

# The Culture of Disbelief

A new book, *The Culture of Disbelief* by Stephen Carter, may be the catalyst to open up a much needed discussion on the role of religious belief in public life. It has even caught the attention of President Clinton. The author teaches law at Yale University, is an Episcopalian, an African-American, and to a great degree an iconoclast, a nonconformist whose ideas will please neither the right nor the left, the liberal nor the conservative. But, just as it took a Nixon, with his irrefutably conservative credentials, to open the door to better relations with communist China, it may be necessary for a Stephen Carter to help bring back into balance the role of religion in America.

This book is provocative, in an irksome, irritating, vexing way, but also in an alluring, insightful way. Carter's defense of religiously motivated actions in the public square (in government, education, and the marketplace, or wherever people conduct public business) is worth cheering about. Carter argues that our government has trivialized serious religious belief to the point that we are losing the protection once provided by the First Amendment, which was written, according to Carter, to protect religious groups from government interference, not to protect the non-religious from the religious in our society.

The vexing part of Carter's book is his consistent rejection of conservative biblical positions. He argues vehemently for the right of others to hold them, but then declares these positions to be naive, developed by shoddy thinkers, and just plain wrong. His complete confidence in his position, often without stating why, will be very irritating to readers who hold to biblical inerrancy and a biblical worldview.

With that warning said, this is still an important book for anyone interested in the role of religious belief in America.

Carter rightfully points out that the Constitution and First Amendment were written for a world in which regulation was expected to be rare and would almost never impinge on religious liberty. Today, we live in a highly regulated welfare state, one which sees no limits to its regulatory powers. There is literally no place to hide for those who are religious and try to act in a way consistent with those beliefs.

Professor Carter makes a powerful argument that governmental agencies are removing religion as an “ground for objection” to its various mandates, whether they be sex education in the schools or housing anti-discrimination laws. In other words, the beliefs or disbeliefs of those running our government are being imposed on Christians via the power of the ever expanding ruling bureaucracy.

Carter responds to this governmental encroachment into the intimate details of our lives by calling those on both sides of the ideological debates to value, not oppose, those who refuse to accede to the authority of others, for it yields the diversity that America needs. His lucid arguments for true religious freedom, especially from his political and religious position, are helpful and well thought out. Carter is willing to speak boldly against the tyranny of secular government, especially when governmental agencies become oppressive.

Again, let me be very clear. This book will be difficult to read for many believers. Professor Carter bends over backwards to make his message palatable to the more politically correct crowd on our college campuses and in government. On the other hand, conservative Christians can benefit from a close reading of this book. If this book has a significant impact, our government could return to (in regard to religious freedoms) a position much closer to that of our Founding Fathers.

## God as a Hobby

The most powerful message of *The Culture of Disbelief* is that religion has been trivialized in America. By religion, professor Carter is referring to any worshipping group that believes in a supernatural God and that actually makes demands on its members, in this life, based on its beliefs about the nature and character of God. He notes that "More and more, our culture seems to take the position that believing deeply in the tenets of one's faith represents a kind of mystical irrationality, something that thoughtful, public-spirited American citizens would do better to avoid. If you must worship your God, the lesson runs, at least have the courtesy to disbelieve in the power of prayer; if you must observe your sabbath, have the good sense to understand that it ...is just like any other day of the week." According to Mr. Carter, this development is both unfortunate and dangerous to our religious freedoms in America.

This bias has encouraged some of our public institutions to accept religious prejudice as neutrality. The public schools are one of the more obvious illustrations of this bias. One recent example involves a Colorado public school teacher who was told by superiors to remove his Bible from his desk where students might see it. He was told not to read it, even silently, when students were present. He was also ordered to remove books on Christianity from his classroom library, even though books on Native American religious traditions and the occult were allowed to remain. According to Carter, "The consistent message of modern American society is that whenever the demands of one's religion conflict with what one has to do to get ahead, one is expected to ignore the religious demands and act...well...rationally."

Another example of this bias towards religious faith in general is found in modern America's phobia about those who attempt societal change as a result of religious beliefs. An

anti-abortion protestor that is against abortion for religious reasons will conjure up grim pictures of religious wars, inquisitions, and other assorted religious atrocities as examples of people trying to impose their religious will on other people. It is like saying that if those murdered for religious reasons had somehow had a choice, they would have chosen a secular killer: "that those whose writings led to their executions under, say, Stalin, thanked their lucky stars at the last instant of their lives that Communism was at least godless."

Professor Carter's response to liberal America's religious bigotry is to remind them that the civil rights movement "was openly and unashamedly religious in its appeals as it worked to impose its moral vision" on America. One can also remember a time when getting out the evangelical vote for a Democratic Presidential candidate was considered a good thing by many in the press. Jimmy Carter's campaign was never charged with advocating a narrow sectarianism, as was Ronald Reagan's or George Bush's, because his religious sentiments promoted policies that were more in line with the liberal mindset.

Professor Carter recognizes that much of society's current intolerance of those who are religious focuses on those who advocate a conservative set of values that arise from the belief that God has communicated via the Bible truth about human nature and righteous living, truth that is not available to us via reason alone. Mr. Carter disagrees with the conservative view but sees danger in using the power of government to remove the political freedoms of those who hold to it.

## **Separation of Church and State**

In this important book the author makes some interesting observations concerning church and state in America. For example, Carter believes that, "Simply put, the metaphorical separation of church and state originated in an effort to

protect religion from the state, not the state from religion.” As Thomas Jefferson declared, religious liberty is “the most inalienable and sacred of all human rights.” The First Amendment was written to provide the maximum freedom of religion possible. Philip Schaff once called it “the Magna Carta of religious freedom,” and “the first example in history of a government deliberately depriving itself of all legislative control over religion.”

How have these founding ideas about church and state been applied recently in our society? Not very well according to Mr. Carter. The Supreme Court, whose duty it is to interpret the Constitution, has arrived at something called the Lemon test, an appropriate name because it is nearly impossible to apply. It includes three criteria for a statute to satisfy the requirements of the First Amendment. First, the law must have a secular purpose; second, it must neither advance nor inhibit religion; and finally, it must not cause excessive state entanglement with religion.

It is apparent to many that this ruling by the Court works in favor of those trying to build an impenetrable wall between religious belief and our government. Professor Carter notes that if this ruling is taken seriously one would have to question the legality of religiously motivated civil rights legislation. Another question is whether or not one can act in a manner that neither advances nor inhibits religion? For instance, does the government advance religion if it grants tax relief to parents who send their children to private schools? If so, does denying the tax relief inhibit religion by causing parents to be taxed twice for their children’s education?

Carter notes that even the Court has had difficulty in applying this set of standards, mainly because of the way it has defined what is meant by a secular purpose. The Court often focuses on the motivation for a piece of legislation, rather than its political purpose. In other words, the

criteria that many would like the Court to use in determining secular purpose would be to ask if the legislation is pursuing a legitimate goal of government or not, rather than inquiring into the religious motivation of the bill's sponsors. As Professor Carter writes, "The idea that religious motivation renders a statute suspect was never anything but a tortured and unsatisfactory reading of the [establishment] clause... What the religion clauses of the First Amendment were designed to do was not to remove religious values from the arena of public debate, but to keep them there."

Mr. Carter understands the difficulty and complexity of law and notes that simply removing the Lemon test would not solve our legal inequities regarding religious belief in America. The legal community is very much split over what should replace the test. Yet he argues that we must not give in to the current notion that the Establishment Clause of the First Amendment was written to protect the secular from the religious for this would lead to establishing "religion as a hobby, trivial and unimportant for serious people, not to be mentioned in serious discourse. And nothing could be further from the constitutional, historical, or philosophical truth."

## **The Accommodation of Religion**

Although Professor Carter does not agree with positions held by conservative evangelicals on moral issues, he argues eloquently, not only for our right to hold these positions, but to take part in the public debate over them and, if possible, to convince our fellow citizens of the rightness of our policies.

Mr. Carter sees the current culture war as a result of a collision between the ever expanding welfare state and religious autonomy. In its attempt to enforce gender, racial, and sexual preference equity, the government was bound to clash with the discriminatory practices that are part of religious belief. This, in itself, is a remarkable admission

from someone who generally agrees with the policies of the current welfare state. Fortunately, Professor Carter values freedom of religion and fears secular governmental tyranny enough to prefer that we err on the side of freedom rather than government control.

How then should the courts rule when religious groups balk at compliance to government established policies like anti-housing discrimination laws? Recent court cases have tended to ignore the significance of religious belief. Carter, however, contends that religious groups ought to be able to establish when and how they are called to discriminate in public settings, with some limitations. He would place a high standard, that of compelling interest, between government policy and religious observance. In other words, government should not be able to force a Christian couple to rent their apartment to two homosexual men unless the it can prove that it has a compelling interest in the issue. Doing so under the standard Carter proposes would be much more difficult than under current standards. Yet without this high standard, or something similar, government will continue to virtually ignore religious faith in creating its rules and regulations.

Professor Carter is very cognizant of the power government has to control or destroy groups via taxation, regulation, or the threat of secular leveling. That occurs when government tries to force every organization to reflect current government policy within its own internal organizational structure and practice. Unfortunately, Mr. Carter's plan for implementing protection of religious groups is not as satisfying as his defense of religious freedoms. In fact, he comes to the conclusion that satisfying both equality and religious autonomy may not be possible. In one obvious example, that of homosexual employment rights versus the rights of religious groups not to hire homosexuals, Carter's rejection of biblical constraints on homosexual behavior leaves him without direction. Even so, conservative readers will want to note his

fine defense of religiously motivated actions in society.

Carter believes that it is difficult “to see how the law can protect religious freedom in the welfare state if it does not offer exemptions and special protection for religious devotion.” Unfortunately, he never questions the wisdom of the welfare state in general. However, he does see the need for autonomous religious groups that challenge the moral and political orthodoxies of the day, whether they be religiously motivated civil rights groups in the 50s and 60s or anti-abortion groups in the 90s. Government neutrality is a myth, and without religious freedom whatever orthodoxy currently exists in government might be sustained via coercion and intimidation if religious groups are not given sufficient power to act as mediating structures.

Professor Carter’s book is an important one merely because it takes religious belief seriously even though it is sometimes inconsistent and strident in its treatment of conservative evangelicals. Next we will look at another model that some feel is a more biblical approach to the problem of unconstrained government and at what might replace the notion of a welfare state.

## **Another Model**

Although written from a liberal perspective, both politically and theologically, the book argues very effectively for a return to a form of religious freedom that better reflects our Founding Fathers’ thinking. Once the reader gets past the author’s general disregard for what he calls the “Christian Right,” a great deal of helpful material can be garnered for the support of a society which respects religious belief and allows those who are religious full participation in the public affairs of the nation. In light of recent attacks on the role of Christians in politics by the media, this defense by a Yale law professor couldn’t come at a more opportune time.

Professor Carter charges that unless secular liberal theory finds a way to include religious participation in the public moral debate, political disaster may be the result. The outcome will be a narrowly focused elitist theory of government and public life that would indeed inflame the current culture war and drive a greater wedge between those who are religious and those who are not.

Conservative evangelicals should applaud Mr. Carter's view of religious freedom. His emphasis on religious groups acting as mediating structures between the individual and government and on the rights of families to direct the education of their children are a much needed message for our society. All societies need to determine the distribution of power and authority among its citizens. Many supporting the current welfare state argue that government and individuals should possess the bulk of decision-making ability in our political and judicial framework. This leaves out mediating structures, such as the church, which serves the vital role of challenging both political tyranny and individual anarchy. Professor Carter rightly sees the danger in this position. If authority is focused on state power and individual rights, the state will eventually extinguish the voices of individuals it finds antagonistic to its plans.

Mr. Carter is closer to a Calvinistic view of society than the welfare state model many liberals find comforting. Professor Carter seems to endorse the concept of spheres of influence, the idea that government, the church, and the family all have legitimate, in fact, God-given, authority in their respective domains.

Romans 13 and 1 Timothy 2 declare that God's purpose for government is to maintain order by punishing the wrongdoer and thus create a peaceful society in which we might live in all godliness and holiness. Ephesians 5, 1 Timothy 3, as well as other passages, lay out the structure and importance of the family in God's plan for human society. The origin and purpose

of the Church is referred to throughout the New Testament. First Timothy 3:15 talks of God's household, which is the church of the living God, the pillar and foundation of the truth. Those with a high view of Scripture believe that God has ordained these structures within society for good reason. If any of these three spheres try to function outside of its God-given role, the society will suffer as a whole.

The value of Professor Carter's book is that he is warning society that it has placed far too much authority and power in the hands of our government at the expense of religious groups and families. This is an important message that counters the often held belief that government is the only agent in our culture that can bring about change.

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