POLITICS AND RELIGION
Separating Church from State
THE CHALLENGE

Choose and research a topic that will
- Address meaning and indications of “separation of Church and State”
- Establish the interconnection between the US Government, religion and the US Constitution Preamble and First Amendment
- Further explore politico-historical relationship between politics and religion in America
CHILDREN’S MEDICAL RIGHTS VERSUS PARENTAL RELIGIOUS RIGHTS

- Chattel to Citizen
- Journey to Protected Citizen
AND THE THESIS...

- Government intervention to secure life-saving medical treatment on behalf of a minor child is not a violation of parental religious rights; it is an obligation designed to achieve equal application of rights afforded the child as a citizen of the United States.
The Venn of It All

- Federal Law submits to the Constitution, ensuring justice to all citizens
- State submits to federal law including religious structure and obligations to citizens
- Parents submits to state law including religious structure and obligations to the child
- Child submits to parents including religious and community instruction
Founding Fathers:
- witnessed first hand interference by Church in establishing law and governing the people
- Believed no religious freedoms without separating the affairs of the Church and the affairs of the State
- Choose different direction in government in the new nation
**Faith Based Healing**

- **Exemptions from Prosecution**
  - All states allow parental discretion to seek [or not] medical attention for their children
  - Absolution from laws of neglect and abuse
  - As many as a dozen states allow total exemption including exemptions of prosecution and punishment in cases that result in death
AND WHAT OF THE PRAYER

- No one questioned the application of religious freedom to pray over an ailing child when availability of medical care was limited in knowledge.
- Found great distances from the family in the formative years of the nation.
- Everyone could have been considered ‘Faith Healers’
A LONG ROAD FOR THE CHILDREN

- Time span of 141 years
  - 1789 - Samuel Slater introduces Arkwright machinery and family employment system to the American industry
  - 1865 - 13th Amendment ratified
  - 1868 - 14th Amendment ratified
  - 1874 - NY Society for the Prevention of Cruelty to Children formed [fashioned after the SPCA]
  - 1930 White House Conference on Child Health and Protection – recognized the children as citizens and protection of the American Constitution
14th Amendment

- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
DURKHEIM ON MORALITY

- Theorized that a society’s culture is the acceptable behavior within the group
- Morality of the group continues to shape modify and amend the culture
- Morality is shaped by religion, education, and law

“Rational thinking is thinking according to the laws which are imposed upon all reasonable beings; acting morally is conducting one’s self according to those maxims”
A Case for Limits

- As the community shifts the focus to the differing perspectives, opinions, and personal beliefs and convictions, the knowledge of the collective increases prompting change in the morality, the culture, the very existence of the community and society
- Many cases over the years document the ‘shifting’ morality of the people

- Here’s verbiage from two
A Case For Limits

- 1943  Prince v. Commonwealth of Massachusetts: “[T]he family itself is not beyond regulation in the public interest, as against a claim of religious liberty. And neither rights of religion nor rights of parenthood are beyond limitation....

- 1972  Wisconsin v. Yoder: “the power of the parent, even when linked to a free exercise claim, may be subject to limitation under Prince if it appears that parental decisions will jeopardize the health or safety of the child
**Medical View**

- The American Academy of Pediatrics seeks to repel state statures regarding religious exemptions regarding parental religious exemptions.
- They state "No statute should exist that permits or implies that denial of medical care necessary to prevent death or serious impairment to children can be supported on religious grounds.
- It would appear society has changed morally, educationally and lawfully just as Durkheim theorized.
Final Thoughts

- Morality only sets our ideas of order; it does not provide the order.
- To succeed as a Republic Government bound to protect all citizens, we must realize and apply limits to parental rights.
- When considering the parent’s rights, it is imperative to place the extent or the limit at the point of infringement to the child’s rights.
- As a society, we must be adamant to recognize government intervention [removal with the intent to secure medical attention] as government obligation to achieve equal application of rights afforded the child as a citizen of the United States.