

DEBATING
the
DIVINE

RELIGION IN
21st CENTURY
AMERICAN
DEMOCRACY

Edited by Sally Steenland

Center for American Progress



THE FAITH AND PROGRESSIVE POLICY INITIATIVE

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Clothes Encounters in the Naked Public Square

IN HIS OPENING ESSAY, Eboo Patel asserts, correctly in my judgment, that it would be “fundamentally illiberal to exclude religious voices from the public square,” and that “to close the civic door to some—or all—religious voices is contrary to our nation’s ideal of fairness.”

While I completely agree that religious voices should not be excluded from the public square, the risk of this actually happening in the United States is so close to zero that *the real question is*: Why do Patel and so many others talk about the possibility of religion being excluded—as if it were a lurking risk? It is almost as if people in France were to become alarmed that their government might ban the French language or prohibit drinking wine. It is not going to happen. And (virtually) no one suggests that it should. Why do so many people raise the alarming specter of a religion-free “naked public square”?¹

Lest we miss the forest for the trees, we should remind ourselves just how pervasive religion is in the public square in the United States. Radio and TV airwaves (and cable channels too) are filled with preachers and their religious messages. Sermons are available 24/7. The doors of concert halls and Madison Square Garden are open for religious revivals. Public airwaves across the country broadcast Christian music. Churches, mosques, gurdwaras, and temples are easily visible and accessible to the general public from public streets. A tourist cannot walk down a public sidewalk in any city in the United States, whether on Main Street or Wall Street, without seeing churches, crosses, temples, menorahs, and other religious institutions and symbols. People are free to worship one God, no god, or many gods—and they do so. Church attendance is higher in the United States than in any other developed country in the world. Religious books are widely published, sold, and handed out, and the U.S. Postal Service delivers them in the mail without government censorship or restraint. Street preachers preach in public parks. Missionaries walk up and down public sidewalks and knock on doors to convey their message to any who will listen. Religious parades and manifestations take place on public streets and in public parks. Candidates for public office deliver speeches about their religious beliefs, whether to enlighten the public or to pander to it. School children at public schools wear religious attire (whether a hijab, a cross, a turban, or a yarmulke).

Lest we miss the forest for the trees, we should remind ourselves just how pervasive religion is in the public square in the United States.

Not only do all of these activities and symbols appear in a vibrant way in the public square, they are protected by the First Amendment of the Constitution. My own organization, the ACLU, has brought many cases to court to help establish these rights when they are ignored by government officials (federal, state, or local).² There are now many other organizations—of the ideological left, right, and center—that vigorously work to ensure that American citizens are free to practice, manifest, broadcast, and otherwise express their religious beliefs in the public square. For most practical purposes, the basic laws governing religious activities in the public square are now well-established and generally (though not always) respected. On those occasions when officials infringe on rights of religious expression described above, public interest groups across the ideological spectrum spring into action to protect religious expression in the public square.

If all of these manifestations of religion in the public square are well-protected and largely uncontroversial, we again come back to the question: Why do many people, including Patel, speak as if we actually should be concerned about the possibility of religious voices being “excluded”?

The answer lies, I believe, in some mischief-making that exploits the ambiguity of the word “public.” Although I do not think that Patel himself is trying to confuse the issue, he first adopts and then deploys the language that comes straight from the mischief-makers.

This is how the game is played: Some people who realize that Americans largely think that “religion in the public square” is a good thing but who also know that “government promotion of religion” is controversial (and arguably unconstitutional), have decided to use the misleading euphemism “*religion in the public square*” when what they are *really* talking about is *governmental promotion* of their preferred religious symbols, language, and beliefs. In this misleading framing of the issue, they try to make it appear as if the dispute is between those who, like themselves, believe that religion should be “public” and those who, like their opponents, supposedly think it should be removed from the public and kept “private” (or “behind closed doors” or “invisible”). Through this thoroughly false dichotomy, they seek to drive a wedge in the culture wars.

There are many individuals and groups who proudly describe themselves as promoting “Christianity” and “religious values” and who attack those whom they claim are trying to remove all religious expression from the public square.³ Their formulations manipulate—rather than clarify—the ambiguity of the meanings of the words “public” and “private.” Depending on the context:

“Public” can be a synonym for “government,” as in “public schools,” “public parks,” “public property,” and “public utility.”

Other times “public” means “visible” and “out in the open,” as opposed to private or hidden or secret or behind-closed-doors.

Sometimes “public” means something like “open to everyone” without the connotation of government involvement, as in “public speaker,” “public restroom,” or “public corporation.”

“Private” can mean “secret” or “behind closed doors” or “exclusive” or “limited,” as in a private club or private property.

But “private” also can refer to things that are very much in the “public” domain and are widely visible and not secret, as in “private enterprise.”⁴

The real controversy in the United States is not whether individuals, families, and religious communities may express their religion in the public square; rather, it is extent to which the *government* should be involved in promoting religious activities. It is about government officials deciding who will pray at city council meetings. It is about taxpayer dollars being used to pay for prayers. It is about spending government dollars on private religious schools or other religious institutions. It is about the government deciding which religious messages it wants to promote. It is about the government erecting religious monuments on government property. It is on *these issues* that we disagree, not whether religious voices should be excluded from the public square.

Americans typically have no difficulty whatever in recognizing the unconstitutionality of governmental promotion of religious beliefs that differ from their own. Many Americans, however, seem to apply a different standard when they want the government to promote *their particular* religious beliefs. By sounding the false alarm that religion in the “public square” is somehow in danger, they are able to distract attention from the real issue and then enlist the government to promote their preferred religious beliefs.

In the interest of having an honest and illuminating civil discourse, it would be helpful if everyone participating in the debate on the role of religion in public life would use the word “government” (or something like that) when the role of government is the issue, and not use the term “public” as a misleading euphemism. This of course assumes that participants in the discussion are genuinely interested in having a serious discussion about the public role of religion in a constitutional democracy, and that they are not seeking to fan the flames of a culture war in order to divide Americans along religious lines.

ENDNOTES

- 1 Much of the current debate has its roots in Richard John Neuhaus, *The Naked Public Square* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1986).
- 2 See, for example, <http://www.aclu.org/religion/govtfunding/26526res20060824.html>.
- 3 One would hope that those who declare themselves to be promoting Christian values would be particularly scrupulous in how they describe the positions of those with whom they disagree on constitutional questions. We also would hope that these religious-minded people would candidly acknowledge that many groups with whom they might disagree on the role that government should play in promoting religion, have nevertheless worked vigorously on behalf of religious expression in the (non-governmental portion of the) public square. We also would hope that those who take religion seriously would not resort to caricature, exaggeration, and distortion by suggesting that their opponents are attempting to drive all religion out of the “public square” and force it into the “private” when it simply is not true. Well...
 - “For more than 50 years, the ACLU and other radical activist groups have attempted to eliminate public expression of our nation’s faith and heritage.” (<http://www.alliancedefensefund.org/issues/ReligiousFreedom/Default.aspx>)
 - “Many liberal advocacy groups, such as the ACLU, would exclude religious viewpoints from the public square, and religious institutions from full participation in community life.” (<http://www.aclj.org/Issues/Issue.aspx?ID=1>)
 - “[C]ourts and bureaucrats often rule that religion belongs entirely in private and so should be purged from public life.” (<http://www.becketfund.org/index.php/topic/2.html?PHPSESSID=e81144f5966a274fae0208e32a10d2f9>)
 - “Activist judges are taking away our most basic American liberties by determining what words we may use to express ourselves; by denying the expression of religion (mostly Christian) in the public square.” (<http://www.acru-courtwatch.org/issues/1stamendment.htm>)

It seems that we must continue to hope...

- 4 These distinct meanings can come into play with each other. For example, Exxon-Mobil is a *public* (visible) corporation that is *privately* owned by shareholders at the same time that it is a “*public* corporation” whose shares are listed on the New York Stock Exchange and can be purchased by the general *public*, each of whom is a *private* individual.

“For too long religion has been played as political football, scoring points as we cheer our side and demonize opponents. Onto this field comes *Debating the Divine* which challenges our assumptions and gives us a way for religion to enrich our politics. Justice becomes our goal as we are asked to care for the least among us and work for the common good.”

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“These essays offer a welcome, and much needed, discussion on how religion should engage the public square. The connection between policy and values is a dynamic one, and many voices—both religious and secular—need to be heard in order to make this a more perfect union. Elected officials need to hear this conversation.”

Jesse Jackson, Jr., Congressman, Second Congressional District of Illinois

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Bill Ivey, past chairman, National Endowment for the Arts and author of *Arts, Inc.: How Greed and Neglect Have Destroyed Our Cultural Rights*

