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English 201

20 Dec 2004

Separation Anxiety:

The Relationship Between the Secular and the Spiritual in a Liberal Democracy

The separation of church and state is far more complex an issue than the two lines of the constitution that are dedicated to it would have us believe. These two lines of the first amendment called the “free exercise” clause and the “establishment” clause are collectively referred to as the freedom of religion. They read as such: “Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof” (19). The provision for the freedom of religion, as it was originally conceived, was intended to separate the powers of two entities: religion and the state. This separation was designed to keep the new country from endorsing any one religion over another and to ensure against the persecution of dissenters that can often accompany a state-sponsored religion. There has been a zealous effort to keep religion out of state-sponsored activities, programs and schools, but this effort has not met with long-term success. Religion takes many forms, all of which envelop the lives of the believers. One cannot remove belief from decisions made or opinions espoused. Hence, the phrase “separation of church and state” is misleading. It has changed the public’s conception of what is meant by the “freedom of religion”. The very idea of a “wall of separation” came not from the constitution, but from Thomas Jefferson, who was not present at its inception (Hamburger 181). It is largely assumed to provide for the secularization of the state. This proverbial “wall of separation” is neither attainable nor desirable.

The phrase “separation of church and state” and the idea behind it became popular and have endured to this day, obscuring the true intent of the clauses from which it was originally supposed to derive. The original intent was twofold. The first was based upon a Puritan principle: the idea that the involvement of the state would provide a harmful and corrupt influence on the church. Through religious eyes, the government is a creation of human beings and is thus vulnerable to the sins and fallibility of humans. The Puritan religion was believed to have been handed down by the divine and must be kept pure from ‘scheming earthly hands’. Government needed to be kept from interfering with religion because of the danger of corruption and greed tainting the word of a deity or higher power. The second intent that gave rise to the two clauses is reminiscent of the rights imbued in the constitution to protect the individual from the rights of others and vice versa. A religion established by the state would impose upon and thus interfere with the rights of the individual.

Absent from the intent is the desire to entirely separate religion from the state. The clauses that make up what is commonly referred to as the freedom of religion make no mention of excluding religion from state affairs. Indeed, it would be unimaginable to do so. The philosophical nature of most religions ensures that belief and acceptance of tenets will be present in all aspects of one’s daily life. One cannot expect a lawmaker to turn off years of religious teachings simply because that lawmaker sets foot inside a governmental building. The government is usually seen as a faceless presence because it is made up of countless faces. Each face corresponds to an individual with thoughts and beliefs. It is not possible to extirpate religious belief from the state, let alone from any other portion of society because it is so inherent to the believer that makes up that state.

The relationships of the individual to religion and to the state, respectively, are intertwined. If one's religion considers it of the utmost importance to limit alcohol consumption, that individual may then consider it necessary for the government to impose a higher tax on alcohol. This individual may have reasons for this other than religion, such as a desire to reduce drunken driving and domestic abuse, but the original inspiration came about because of a religiously based precept.

Appeal by the individual to such religious precepts within a governmental setting is often taboo. When issues are brought before a court, the appeal to religious beliefs is almost unheard of. The individual judge is expected to view his or her relationship with the state as separate from a relationship to a religious figure or higher power. Judges are expected to appear impartial and inhuman. This is a mere guise and therefore adds an element of secrecy to the opinion of a judge or jury. On the whole, judges are able to rule a case according to state law, but in cases where the law is ambiguous or the decision is a difficult one, the judge invariably must consider personal beliefs. The right to free speech and the free exercise clause guarantees the ability to be forthcoming concerning one's religious belief. This is a necessity for many religions, as Miles states in the case of Christianity, "...true Christians cannot ignore the spiritual ramifications of earthly actions, and that the pretence of political neutrality is religiously inauthentic" (528).

Religiosity is a factor in many decisions made by politicians or judges, yet we are not often privy to those religious justifications for actions. In place of the true reason or argument, the public is given a false idea. An authentic explanation or justification would make issues, candidates and arguments much clearer. Full knowledge of the other's beliefs gives rise to better communication and more expedient solutions to discussions and arguments. By making

religious expression fully acceptable in all areas of government and society, problems such as indecision and gridlock would be greatly reduced.

Societal acceptance for varying forms of religious expression is determined by aspects other than an individual's social role such as the judicial example above. Society interferes with religious expression because of a general misunderstanding of the constitution and the freedoms it provides. Through the widespread, yet incorrect belief that the United States Constitution provides for the separation of church and state, society has been conditioned to react strongly to possible religious views present in government. This reaction is unwarranted. The establishment clause of the constitution states that there shall be no *law* made establishing a religion. The individual has a right to express his or her religion no matter the location. It is perfectly legal for the state to display a large Menorah in the capitol as long as it is not done because of a decree. The same rule would apply to any religious symbol.

Public misunderstanding has contributed to the perception of a tension between the two clauses guaranteeing the freedom of religion (Exploring Constitutional Conflicts par.1). This tension stems from the disseminative quality of some religions. Members of these religions are encouraged to preach, pass around and otherwise communicate their message. If the establishment clause can restrict individual religious observances within the state it is restricting one's ability to freely exercise their beliefs. Hypothetical examples are most useful here because of the complicated nature of actual events. Suppose a religious individual or organization put up an event such as Olin Park's "Holiday in Lights". Rather than erecting displays such as an animated man fishing, everything would be religious in nature. Assuming the supporting organization or individual covers the cost of electricity and general clean up and maintenance of the public park, according to the constitution this would be entirely legal. Despite the legality, it

would most certainly be met with controversy, especially if the group that sponsored the event was not a member of the dominant religious organization. People generally are more aware, and thus more sensitive concerning their own rights and beliefs. Members of religions that conflict with the belief displayed may question why their beliefs are not represented in the public park as well. If the rights of the displaying organization were threatened, it would be the duty of the state to protect them. Any attempt to secure the right of the organization to continue their display by the state, such as police involvement, may be viewed as state support. People may also view the display's location in a public park as state support. If that were indeed the case, it would be in violation of the establishment clause. If the state funded the display or refused to allow other religions similar displays, that would constitute state sponsorship. However this is not the case. Infringements concerning the freedom of religious expression are often brought about because of public assumptions and misinterpretations based on a false understanding of constitutional law. In this scenario, it is the public's assumption that the actions of the state constitute sponsorship, and this assumption limits the organization's right to express religious belief through the use of a display. It is the zealous effort to exclude religion from any relations with the state that gives rise to a tension between the two clauses and places limits on expression. The establishment clause has been used to limit the freedom guaranteed by the free exercise clause.

People tend to assume the constitution provides for a "wall of separation". Not only is this view incorrect, it also blinds many to the necessity of religion in government and society. Religious associations provide a beneficial service to a democratic government and society. The benefits of civic, social and religious associations to democracy have been appreciated for many years. Early critics of America, such as Alexis de Tocqueville, praised citizens of the United

States for their high level of associations, stating, “Americans of all ages, all stations in life, and all types of disposition are forever forming associations” (513). He goes on to explain that these associations are of the utmost importance because, “in democratic countries knowledge of how to combine is the mother of all other forms of knowledge” (517). In order for one to carry any weight within such a diverse and pluralistic society, one must find a way to weigh more.

Organizations and associations increase the weight and importance of the beliefs and voices of their members. Religion provides a common ground upon which millions meet. According to the Gallup Organization, sixty-five per cent of Americans are members of a church or synagogue (qtd. in U.S. Census 67). These religious organizations possess a powerful weight in society and politics, which, as Tocqueville stated, is crucial to the perpetuation of a democratic society. The lack of state involvement in religious affairs allows organizations dedicated to those affairs to grow and proliferate more freely (Curtis, Baer, Grabb 784). By ensuring that no one group will be favored by the state, the establishment clause protects the ability of old and new groups alike to expand based on their own merits.

This *Laissez Faire* approach to factional differences has fostered greater freedom and liberty. Even though individuals that belong to religious associations make up a large majority of the population, there is much inner conflict. The danger of majorities in democracies lies in their ability to impose their beliefs on others by organizing and voting with their associations. The beauty of the democratic system lies in its conflict. Of those sixty-five per cent affiliated with a religious association or organization, most do not agree with each other. Within the different religions are different sects and denominations, which ensures that no one group will be able to rule over another. The more conflict amongst factions, the more allowances must be made, and thus the more freedoms allowed. Fears of one faction ruling over one or all others are

not worrisome; therefore, religious participation, exercise and proselytizing are activities that should be encouraged, as they are a benefit and ensure a more lively democracy. The greater the diversity, the greater amount of individual liberty (Madison 122-8). This was entirely by design. When the constitution had yet to be accepted, there were many debates concerning the benefits and dangers of creating a large republic. In his defense of the republican idea, James Madison argued, “[e]xtend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens” (127). The greater the allowable expressions, the less commonality and the more free those expressions become.

Associations including those of the religious sort contribute to the health of democracy in other ways as well. Connections to other citizens through associations build interpersonal trust and trust in institutions. Studies have shown that as membership in associations of any sort increases, so too does the rate at which people volunteer and take an active role in democracy and civic duties (Knack 772-785). Membership connects the individual to a larger group with which they may identify. The individual is given an identity outside of the inner-self through these connections formed by associations. Religious associations in particular connect the self to other selves in the name of that which is beyond the earthly self. These connections amongst citizens have contributed to the general cohesion of a diverse society.

Cohesive diversity through factional differences and interpersonal connections has contributed to the general health and stability of the democratic government. This stability could not have been accomplished without religious traditions, upon which democratic traditions were built. The main religious tradition to which I am referring to is that of piety. The Oxford English Dictionary defines piety as “[h]abitual reverence and obedience to God (or the gods)”.

Piety is also defined as “dutifulness; affectionate loyalty and respect” (OED Online par 1-2). Piety as a feeling of ‘dutifulness’ and ‘loyalty’ has been directed toward our government by generations of religious citizens (Ben-Shemesh 433). A democracy cannot succeed without a mutual sense of duty between the citizenry and state. The citizens of a democracy choose and influence their leaders; they check the powers of the government and of each other by continuing to exercise their rights. Citizens demonstrate their ‘dutifulness’ and ‘loyalty’ through active participation in order to perpetuate the system in place. Continued participation in the various ceremonies and rituals associated with government is an act of ‘democratic piety’. Voting is the foremost of these rituals; it is highly regulated, and is done only at certain, specified times of the year. Participation in local governance is also a form of democratic ceremony. This crucial aspect of participation stems from religious traditions and continues to perpetuate the United States’ democratic and pious tradition. Religious citizens were able to apply their pious traditions to democracy because the basic requirements of government and organized religion upon the individual are somewhat similar, barring the earthly limits of governments. Our government could not function without religion and the basic tenets upon which much of it was built.

Having established the necessity of a government and society infused with religion, we must now turn to the dangers and possible failings of such a state of affairs. Religion and government can both be seen as a means of organized rule, thus allowing religion, a system of organized rule, to pervade government, would lead to the demise of liberal society. There are examples throughout history, which illustrate the ability for one system to rule through another. For instance, in the sixteenth century, the Tsar of Russia sought to extend and solidify his claim to power. He instructed his advisors to search for a religion that would secure the power and

grandeur of the Russian court. They found such a religion in the Eastern Orthodox Church (Russia, Land of the Tsars). There was no 'quest for salvation' or any pretense of guiding the people. The Tsar appealed to an established hierarchical system to increase his own power and legitimacy. This was a common practice throughout history in other nations and polities as well. The doctrine of the "Divine Right of Kings" is based upon the legitimizing power of religion. The rule of a particular individual cannot be challenged without challenging the will of the deity that granted it. Legitimizing power through the invocation of religion was designed to quell any dissenting ideas or opinions. Because of this connection between government and religion, a dissenting opinion concerning government is transformed from mere opinion to blasphemy.

This remains a fear to this day when combining and sometimes confusing government and religion. There is a particular condition that must be attained in order to elevate the law and institution of the government above the institutions of the religions represented within that government. A large amount of diversity guards against the presence of an overwhelming majority within the government and citizenry as previously stated, but on an institutional scale, one must be positioned above the other so that conflict between laws of respective institutions may be easily solved. The laws of one institution must be clearly elevated above the others within it. Without the condition of an established hierarchy of institutions, the country would revert to a natural state of anarchy in which each faction obeyed its own religious precepts. The United States government operates with the consent of the governed, therefore, without the active consent of the governed, it would cease to be. Through the creation of a large and extensive bureaucratic state, the citizens have something to admire, revere and be frightened of. The government was designed to be a larger-than-life entity that supersedes life and gives it a sense of stability and timelessness. The government must present a god-like presence. To be a

good citizen is to believe in the governmental presence and to be a pious participator in the strength and design of the society under the protector of that society, the government. In this way, the institution of government is elevated through methods similar to that of many religions and becomes more acceptable as the entity that holds the power to establish earthly laws.

In order to achieve this hierarchical system of institutions, while preserving the institutions themselves there must be a degree of separation between religion and the state. This type of separation is not the “wall” that Jefferson spoke of that would separate religious society from the secular state. Rather it is the type of separation outlined by the constitution. The right to rule is vested in the government and not in any religion. Under this system, the government could make laws concerning civil unions, but could not touch matters concerning marriage. A civil union is then viewed as a secularized and state sanctioned ‘couple’, without the religious connotations normally attached to a traditional marriage. Polygamy provides an example of this debate, as it is no longer immersed in heated controversy. This is not to say that it never was a controversial issue, indeed it was just the opposite. The outlawing of polygamy in the nineteenth century was immersed in controversy and has been referred to as a “crusade” against the Mormon church (Oman 746). The government should not take issue with the individual that wishes to civilly unite with one, or many others. Different religions may decide not to grant or recognize such a marriage within their organization, but in the eyes of the state, they are united. Polygamy is an example of the ability of a moral majority to influence the state. The illegality of polygamy also limits the practice of religions for which it is a part of their religious tradition. This historical example illustrates the strength of the government by demonstrating its precedence over religious traditions. Despite the tradition of polygamy in the Mormon church,

they accepted the institutional hierarchy that places government above religions, and obeyed the law of the landed government by altering their practices and traditions.

The separation of powers stipulated in the constitution is not complete as evidenced by the illegality of polygamy. It also provides an example of the inability to separate religion and the state. Religion, as an institution, method of association and individual relationship is an integral part of society. All three aspects of religion are also so inherent to the United States' democratic and liberal tradition that to separate them would be impossible. The general belief in a "separation of church and state" is rooted in a misunderstanding of the two clauses that provide for the freedom of religion. The constitution seeks to separate their powers and to elevate the laws of the government in order to provide a common law and set of rights to all. To this end, religions are granted the power to rule over the voluntary citizen's individual beliefs as well as the actions of associations made within various religions and the direction of the religious institution itself. The government presides over matters of law, economy, civil matters and society at large. The belief that the state should be entirely separate from religion is neither possible nor beneficial. The freedom of religion does not stem from separation, but rather a delegation of powers that encourages and leaves all free to think and speak as they wish.

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