

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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The Rules of Engagement

How the American Tradition of Religious Freedom Helps Define Religion's Role in Civic Debate

HOW CAN THE AMERICAN TRADITION of religious freedom help define the terms of religion's engagement in public life? In other words, how can the spirit of that tradition guide us as we seek to forge consensus about issues such as religion's role in democratic debate?¹

While neither David Hollinger nor Eboo Patel articulates the challenges they grapple with in quite this way, each provides useful reflections on these important questions. For the most part, each scholar emphasizes different aspects of our tradition of religious freedom. Patel generally underscores the rights of the religious, the equality of all faiths in the civic square, and the positive possibilities unleashed by welcoming religious voices into democratic debate. Hollinger tends to emphasize the rights of the nonreligious, commitments to secular standards in government, and the risks and responsibilities associated with the expression of religious beliefs as part of political debate.

These are valuable counterweights. Indeed, in many ways, they reflect the duality of the American commitment to religious freedom. This essay seeks to draw on both perspectives to articulate some standards for religious involvement in public debate.

First, religious freedom requires full and equal access to public debate for people of all faiths and none. As the United States Supreme Court said in 1970: "Adherents of particular faiths and individual churches frequently take strong positions on public issues...Of course, churches as much as secular bodies and private citizens have that right."²

Further, as Patel explains, "it is fundamentally illiberal to exclude religious voices from the public square—requiring that before people can participate, they must 'cleans[e] themselves' of religious particularity." There is nothing unconstitutional, un-American, or otherwise wrong with the mere fact that some will draw on religion as a source of guidance when making decisions about public matters or include some religious references in their discussion of such matters.

There is something un-American and wrong, however, when religious people (or people of particular faiths) act as if they have better, rather than equal, rights to participate in the debate of public issues. We should not tolerate, much less perpetuate, the notion that there is or should be some kind of governmental or civic hierarchy based on what faith a person is or is not.³ And, as Hollinger suggests, the fact that there is great enthusiasm for faith in our politics today presents some special dangers. For example, we should never forget that great political leaders come from the ranks of the deeply religious *and* the profoundly secular.

In a similar vein, both Hollinger and Patel helpfully highlight the need for religious voices to promote positions in civic debate that serve the common good rather than any narrow religious

end. Of course, only the government has a constitutional obligation to ensure that its actions do not have the predominant purpose or primary effect of advancing religion.⁴ But it could be said that citizens have a civic obligation to demonstrate how their agenda would benefit Americans of all faiths and none.

Conducting our public debate in a spirit of religious freedom also means that arguments used to justify public policy positions are fair game for examination, and that arguments based at least partially on religion are certainly not immune from this proposition. For example, as Hollinger says, if someone indicates that his or her support for Israel is based on what God has said in the Bible, then it is appropriate to examine those beliefs.

In the political context, however, it is unnecessary and unwise to challenge theological propositions that do not serve as the basis for specific policy positions. For example, if someone simply says that “some good thing happened because God answered someone’s prayers,”⁵ then it is difficult to see a strong connection to policy issues or governance that would justify some kind of political fight. Likewise, when a politician says that one of the questions he asks himself when he encounters tough problems is, “What Would Jesus Do?”⁶ do we really need to argue about whether Jesus was resurrected? The better course would be to ask the politician to give an example

of how that approach cashes out in policy terms in particular situations and then take issue with that, if necessary.

Our tradition of religious freedom usually recognizes that people of faith have loyalties to two different spheres (earthly and spiritual), and that most will consider their loyalty to the spiritual sphere as the one that takes precedence.

Our tradition of religious freedom also usually recognizes that people of faith have loyalties to two different spheres (earthly and spiritual), and that most will consider their loyalty to the spiritual sphere as the one that takes precedence. Indeed, it

was James Madison who noted in 1785 that a person’s sense of duty to “the Creator” was “pre-
cedent, both in order of time and in degree of obligation, to the claims of Civil Society.”⁷ In view of this fact, our country often has made it a priority to avoid forcing people to choose between God and government.⁸

I am somewhat puzzled, therefore, by Hollinger’s call for “a strong reaffirmation of a civic sphere in which our common membership in democratic national solidarity trumps all religious loyalties.” It certainly would be appropriate to ask religious people to recognize that the civic sphere is different from the religious sphere, and that loyalties are owed to each. But it would be inappropriate to insist that Americans subordinate religious ties to secular ones. Instead, we should seek to reconcile these ties whenever possible.

Finally, conducting our public debate in a spirit of religious freedom usually means avoiding the suggestion that some would be better participants in democratic deliberations if they changed their beliefs about religion.⁹ In this regard, some of Hollinger’s statements raise certain questions. For example, in his discussion of “civic patriotism,” Hollinger expresses the hope that, if religious ideas were subject to more rigorous scrutiny in the public square, then this “might encourage popular faiths more consistent with modern standards of plausibility, more conscious of the historicity of all faiths, and more resistant to the manipulation of politicians belonging to any party.”

Would it be fair to read this statement to suggest that some must water down what they believe to be sacred teachings in order to be participants in good standing in the democratic experiment? If so, this is no more acceptable than if Christians were to suggest that atheists and agnostics must accept Jesus as their Savior in order to be better Americans. It is certainly fine to argue that people should change their positions on policy or law, even if those positions rest in part on religious foundations. And, outside the political context, it is certainly fine to argue that people should change their beliefs about religion. But suggesting that people must change their convictions about religion in order to be better citizens is different.

Our tradition of religious freedom recognizes that decisions about ultimate issues are core matters of conscience that should not define a person's standing in the political community.¹⁰ That tradition teaches us that both the most orthodox believer and the most committed atheist have equal capacities to be excellent Americans, and that both can and should work together to promote the common good.

More broadly, our tradition of religious freedom has helped us to see that our commitment to respect the rights of conscience is a source of great national strength. As we seek to define a proper place for religion in American public life, that's a tradition worth remembering.

ENDNOTES

- 1 The American tradition of religious freedom is most prominently embodied in the religion clauses of the First Amendment. They state: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." The first clause is known as the "Establishment Clause" and the second clause is known as the "Free Exercise Clause." Of course, the religion clauses of the First Amendment only apply to actions attributable to the government, but the spirit of religious freedom expressed by those clauses also can help inform and guide civic debate.
- 2 *Walz v. Tax Commission of the City of New York*, 397 U.S. 664, 670 (1970).
- 3 It is important for people of faith to recognize that they do not have to believe that all religions are equally true in order to believe that the government should treat them all equally or to insist that all religions be given the same regard in democratic debate. Likewise, a commitment to governmental and civic neutrality in matters of faith also does not require religious individuals to embrace agnosticism or atheism. One can affirm the rights of atheists without affirming atheism, just as one can affirm the rights of Christians without affirming Christianity.
- 4 *McCreary County v. American Civil Liberties Union*, 545 U.S. 844 (2005).
- 5 David A. Hollinger, "Civic Patriotism and the Critical Discussion of Religious Ideas."
- 6 *Ibid.*
- 7 James Madison, *A Memorial and Remonstrance Against Religious Assessments* (1785).
- 8 *See, e.g., Wisconsin v. Yoder*, 406 U.S. 205 (1972); Religious Freedom Restoration Act, 42 U.S.C. Section 2000bb *et seq.* (2008) (supporting exemptions from federal government rules that place substantial burdens on religious practices when those burdens are not justified by narrowly tailored compelling governmental interests).
- 9 Of course, if a religion calls for acts of violence or disregard for basic constitutional norms, we make no apology for calling on that religion to observe different standards. But, beyond basic parameters like these, our best tradition of religious freedom generally supports the free exercise of every faith and suggests that we should not regard certain people as better participants in democratic debate simply because of their beliefs about religion.
- 10 *See, e.g., Allegheny County v. American Civil Liberties Union*, 492 U.S. 573, 593–594 (1989) ("The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion relevant in any way to a person's standing in the political community.'") Again, while this constitutional principle applies only to actions that are attributable to the government, the spirit of this principle may helpfully guide civic debate.

“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.”

Kathleen Kennedy Townsend, author of *Failing America's Faithful: How Today's Churches Are Mixing God with Politics and Losing Their Way*

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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*

