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Why I Defend Goat Sacrifice

Freedom of religion doesn't mean much if it protects only those beliefs that the government, or the general populace, decides it likes.

By Eric Rassbach

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Some people just give me a funny look and say nothing. Others say, "Goat sacrifice?," laugh nervously, and look for the nearest exit. Only the most forthright ask me directly: Why in the world would I go to court to defend my client José Merced's religious practice of killing goats in his home in the Dallas suburbs? I then explain, often to dubious ears, that Mr. Merced is a priest of the Santería religion and must sacrifice goats in order to ordain new priests. Without goat sacrifice, his religion would die out. Sometimes my questioners nod in agreement, sometimes they don't.

One reaction I haven't heard yet is "Oh, of course. What a great idea!" Yet that's what anyone who takes religious liberty seriously should say.

The simple fact is that freedom of religion doesn't mean much if it protects only those beliefs that the government, or the general populace, decides it likes. It is first and foremost unpopular beliefs that need the protections afforded by the First Amendment and international human rights treaties like the Universal Declaration of Human Rights.

No student of history could disagree. A constant in world history has been the marriage of despotism and the suppression of conscience. Pharaoh forbade the Jews to worship God in their own way. Socrates was executed for supposedly not believing in Athens' gods. The Romans called Christians "atheists" and threw them to the lions for failing to worship Caesar. Heretics of one sort or the other--including agnostics and atheists--were executed during Europe's religious wars. Hitler killed Jews as well as ministers like Dietrich Bonhoeffer who rejected his crimes against humanity. Stalin persecuted Jews, Orthodox Christians, Muslims, and many others. Mao closed almost every house of worship in China.

Freedom of religion is no less endangered today. In China, for example, Tibetan Buddhists, Muslim Uighurs, and Christian house churches have all had their right to assemble and worship taken away by government officials. In the former Soviet

republics, governments require churches, synagogues, and mosques to get permits that are rarely forthcoming. And in countries like North Korea and Saudi Arabia, freedom of conscience simply does not exist. My colleagues at the Becket Fund are kept very busy by threats to religious freedom overseas.

From the very beginning, the United States has taken freedom of conscience far more seriously than many other countries, making it the first principle in our Bill of Rights, coming before even freedom of speech. But the United States has had its fair share of government suppression of religion, from the hanging of Quaker ministers in Puritan Massachusetts, to the anti-Catholic laws of the 19th Century. And many modern Americans--from both the right and the left--would choose a coerced moral conformity over the individual conscience. Religious freedom will remain at risk, even in the United States, for as long as one group of people is tempted to employ state power to suppress another group's peaceful attempts to act on conscience.

Which brings us back to Mr. Merced. Last week the federal Court of Appeals in New Orleans put itself on the side of freedom of conscience, ruling for Mr. Merced and telling the city he lives in--Euless, Texas--to let him start sacrificing goats again. The Court did not decide whether Mr. Merced's beliefs were right or wrong, orthodox or unorthodox. It simply held that as long as he is not endangering public health or safety, the government had to leave those beliefs up to him and his gods.

It is a small victory for religious freedom in this country, not just for Mr. Merced, but for everyone who believes the human conscience is a precious gift to be protected. Of course, Christians, Jews, Muslims, or others may want to convince Mr. Merced that his beliefs are in error, and the same religious liberty will protect their right to try to persuade him. That's the point: Persuasion, not state coercion, is the way all of us should engage our fellow citizens as they seek to obey the "still small voice" of conscience.

So ask not why I defend goat sacrifice. Ask me how you can too.

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