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Supreme Court to hear case pitting 10 Commandments vs. '7 Aphorisms'

WASHINGTON (ABP) – It's the Ten Commandments versus the Seven Aphorisms, and it'll be coming to the Supreme Court sometime in its 2008-09 term. The justices agreed March 31 to hear a case involving a 47-year-old monument to the Decalogue in a Utah city park. The justices will consider whether its presence in the park as the gift of a private organization gives a local sect -- itself younger than the Judeo-Christian monument -- the right to erect a tribute to its own religious code.

In *Pleasant Grove City v. Summum*, the court will reconsider a lower court's decision. A panel of the 10th U.S. Circuit Court of Appeals said the sect, called Summum, has as much right to erect a monument in the park as the Fraternal Order of Eagles did in the 1960s, when it donated the Decalogue monument. Leaders of the sect asked the city to display the monument to its "Seven Aphorisms of Summum," which the 32-year-old group says were also handed to Moses on Mount Sinai along with the Decalogue. Pleasant Grove officials had earlier adopted a procedure for private groups wishing to donate a monument or statue to the park.

The Aphorisms include such sayings as, "Everything flows out and in; everything has its season; all things rise and fall; the pendulum swing expresses itself in everything; the measure of the swing to the right is the measure of the swing to the left; rhythm compensates."

City officials refused the group's request. Summum's leaders sued, and a federal district court ruled in the city's favor. But a three-judge panel of the appeals court reversed the lower court's decision, saying it was discriminatory to allow the Fraternal Order of Eagles monument but to deny Summum the same privilege. City officials appealed for a re-hearing, but the full 10th Circuit deadlocked on the question, meaning the three-judge panel's decision stood.

The city, with the help of the conservative American Center for Law and Justice, appealed the decision to the Supreme Court, arguing that forcing Pleasant Grove to allow the monument meant other government entities would also have to allow all sorts of monuments on public land. "Effectively, a city cannot accept a monument posthumously honoring a war hero without also being prepared to accept a monument that lampoons that same hero. Nor may a city accept a display that positively portrays Native American culture unless it is prepared to accept another that disparages that culture," said attorneys for the city, in their brief asking the high court to review the 10th Circuit's decision.

In the second half of the 20th century, the Eagles organization donated similar Ten Commandments monoliths to scores of other communities across the nation. Several have been the subject of important court decisions on government religious expressions.

Unlike many other cases regarding such monuments, however, this one does not turn on the First Amendment's bans on government endorsement or suppression of religion. Instead, it is a free-speech question that animates the case. "These cases happen to involve Ten Commandments monuments, but it could work the other way. A city that accepted the donation of a statue honoring a local hero could be forced, under the panel's rulings, to allow a local religious society to erect a Ten Commandments monument -- or for that matter, a cross, a nativity scene, a statue of Zeus, or a Confederate flag," wrote 10th Circuit Judge Michael McConnell, dissenting from his colleagues' decision not to review the case.

Pleasant Grove officials contend, in their brief for the case, that the city has the right to discriminate between monuments. The Decalogue statue and other monuments in the park, they reason, have become government speech -- even though they were donated by private entities.

But other 10th Circuit judges and attorneys for Summum said that argument is off base because the city originally considered the monuments private speech and treated them as such. Therefore, they said, the appeals panel ruled against the city on the basis of the facts of the case and its own policy allowing other private groups to erect monuments.

"Because the narrow and fact-specific decision [by the 10th Circuit] … turns on the city's own treatment of the Ten Commandments monument as private speech, it does not implicate, and would not give this court a chance to address, any broader issues concerning the line between government and private speech under the free-speech clause," said attorneys for Summum, in their brief asking the Supreme Court not to review the case. "Likewise, because the [lower] court held only that the government may not discriminate among private speakers in a traditional public forum, the decision does not raise any broader issues."

Pleasant Grove City v. Summum (No. 07-665) will be heard by the court after it begins its 2008-09 term in October.

Fundamentalism & violence: Fundamentalists of all stripes want to turn back the clock

(ABP) -- Despite all their theological and cultural differences, fundamentalists of every faith share at least one common characteristic: resistance to modernity. That's the assessment of scholars and firsthand observers who have evaluated the varieties of religious expression.

"Fundamentalism worldwide is religious anti-modernism," noted Roger Olson, professor of theology at Baylor University's George W. Truett Theological Seminary.

"Fundamentalism reacts against various types of modernity," echoed Bill Leonard, a church historian and dean of the Wake Forest University Divinity School.

Whether it's Baptist preachers J. Frank Norris and Jerry Falwell calling America to return to pre-scientific Christianity or Ayatollah Khomeini and Muqtada al-Sadr calling Muslims to resist the intrusion of Western decadence, fundamentalism finds a home in most major faith groups.

"In Christianity and Judaism, the battle with modernity in terms of elaborate militancy is the battle against pluralism -- the idea there are multiple ways to come to faith and that a given religion must come to terms with, and indeed conform to, society," Leonard explained.

The battle extends all the way back to 17th-century England and "a very painful process in the struggle between religious establishments and religious dissenters," he said, an observation affirmed by Olson. The battle raged on American soil about a century ago, when Protestant fundamentalism resisted "the liberal modernist effort to change theology in light of new scientific and rationalist theses," Leonard added.

So, the more recent rise of Islamic fundamentalism is neither unique nor surprising in the relatively younger faith, he added. "Militant action against dissent and pluralism and certainly modernity has worked itself through major elements of Christianity worldwide. … The Muslims are just now confronting that."

And Muslims aren't alone, said Rick Shaw, a former missionary who now is dean of Wayland Baptist University's Kenya campus. He has seen radicalism not only among Christians and Muslims, but also Hindus. In addition to the common denominator of anti-modernity, multiple factors or impulses transcend theological boundaries and propel adherents toward fundamentalism or militant religion. They include:

-- Dogmatic faith: "Fundamentalism begins not with militarism, but with a particular dogmatism about defining the nature of faith over against heresy and secular unbelief," Leonard stressed. "That then often, though not always, can lead to militant terminology and sometimes militant action." It's like a theological call to arms, added Rob Sellers, professor of missions at Hardin-Simmons University's Logsdon School of Theology. "When the guardians of orthodoxy begin to feel as if 'heretical' views are growing in popularity, the defense mechanisms begin to set in place," the Baptist professor said. "One has to defend one's own interpretations or faith and, consequently, one has to speak with certainty to the point of 'unassailable' authority." Entitlement to authority is easy to justify if you're defending the Lord of the universe, noted Dan Stiver, a theology professor at Logsdon. "God is an ultimate value that calls for ultimate commitment," he explained. "If this ultimacy becomes focused outwardly rather than inwardly, it can easily be seen as divine permission to attack and destroy someone else.

"Ironically, the faith that should elicit a higher form of morality easily descends into giving one permission for the ends to justify the means, because one is fighting for God." The distinction between healthy faith and militant religion is narrow, Stiver acknowledged. "There's a fine line between someone who's a crusader for a cause that we see as healthy and admirable and someone who is single-minded, has a target and [is] determined -- and how that could turn into being militant and fundamentalist. "A healthy crusader is focused and aggressive but is not so willing to let the end justify the means, keeps loving the enemy at the forefront -- like Martin Luther King, Jr. -- and more quickly can identify with and have compassion even for the opponent."

Religious people who make the shift toward extremism often do so based on how they read their holy writings, Shaw observed. "A common element is hermeneutics -- interpretation of scriptures," he said. "I've seen this in radical Christianity, Islam and Hinduism. It's how they interpret the Bible, the Quran or the Vedas." Ironically, moderate followers of those religions consider themselves no less faithful to their scriptures, he said. But the distorted, extreme interpretations propel some adherents to radical faith. That's not so surprising, given the power of faith on people's lives,

Stiver reported. "One of the aspects of religion is it's very powerful, and people come to religion because they have legitimate needs that are met," he said. "You would want to fill the God-shaped void in a positive way and not in a way that looks like hating your enemy instead of loving your enemy. But it can get circumvented."

-- Identity: People of faith often gravitate to extreme positions because of what they seek in and for themselves, the scholars stressed. An external focus on "being against something" provides longed-for identity, Stiver noted. "It's a defensive posture in the sense of often 'circling the wagons.' "It's usually defined by a pretty tight system of labeling what's right and wrong -- black-and-white thinking. There's good, and there's evil," he said. "Out of that comes a great deal of energy that motivates one to fight. The sense is you get a lot of fulfillment, identity, purpose and meaning in one's faith from fighting this good fight." That reflects a "separatist mentality," Olson added. "If you're authentic … you're with us," he said.

Shaw saw this firsthand in Eastern Europe, most specifically ministering in Bosnia. Islamic extremism is "an identity people take upon themselves in contrast to another religion, in this case, [Eastern] Orthodoxy," he recalled. While extremism represents a relatively minor segment of the Islamic population, "it is present-- but not part of mainstream Muslims." And although such behavior manifests itself as theological, Stiver asserted, "it's more psychological or sociological." "Such an outwardly aggressive orientation contrasts with those with an inner peace, who are more secure within themselves," he said, addressing the psychological dimension. Secure people of faith who are not radical "trust in God ultimately to be vindicated, and … because of that faith are less likely to cut corners and let the end justify the means."

Similarly, Shaw pointed to one dimension of psychology – personality -- as a contributor to radical religion. "Among Muslims and Hindus, there is one subpopulation attracted to [radical] faith disproportionately: young men," he explained. "It is rare that I've ever met a young woman who is a radical Muslim or Hindu." In the United States, young African-American males are disproportionately attracted to militant forms of Islam, he added. In all the groups, "young men are attracted to masculine structures and disciplines that have been absent in the clan or extended family," Shaw observed.

In a related way, defining itself in opposition to a prevailing culture also provides a dimension of radical religion's identity. "The culture clash is a major issue," Leonard said. "That still goes on. Particularly in Christianity in America in the last 30 or 40 years, you can see how that culture clash has surfaced-- still opposing the world, but letting it in the back door." He recalled growing up with such Baptist taboos as going to the movies and women wearing makeup, jewelry and short skirts. He also remembered when "worldly" music performed on guitars and drums was not permitted in church. But most conservative Protestants let those cultural barriers fall "in order to keep their statistics up and compete with the secular world," he said.

Today, Islam is fighting a cultural battle -- but even more intensely. Leonard recounted an article by *New York Times* columnist Maureen Dowd, in which she told about receiving a citation from the Saudi Arabian "dress police" for not having her head covered. "They wrote the ticket standing in front of a Victoria's Secret store in Riyadh," he said.

"The people who flew those planes into those buildings [on Sept. 11, 2001] convinced themselves they were the defense of God on the evil culture of the world," he added. "They were saying, 'We're not going to let you destroy our culture or destroy our faith.'"

Sometimes, militant religion seeks to recreate a culture that never truly existed, Shaw said. "Perhaps there's an element of nostalgic longing for a collective memory," he said, noting that memory often is selective. "There is desire for restoration, often for an empire that never existed in the first place."

-- Fear: "Fear is the basis of many forms of fundamentalism," Sellers stressed, citing "fear of difference, of change, of ambiguity or not having all the answers, of 'worldliness,' of radicality, of the future, of those who are different."
He continued: "This fear causes some other typical characteristics -- a glorification of the past or of orthodoxy, a certainty about one's own faith or interpretation of one's own faith; an entrenchment mentality, a feeling that 'truth' must be guarded against encroaching heresy and difference, an unwillingness to fellowship with/cooperate with/tolerate those who see faith issues in another way."

Fear helps fuel another common aspect of militant fundamentalist groups: A tendency to focus their disdain on what Stiver calls "externals." "Perhaps this is easier than dealing with the hard work of inner transformation," Stiver said. "Jesus seemed to be criticizing just such a tendency in the Sermon on the Mount where he kept pointing back to inner transformation, which, of course, does ultimately result in change in the outer world. "This outer focus, however, also can be turned toward attacking or eliminating threats to one's religious beliefs …. The problem is that the inner quest for peace can never be satisfied without inner transformation. Hence, the pattern of defeating one enemy only to find another enemy as an outlet for religious zeal. "There will never be an end of outward enemies in this cycle, because the religious quest is displaced from oneself to someone else. Ironically, such an obsession with defeating outer foes reveals a lack of faith in God … that vengeance is God's. Rather, militants have to do the work of God themselves."

-- Politics: Radical religion "often is coupled with a political agenda," Shaw said. The pressure can come from the

right or from the left, and often it targets "present political structures," he added. And sometimes, Leonard observed, religion provides a political excuse for more self-serving interests. "Some may have [adopted radical faith] because they didn't get a piece of the culture," he said. Leonard cited work by conservative *New York Times* columnist David Brooks, who contrasts the political/religious environment of the Middle East with Asia, particularly economic giants India and China. "The economic pie is getting shared with the grassroots folks" in Asia, he noted. "But the chief export from Egypt is rugs -- not electronics or 21st-century technology, where the money is. So, you can make a case that while Muslims cite religion, another reason for their militancy is they don't have a piece of the global pie."

Fundamentalism & militancy: Defining 'fundamentalism'

(ABP) -- Were the 9/11 terrorists who flew airplanes into the Twin Towers fundamentalists. Technically, no. Practically, yes. "Fundamentalism" specifically refers to a conservative movement within U.S. Protestant Christianity that began about a century ago, according to religious scholars. But they concede the term has become a useful -- although disputed -- label for various expressions of militant religion.

"'Fundamentalist' has been applied to different groups with different agendas across the world," reported Roger Olson, professor of theology at Baylor University's George W. Truett Theological Seminary. "It's an essentially contested concept, with no universal definition. "But as far as I know, only Christians call themselves fundamentalists," he continued. "The media and some scholars of religion have taken 'fundamentalism' from the American ultraconservative Protestants and projected that onto other groups that scare us."

Fair enough, said Bill Leonard, dean of the Wake Forest University Divinity School, who contended that wider use of the term is both acceptable and helpful. "'Fundamentalism' can be used broader than Protestant Christianity," Leonard said. "We're at a point where terms in the public square don't just belong to a particular kind of Christian unless you want to be very technical."

Rob Sellers, professor of missions at Hardin-Simmons University's Logsdon School of Theology, offered a definition of fundamentalism flexible enough to accommodate multiple religions: "a defense of the faith, whatever that faith might be, against whatever is perceived to be a threat or a challenge, or against whatever is judged to be heretical or 'liberal.'"

And now fundamentalism can even tilt in the opposite direction, added Sellers' colleague Dan Stiver, a theology professor at Logsdon. "Of course, you could have a liberal fundamentalist -- [someone] not usually seen as a fundamentalist, but who acts in a fundamentalist or militant way."

That's true across the globe, observed Rick Shaw, a former missionary in Eastern Europe and now dean of Wayland Baptist University's Kenya campus. Fundamentalism does not always tilt "to the right," he said, basing his assertion on experience with Christians, Muslims and Hindus. "I've experienced that vehemence to the left."

In the beginning -- around the turn of the 20th century -- fundamentalism originated among militant-but-nonviolent conservative American Protestants. They were primarily Presbyterians and Baptists in the North who resisted modernism, Olson said. "What they did was network with each other to oppose the rise of liberal theology in mainline Protestant seminaries," he explained. "They were afraid of a lack of doctrinal concern among liberals. They believed it was important to regain the seminaries or separate from them." To chart their course, "they wrote up lists of the fundamentals of the faith" that, they believed, formed the bedrock of genuine and true Christianity, he recalled.

Fundamentalism takes its name from those lists, published between 1910 and 1915 in a 12-volume series of articles called "The Fundamentals." Collectively, they encompassed scores of essays, written by conservative leaders from several Protestant denominations. "They were trying to find the boundaries of authentic Christianity," Olson said. The list of key Christian doctrines primarily focused on Christ's deity, the Virgin Birth, the Resurrection, substitutionary atonement and biblical miracles, he added, acknowledging, "The list varied somewhat." Even those variations carried consequences, he noted. For example, Baptists in the North who agreed on a long list of fundamentals nonetheless split over differing interpretations of the Bible's teachings about how the world will end.

But until that day, the scholars agree, adherents of radical religion -- no matter what their faith tradition -- are likely to be tagged as fundamentalists.

Missouri Baptist Conventionfaces $10 million countersuit

CAMDENTON, Mo. (ABP) -- The Missouri Baptist Convention could face paying more than $10 million to a developer over land formerly owned by Windermere Baptist Conference Center. William Jester of Springfield, Mo., has filed a counterclaim to legal action convention officials originally filed against him and the conference center in 2006. The developer filed the countersuit in Camden County, Mo., where the lakeside conference center is located. Jester accuses the original plaintiffs of hurting his business and defaming his character through the original lawsuit and publicity associated with it.

As part of a debt-restructuring plan to cover the costs of an expansion, Windermere transferred 943 acres of its original

1,300 to National City Bank of Cincinnati in late 2005. The bank then sold the property to Jester's Windermere Development Company Inc. The convention sued, seeking to stop all land transactions at Windermere pending the outcome of a separate convention-filed suit against five institutions that were formerly affiliated. The institutions, including Windermere, had removed themselves from the convention's control in 2000 and 2001. In 2002, the convention filed suit in Cole County, where it is headquartered, to regain control of the agencies' boards.

In that case, Cole County Circuit Court Judge Richard Callahan ruled March 4 that Windermere had acted legally when its trustees changed the center's corporate charter to appoint their own successors. The MBC plans to appeal that ruling.

The convention sought to have the Windermere property returned to the MBC as an outcome of that lawsuit. "They tried to take Mr. Jester's property in the Cole County case without enjoining him or his companies as parties [to that suit]," Jester attorney Burton Shostak of St. Louis noted by telephone on March 31.

In the separate Camden County suit, the convention sought to prevent Jester from beginning development of the property.

Jester's counterclaim charges the convention with making unsubstantiated and negative claims publicly, primarily through its in-house news journal *The Pathway*. Comments "relative to defendants' business capabilities, financial capabilities and the status of ownership … are derogatory and were made without any effort to confirm" their accuracy, Jester's suit notes.

Attorneys for Jester claim the MBC or its representatives warned prospective lenders against financing development of the property. He alleges the convention acted "with evil and malicious intent" and "outrageously when they intentionally interfered with the defendants' valid contracts and business expectations." The MBC also acted "with reckless indifference" to Jester's rights.

The developer claims the interference has cost him more than $10 million in possible sales or development of the disputed property.

In his counterclaim, Jester is seeking at least $10 million to compensate for those lost profits. He also asks the court to grant punitive damages "in an amount that punishes them." "The financial damage they have done to my clients is beyond substantial, and we are looking to the plaintiff individuals and organizations to right that wrong," Shostak said.

Jester filed his counterclaim against the plaintiffs in the MBC's suit against him, including the MBC Executive Board; former MBC president Bob Curtis; and convention-elected Windermere trustees Larry Atkins, pastor of First Baptist Church in Buckhorn, Mo.; Don Buford, pastor of Liberty Baptist Church in Big Spring, Mo.; James How of Washington, Mo.; Don Laramore of Caledonia, Mo.; James Robinson of Branson, Mo.; and Charles Schrum of Lebanon, Mo.

The plaintiffs in the Jester case have 30 days in which to respond. Then depositions will begin, according to Shostak.

Home sweet home: Chaplain uses cookies to reach out

BAGHDAD (ABP) -- For American military personnel serving in Iraq, there's nothing like a taste of home -- literally. Soldiers are finding comfort in a coffeehouse that provides homemade cookies run by a Baptist General Convention of Texas-endorsed chaplain, Kari Maschhoff.

"Our service members need a place they can know and feel that they are cared about," said Maschhoff, a San Antonio resident. "The chaplain coffeehouse is for them. It is about taking care of our service members. The mission of our unit demands a lot of them. They need a place where they can receive some care back. "What we offer is quite simple really: fresh coffee, hot water for tea or cocoa, a table of miscellaneous snacks and plate of homemade cookies. The comments we get from the service members are that it feels a little bit like home."

Maschhoff makes some of the cookies for the 24-hour coffee shop with an Easy-Bake toy oven, which wafts a pleasant aroma throughout the area. Some baked goods are mailed to the chaplain from people who want to support the troops. The coffee and cookies serve as more than reminders of home for service men and women. They're an avenue of connection where troops can share with the chaplain about issues in their lives. "The outreach connects our service members with people back home who want to show their support of our men and women in uniform by baking something special just for them," she said. "The outreach also draws in service members who might not otherwise come to see the chaplain. It is much easier to say to your leadership or buddies, 'I need a cup of coffee,' than 'I am having problems at home and need to talk to the chaplain.'

"The outreach is an informal way to bring in service members so we can offer a little chaplain loving care. We all need to know and feel that we are loved, and that is especially true when you live and work in a combat zone. Through the outreach, our hope is that the service members know that people back home care about them and are praying for them, that the chaplain team cares for them, and most importantly, that God cares for them and will never forget them."