Church and State

Introduction

Soon after assuming office as president, Thomas Jefferson received a letter from the Danbury Baptist Association of Connecticut containing warm congratulations for his victory. In January of 1802 Jefferson drafted a response of unpredictable importance. The contents of the letter have influenced the shape of the American debate over the place of religion in public affairs ever since. Addressing the Baptists, Jefferson wrote:

> *Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinion, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State. {1} (emphasis added)*

The idea of a "high wall of separation" first entered into our nation's judicial conscience in the 1947 *Everson v. Board of Education* case. Although the court decided to allow public funding for the transportation of Catholic school students, it invoked the "high wall" doctrine as a rule for determining the future use of public funds. Justice Hugo Black appealed to Supreme Court precedent as well as the intent of the Founding Fathers in winning his 5-4 decision which included the "high wall" language. Justice Black wrote that our founders "reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all

religions, or to interfere with the beliefs of any religious individual or group."{2} This 1947 decision became the catalyst for a growing debate in the last half of the 20th century regarding the relationship between faith and government in America.

The phrase *high wall of separation* has divided Americans into a number of different groups depending upon their theological and political leanings. Some feel that the high court drastically overstepped the original meaning of Jefferson's words, going far beyond his original intent. Others applaud the Court's attempt to separate once and for all this country's bias towards Christianity, especially its Protestant wing. Since the question often revolves around the original intent of the Founding Fathers, many seek to determine whether or not the Founders supported a Christian state, a secular state, or something in between.

All of this points to a few important questions faced by Christians. How should individual believers and the church as a whole relate to the state and its various institutions? What about the role individuals should take in politics, efforts to reform government, and attempts to pass laws that make our society behave more "biblically"? In this article we will look at three different responses to these questions and examine some of the pros and cons of each. Since every believer is limited in both their time and resources, it is important to think carefully about where we focus our efforts in furthering God's kingdom. The purpose of this discussion is not to question anyone's commitment to Christ, but to merely step back and look at some of the underlying assumptions held by each of these three positions.

Anti-Religious Separatists

Americans support the notion of separation of church and state by a small majority.{3} Just what we mean by *separate* seems to be the real issue. Some go as far as to argue that any

position on public policy that is motivated by a religious belief is out of bounds and should not receive a hearing. This group, who might be called "anti-religious separatists," argues that religion is fine as long as it does not invade the public sphere. Religion must impact only private morality; if it leaks into the public square where policy making actually occurs, it is inappropriate at best. There are many examples of such anti-religious bias. Writing about a speech that Ronald Reagan made that included religious overtones, a *New York Times* article said, "You don't have to be a secular humanist to take offense at that display of what, in America, should be private piety. . . . Americans ask piety in Presidents, not displays of religious preference. Mr. Reagan uttered not just an ecumenical summons to the spirit. He was pandering to the Christian right that helped to propel his national political career."{4} Another presidential candidate wrote, "No president should attempt to transform policy debates into theological disputes."{5} Some believe the separation of church and state to mean a complete separation of religious values from public policy debates.

It's one thing to complain of inappropriate public piety, it is quite another to apply an anti-religious bias to court decisions and other actions that affect all Americans, religious or not. In one of the most important Supreme Court decisions on the separation of church and state in regards to education, Justices William Douglas and Hugo Black concurred that religious schools are by nature harmful. Writing specifically about Catholics schools they said:

> *The whole education of the child is filled with propaganda. That, of course, is the very purpose of such schools, the very reason for going to all of the work and expense of maintaining a dual school system. Their purpose is not so much to educate, but to indoctrinate and train, not to teach Scripture truths and Americanism, but to make loyal Roman Catholics. The children are regimented, and are told what to*

wear, what to do, and what to think.{6}

Although this quote refers specifically to Catholic schools, its description could apply to many types of private religious schools. This caricature of private Christian schools, that they do not teach but indoctrinate, that they fail to convey Americanism (whatever that is), is still a concern of many who have observed and objected to the recent rapid growth in private schooling.

Those who hold an "anti-religious separatist" viewpoint often talk positively of an American civil religion. The idea is that some religion might be better than no religion at all, but it must never actually enter into policy decisions. A thin veneer of religion is all that is needed. An example might be President Dwight Eisenhower urging Americans to spend the first Fourth of July holiday of his administration in prayer and penance. He then proceeded to fish in the morning, go golfing in the afternoon, and play cards all evening.{7}

When Christians advocate such a vague form of public religion, they do great harm to the faith. A lukewarm civil religion does not address the redeeming sacrifice that makes Christianity what it is. Nor does it value the revealed knowledge found in the Bible. The idea of providing America with a non- preferential treatment of religion is legitimate. The danger lies in the promotion or religious activity that waters down the beliefs of the various faiths, both Christian and non-Christian.

Christian America

It is a popular notion among Christians that America was founded as a Christian nation, and that the goal of believers everywhere should be to place our government back into the hands of committed Christians who hold acceptable views on theological and moral issues. As a corollary to this position,

it follows that our nation's institutions, its schools, courts, regulatory commissions, etc, should be established on Christian principles. Various Christian groups use language that supports this view. The Christian Coalition, Eagle Forum, Concerned Women for America, and others often present this perspective. Jerry Falwell has stated, "Any diligent student of American history finds that our great nation was founded by godly men upon godly principles to be a Christian nation."{8} John Whitehead, in his 1977 book *The Separation Illusion,* wrote, "In recent years Christians and non-Christians alike have been questioning whether America was ever a Christian nation. Without doubt it was, but secular historians have eradicated as much Christian influence as possible from history."{9}

Pat Robertson began the Christian Coalition in response to this perceived conspiracy to purge our history and government from Christianity. Stating its goals, its executive director said, "What Christians have got to do is take back this country, one precinct at a time, one neighborhood at a time, and one state at a time, I honestly believe that in my lifetime we will see a country once again governed by Christians . . . and Christian values."{10}

This view has much to commend itself in the actual words used by our Founding Fathers. John Eidsmoe, Peter Marshall, Marshall Foster, and David Barton have provided a wealth of examples in their writings of how the Founders used Christian ideas and terminology to describe their efforts to create a new nation.

Those who hold to this view are comfortable with making Christianity the semi- established religion of America. Everywhere the government is involved in our lives would take on a Christian flavor. Every citizen, regardless of religious affiliation, would be responsible for understanding and adjusting to this ubiquitous Christian culture.

To many, this would be doing to those of other faiths, including atheists, just what we have been accusing them of doing to Christians. Forcing people to separate their public lives from their beliefs and thus denying them their first amendment freedom of religion. Another question that arises is, What are Christians going to do if they fail to muster the necessary votes to put into place the people and legislation that they desire?

This line of thinking can easily lead to a "whatever it takes" mentality to return the nation to its Christian roots, including armed revolt if necessary. This form of Christian ethnocentricity discounts the importance of Christians in other countries and the possibility that God might use other nations as well as the U.S. to accomplish His purposes.

There is no question that we have been blessed as a nation because our Founding Fathers built our government on Christian principles regarding human nature and a theistic view of reality. We enjoy common grace as a people when our laws conform to God's standard of justice. The question that we must ask is, Can we as Christians can impose a biblical culture on a majority who no longer acknowledge the authority of Scripture? Since only 32 percent of Americans agree that "The government should take special steps to protect the Judeo-Christian heritage," this question is more than theoretical.{11} Perhaps a better goal would be to work for a government based on the concepts of freedom and neutrality with regards to religion.

Positive Neutrality

The idea of positive neutrality begins with the assumption that both religious structures and the state possess a certain degree of sovereignty over their respective domains. Each possess certain rights and responsibilities and should be free to operate without interference from the other. As the Dutch Protestant Abraham Kuyper stated it: "The sovereignty of the

State and the sovereignty of the Church exist side by side, and they mutually limit each other."{12} Christians can find support for this view in biblical passages that describe both the church and the state as divinely ordained realities (1 Peter 2 and Romans 13).

Positive neutrality argues that religious organizations have both rights and responsibilities. According to Stephen Monsma, author of *Positive Neutrality*, religious groups have the right to develop and teach their core beliefs, to shape their member's behavior and attitudes, to provide a wide range of services to members and non-members, and to participate in the policy making process of our republic. On the responsibility side, religious organizations must both accept and seek to enhance the authority and legitimacy of the state and encourage its members to obey its lawful decisions. Religious groups should also seek to develop civic virtue that enhances public life and not attempt to take over those things given to the state to perform. This does not mean that religious groups do not have the right to criticize the state; it means that they may not work to remove its legitimacy.

According to the notion of positive neutrality, the state also has certain rights and responsibilities. The government should make decisions that coordinate, protect, encourage, and empower society's various spheres of influence (including the religious sphere) with the goal of promoting justice, the public interest, the common good, or some other similar goal. The state is not to transgress the sovereignty of the other spheres although there are times when it is appropriate for the state to give material aid, in a neutral manner, to organizations in another sphere.

The immediate impact of moving towards a system of positive neutrality would be reflected in three areas. First, our political system would have to tolerate and accommodate a wider range of religious practices. Second, the state would have to protect the right of religious groups to influence

public policies. And finally, rather than working only through secularly based groups and programs, the government would fund the activities of both religious and secular groups for the purpose of providing needed social programs. These changes may be possible only by dropping the "secular purpose" part of what is known as the Lemon test, a three part test for appropriate government spending resulting from the *Lemon v. Kurtzman* Supreme Court case in 1971.

What this means, in effect, is that when the government gives financial aid to schools, homeless shelters, day care, or other agencies, it cannot discriminate against religiously based organizations. To continue to do so shows a bias towards secular organizations, motivations, and ideals.

Conclusion

We have considered three views of how the church and the state should relate to each other. The first was the anti-religious separatists. This group included those who desire what could be called a naked public square, naked of any religious influence. The second was the Christian America perspective; it advocates a sacred public square and the semi-establishment of the Christian religion. The third view is called positive neutrality, which argues for an open public square. The first two positions discriminate against the religious rights of Christians or non-Christians, the last treats all religious groups equally and does not favor secular organizations over religious ones.

Let's look at the specific issue of religion in our schools and see how the notion of positive neutrality might change what we consider to be constitutional and what isn't. Currently the Court uses a three part test to determine constitutionality. First, a program must have a secular purpose. Second, it cannot further a religious effect, and finally, it may not cause excessive entanglement between religion and the state. In its attempt at applying these

rules, the Court has created a very unclear line of what is permissible and what isn't. It has forbidden state-composed prayers, Bible reading, reading of the Lord's Prayer, posting the Ten Commandments, a minute of silence for meditation and prayer, mandating the teaching of evidence for creationism, and certain types of prayers at graduation ceremonies. However, it has permitted release time programs held off campus for religious instruction, teaching about religion, transportation for private school children, a minute of silence for meditation, and voluntary, student-led and -initiated religious clubs.

The obvious result of the Lemon test has been a bias against the religious and for the secular, not neutrality. In trying to account for local religious practices, some justices have argued that prayer and religious celebrations are actually secular and traditional activities rather than acts of worship. This tactic satisfies no one. Positive neutrality argues for a full and free play of all religious groups and of both religion and secularism. True neutrality is achieved by welcoming and encouraging all religions and secular philosophies to participate in the open marketplace of ideas on campus.

True neutrality could be accomplished in our public schools by applying the equal access principle the Court used in *Westside Community Schools v. Mergen.* This decision treated all extracurricular clubs, both religious and secular, with neutrality. This principle could be applied to prayer, the study of origins, and the posting of the Ten Commandments. In effect, this would remove some of the anti-religious bias that pervades public schools.

Neutrality is also enhanced when the government encourages educational choice by funding private schools regardless of their religious or non-religious nature. By allowing vouchers for parents to use to send their children to religious schools of their choice, the government would be treating religious

and non-religious schools in a neutral manner.

Positive neutrality insists that religious ideas should never be forced to hide themselves behind secular ones in order to participate in the public square. The government is not being neutral when it endorses a secular idea over a religious one in our schools or in other social programs. While many Americans are unhappy with the government's current bias against religious beliefs, it remains to be seen if they are ready for real religious freedom that would allow full participation in the public realm by all faiths and philosophies.

Notes

1. Edwin Gaustad, *Sworn On The Altar Of God* (Grand Rapids, MI: Eerdmans, 1996), 99.

2. Wayne House, ed., *Restoring The Constitution* (Dallas, TX: Probe Books, 1987), 298.

3. Stephen V. Monsma, *Positive Neutrality* (Grand Rapids, MI: Baker Books, 1993), 57.
4. Ibid., 63.

5. Ibid.

6. Ibid., 71.

7. George Will, "Who Put Morality In Politics?" *Newsweek*, 1980.

8. Monsma, 73.

9. John Whitehead, *The Separation Illusion* (Milford, MI: Mott Media, 1977), 17.

10. Monsma, 73.

11. Ibid., 57.

12. Ibid., 179.