are generally opposed to the Islamic center’s construction, have in recent decades been highly active in the courts expanding our country’s First Amendment rights of worship and assembly.

The most puzzling aspect of this controversy is the willingness to ignore or reject the Constitution’s First Amendment as if it were optional. Optional! How can such an idea even arise?

The idea comes from viewing the Constitution like another important document, namely, the Bible. In the generalized, Protestant-derived worldview common in many segments of American society, the Bible is viewed as the founding work of the Christian religion, revealed by God through Moses and Jesus, prophets and disciples.

Similarly, the Constitution forms our nation’s founding document. There is a strong tendency to view the founding fathers who composed it as superior to normal men, possessing a prophetic vision that enabled them to shape this work to last. Although these men were not divine, there has recently been a movement to Christianize them and to downplay their deist and secular beliefs.

Both documents guide the communities for which they constitute the foundation. The United States looks to the Constitution and Christianity looks to the Bible as the ultimate authority. However, both works require ongoing interpretation to remain relevant and applicable to changes in society, technology, and communal growth.

It is the differing character of that interpretation which explains the notion that the First Amendment is optional.

In law, interpretation takes place through court decisions (the application of the law) and legislation (the writing of new laws). Specific interpretation can be challenged, usually through more court cases, but once the interpretations are made, they form part of the law. They become potentially applicable to any and all situations within the country. However individual authorities may treat a particular law, laws are legally not optional and the state provides enforcement means to ensure they are followed.

In religion, interpretation takes place differently. Individuals and organizations (e.g., churches and denominations) can interpret. Sometimes religious organizations have the means to enforce their interpretations of belief and practice (e.g. the Inquisition, pledges of belief), sometimes they do not.

Protestantism began as a rebellion (initially by individuals) against the interpretation of the Bible propounded by (the organization of) the Catholic Church. Protestants also rejected a number of books in that Bible (books now called the Apocrypha). In other words, Protestantism not only discarded centuries of interpretation of the founding Scripture, it changed the contents of that Scripture. Even as these radical changes took place, however, Protestants elevated the Bible as a whole, claiming that they were being more true to that sacred text.

That legacy leads many Americans whose worldview is informed by Protestantism to view the Constitution in the same way. The First Amendment and its history of legal interpretation can be rejected because they believe it is not “true” to the intentions of the Founding Fathers.

It is the intellectual equating of the Constitution with the Bible, and seeing the Constitution within the Protestants’ interpretive history of Scripture, that enables the notion that the First Amendment and its guarantee of religious freedom can be discarded. But since the Constitution is a legal document rather than a theological one, that position is false.

Note: I wrote a different column on the NYC Islamic Center near Ground Zero earlier this summer, before it was made into a political issue. Most of my followers missed it. It can be found below.

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