
Responses

Margaret D. Wilde

I agree with Dr. Dunn's defense of church-state separation, and with the logic behind it. Here I would like to expand that logic a bit, and project it into the near future. The opening point is especially important and often forgotten: religious freedom comes not from the state but from God who made us both free and "response able." That we are free to choose whom we will serve is one of the wonders of creation. That the framers of the Constitution respected that freedom, and that it has survived so many theocratic temptations since then, is another wonder.

What makes its survival a wonder is that, like most human rights, religious freedom is easily and often abused. Also, the responsibility that goes with it is hard to define and monitor. In the schools of my Oklahoma childhood, no one doubted the fundamentalist teachers' right to launch into prayer after the pledge of allegiance each day. Later, however, I realized they were neglecting a responsibility to my one Jewish classmate and even to Christian children like me who were not yet certain of their spiritual identity. Although (or because) I'm not sure what the teachers should have done differently, that memory made me an opponent of prayer in the public schools.

Some other church-state issues are even harder to work out. In principle, I strongly favor public funding of faith-based social service programs; they are usually more responsive to human need, and are sometimes better able to engage people in solving their own problems than government bureaucracies. But we need a new understanding of what religious freedom means when church agencies are setting goals and selecting staff, and we need a clear agreement on the agencies' responsibility to voters and taxpayers whose motivations and criteria may be different from theirs.

Similarly, we need the moral guidance and activism of religious leaders, including clergy, in the political arena. Black churches for generations have modeled that role in the United States; local Christian communities in Latin America reinvigorated the Catholic Church in the midst of political struggle; Archbishop Desmond Tutu helped lead South Africans to freedom and then gave new meaning to the word "reconciliation."

So, Dr. Dunn's last point is right on: Christians should contribute moral leadership to political decision making. But he also reminds us not to forget the difference between moral and political authority. Church-state separation helps ensure that public officials implement laws and pro-

grams established by a pluralistic political process, not based on their own reading of scripture or their vision of the reign of God.

On the other hand, I don't think it's enough to insist "that the church be the church and the state be the state." First, we usually try to draw the line between them through legislation and litigation (which are both state-based processes), leading generally to a "political correctness" that feeds resentment and trivializes the need for church-state separation. Second, the line-drawing fails because both church and state keep changing. Locally and globally, the traditional nation-state is losing relevance with the emergence of "civil society" that gives new voice to grass-roots movements and non-governmental organizations (including churches). And churches as we once knew them, religious institutions that spoke authoritatively to the state and other secular powers, are also losing relevance.

This is happening in part because both church and state have so often abused their power. That is why the separation between them is important to both their constituencies, and church members belong to both. But the problem will not be solved by simply reasserting the separation of church and state; it is more important to find ways of respecting the purposes for which each was created. We need to protect religious freedom against abuse by political power and the integrity of our pluralistic political process against the abuse of religious authority.

This certainly includes continued vigilance for the separation of church and state. But legislation and litigation are not always helpful, and may be even less so in today's environment of changing institutions and shifting powers. In my view the health of both church and state, and of the emerging civil society, can best be protected not by legislation and litigation but by tolerance, flexibility, common sense, and community-building.

Tolerance, flexibility, and common sense are central to our culture; "pragmatism" is another word for this combination of values. It already helps us work out most civic differences, even many public policy disputes, without resorting to either legislation or litigation. Indeed these two processes are narrowing our space for negotiating pragmatic solutions to church-state issues by making laws and setting precedents based on local disputes that could have been more creatively resolved among neighbors.

Here are two situations in which legal maneuvering has foreclosed possibilities for common-sense problem-solving in local communities. First, we didn't need the courts to tell us that Christmas displays on public property are more cultural than confessional. We knew that, but by making a legal case of it, we have further trivialized Christmas and lost opportunities for sharing with people of other traditions. The second issue has had more serious consequences. Legal wrangling over religious content in the schools has limited teachers' academic free-

dom, including their ability to foster dialogue on religious questions, an essential part of education for a pluralistic society.

In short, church-state legislation and litigation are eroding the other condition I mentioned as necessary for the health of church, state, and civil society: our sense of community. Individualism and community are always in tension. In our culture the balance has always tipped toward individualism but not to the utter exclusion of community. Today, however, I believe our sense of community is more at risk than church-state separation. We see growing fragmentation among Christians, Jews, people of other faiths, and secularists – with radical, liberal, moderate and/or fundamentalist factions in each. I believe church-state legislation and litigation are both an effect and a cause of

that fragmentation. So long as there are radical religionists, atheists, and secularists bent on imposing their will by political means, pragmatism and community-building cannot completely replace legislation and litigation for the protection of church-state separation. But these are not always the best tools for the job, and they should not be allowed to close off opportunities for neighborly, common-sense problem-solving.

While we defend the separation of church and state, we should also work to build bridges across it. With power shifting and institutions changing in the emerging civil society, we need to widen our resources of dialogue and community. As members of both constituencies, church and state, American Christians are well placed to begin building those bridges.

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Hamilton Horton, Jr.

My guess is that no part of our United States Constitution has been so misunderstood as the First Amendment clause, “Congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Read carefully and in context, the clause is obviously intended to forbid *Congress* from involving itself with churches which the various states had already *established*. For in 1791, when the amendment was adopted, several states had “established churches” which were being supported by public taxes. In proposing

that amendment they intended to forbid Congress from meddling with their established churches.

North Carolina had, indeed, in its constitution of 1776, disestablished the Anglican Church. Virginia delayed several years after the revolution, until in 1786, in an extremely close vote, they disestablished that church.¹

¹Patrick Henry, Richard Henry Lee and George Washington, among other leaders, favored supporting religion through taxation.