

# ISSUES IN PERSPECTIVE

Dr. James P. Eckman, President Emeritus  
Grace University, Omaha, Nebraska  
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## *The Danger of Liberty As Personal Autonomy*

One of the most precious terms of the American Republic is liberty. The founding documents of this Republic are anchored in the articulation and defense of individual liberty. In the Declaration of Independence, Jefferson argued as a “self-evident truth” that we are “endowed by our Creator” with certain “inalienable rights” and among those are “life, liberty and the pursuit of happiness.” The Bill of Rights (actually the Constitution’s first Ten Amendments) articulate and guarantee a set of rights each citizen enjoys. “Liberty” is indeed a precious and unique dimension of this Republic. But, in 1992, Justice Anthony Kennedy, in the famous *Casey* abortion ruling, posited a re-definition of human liberty: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” That re-definition is quite extraordinary, for it legitimizes human autonomy and dismisses any position that seeks to define ethics as a set of duties and obligations sourced in a God or some Supreme Being. It de-legitimizes the concept that God can be a source of binding, universal ethical standards to which all humans are accountable. It is the human being alone who decides “meaning,” the “universe,” and the “mystery of human life:” Whatever I decide is true or right is acceptable. The logical extension of Kennedy’s remarkable statement is that each human being determines truth, ethical standards and personal morality. There are no universal, binding definitions or standards. Kennedy’s astonishing statement legitimizes the refrain from the book of Judges, “Every man [is] doing what is right in his own eyes,” and applies it to America. Does this re-definition of liberty as personal autonomy have any serious implications for this Republic? Consider these two examples:

- First, consider the reasonable impact of the *Obergefell v. Hodges* decision of last summer, the now famous Supreme Court decision that legitimized same-sex marriage in this Republic. In this decision, the Court overturned state laws and ordinances defining marriage as between a man and a woman, arguing that in addition to “liberty,” there is the constitutional right to “dignity” and that the Court now has a “better informed understanding” of such things. Does it matter to you and me that the Court now legally establishes that two men or two women who love one another can now call their relationship a marriage? That they have re-defined marriage and that the Court now legitimizes their right to do so will have no effect on those who disagree with this re-definition of marriage—correct? Well, not exactly. During the Court’s hearing of arguments on *Obergefell*, the US solicitor general admitted that a victory for same-sex marriage would put the tax-exempt status of religious schools and religious institutions in jeopardy. We are already beginning to see the effects of this Court ruling: Anti-discrimination statutes and regulations, federal, state and even private companies are insisting on compliance, regardless of religious convictions. In his dissent, Justice

Samuel Alito argued that thousands of Americans “who never dreamed that the issue would affect them will soon get highly personal lessons in how the legalization of same-sex marriage by judicial fiat threatens their schools, their institutions and even their livelihoods.” Columnist William McGurn is certainly correct when he maintains that “those who seek to crush all dissent from the new judicial orthodoxy on marriage will not always win, not least because the right to the free exercise of religion—in bald contrast to Mr. Kennedy’s right to dignity—is in fact in the Constitution. Still, however individual cases may turn out, by foreclosing the option of democratic debate and compromise the Supreme Court has ensured a bitter national harvest.” In fact, Kennedy’s definition of liberty (the right to define your own truth) ends up denying that same right to millions of Americans who define marriage and truth in a much different way.

- In the 2001 Supreme Court case, *Good News Club v. Milford Central School District*, the Court ruled that a public school which allows use of its facilities to secular groups may not discriminate against religious groups. The decision stated that Bible clubs such as the *Good News Club* must be given the same access to school facilities accorded any other non-school-related outside group. Child Evangelism Fellowship then began organizing Good News Clubs in the nation’s public elementary schools, such that by 2011, there were 3,560 Good News Clubs (that is 5% of the nation’s public elementary schools). This equal access standard is recognized as a dimension of freedom of speech and freedom of religious expression according to the Constitution. However, Katherine Stewart of the *Washington Post* reports that a movement called the Satanic Temple plans to use the same equal access standard to introduce its After School Satanic Clubs to public elementary schools. Satanic Club chapter heads in Massachusetts, New York, Utah and Arizona are coordinating strategies to open similar chapters in these respective states. The curriculum for the proposed after-school clubs emphasizes the development of reasoning and social skills. Each meeting includes a healthful snack, literature lesson, creative learning activities, a science lesson, puzzle solving and an art project. Parental permission slips must be signed and each student receives a membership card. Stewart reports that “The emphasis on multiple perspectives is a hint pointing to the Temple’s true foe. The group at first intends to roll out the clubs in a limited number of schools in districts that also host an evangelical Christian after-school program known as Good News Club.” Doug Mesner (aka Lucien Greaves), Satanic Temple’s co-founder, contends that “We are only doing this because Good News Clubs have created a need for this. If Good News Clubs would operate in churches rather than public schools, that need would disappear. But our point is that if you let one religion into public schools you have to let others, otherwise it an establishment of religion.” [Incidentally, the Satanic Temple is not promoting the worship of Satan. “The Temple rejects all forms of supernaturalism and is committed to the view that scientific rationality provides the best measure of reality.” Mesner states that “‘Satan’ is just a metaphorical construct intended to represent the rejection of all forms of tyranny over the human mind.” In our Postmodern, Post Christian culture where personal liberty is defined as personal autonomy and where there are virtually no limits on what

constitutes personal liberty, having a Satanic Temple that competes with Good News Clubs in our public elementary schools is something Postmodern pluralism concludes is both reasonable and Constitutional.

As I have said many times on *Issues*, we are a culture now firmly anchored in midair. Personal liberty has no reasonable bounds such that we are a culture where every human being is doing what is right in his/her own eyes.

See William McGurn in the *Wall Street Journal* (30 June 2015) and Katherine Stewart in the *Washington Post* (30 July 2016).