

## THE SEPARATION OF CHURCH AND STATE

A sequel to #2910, which looked at "Where we are now vis-a-vis Separation of Church and State"

1 Until one grasps the negativity of the American Revolution both political & cultural, one is certain to misread the First Amendment, which clearly had no intent other than "to keep the Federal Government from legislating at all in the field of religion" (68, R.Kemp Morton, GOD AND THE CONSTITUTION, Cokesbury/33). No king, no taxation without representation, no Federal legislation on religion. Why was the third necessary, & why has it become so eroded?

2 We cannot address the 2nd question intelligently without historical understanding of the 1st. Let's begin by observing that--parallel with the huge scientific improbability that human life would occur anywhere given the nondesign models still regnant in science--religious freedom, which first emerged in history right here in our thirteen "United States," is a providential but seemingly fortuitous freak: what's normal, at least till very recent times, is one religion/church controlling the populace in at least one territory. Religion being the heart of culture & the mainspring of motivation & therefore of power, the priest/king alliance (*union* of church & state) is normal: in insisting on Christian theological unity (at Nicea, AD 325 CE), the Roman Emperor Constantine, religiously consolidated his Empire as previously (AD 313 CE) he had done so militarily. To satisfy the religion/government unity, he could not stop at making his religion, formerly *religion illicita* (an illegal religion), *religio licita*, one legal religion among many. History's normal paradigm required that his religion, Christianity, be the only legal religion (the Emperor cult not being strong enough to overarch the Empire's cults, though his armies were strong & mobile enough to overarch the coercive forces, military & police, in the Empire's provinces).

3 An unintended consequence of Constantine's empowering his religion (shifting its position from outside to inside of coercive [political] power) was the corrupting of it, its leaders having lost their independence from coercive force, an independence the religion inherently requires (eg, Gospel of Mark 10.41-45). Escape from the corruption awaited the breakaway of state from church (example: the French Revolution), of some Christians from church (example: the Hussite movement, whose founder, Jan Hus, was burned at the stake in AD 1415 CE by the church), or of the church from the state (example: Barmen, AD 1934 CE).

Of the three breakaway patterns, secular historians & humanist polemicists say that the USA is an instance of the first: "We the people" formed a national government free of church, & the impulse continues as a necessary trajectory in American life: we must be on guard (as are eg ACLU & AUSC&S [Americans United for the Separation of Church & State, now headed by Barry Lynn, a UCC minister]) against incursions of "church" (ie, religion) into "state" (ie, what R.J.Neuhaus calls "the public square"; & public-school boards; & elections at all political levels).

4 The historical fact is the reverse: the "more perfect union" our Founding Fathers designed was a society in which religion was free of state. This freedom, religious freedom, is **implicit** in the Constitution, which in spelling out federal powers does not mention power vis-a-vis religion: the Founders intended that the federal government have *no* power(s) vis-a-vis religion. (Do you see how false it is, then, to say that God is not in the Constitution? He's there preventing state interference with church--more powerfully there thus than if "the Father of the Constitution," a former Princeton theological student, the Founders' outstanding political scientist, Jas. Madison, had mentioned him. Madison, a devout Christian, argued that any way of mentioning God would in itself be an occasion of strife & thus an infringement, though minuscule, on religious freedom.)....The free-of-state design, implicit in the Constitution, is **explicit** in the First Amendment's religion clause.

5 Madison was a master of statecraft, Jefferson of words--the former, the primary author of the Constitution; the latter, of the Declaration of Independence. Madison was more careful with words; he never would have spoken Jefferson's excessive "wall of separation of church & state" (a phrase occurring in a letter to Virginia Baptists, whose declaration on religious liberty he drafted [& which is 1 of only 3 items on

his tombstone)). Madison, if he'd offered a more accurate analogy than Jefferson's, might have spoken of an osmotic membrane, which separates both with limited passage in both directions. Indeed, the latter would have more accurately described Jefferson's own behavior. He'd certainly be distressed with present atheists' use of his "wall" to exclude religion from public life; & he himself freely & frequently spoke of God (as [qtd. by the Hillsdale College 1997/8 "President's Report"], eg, "the condition upon which God has given liberty to man is eternal vigilance").

6 On the basis of religion-repressing American historiography, our public-school children are being (mis)taught that the US was founded as (the first) secular nation & that religion should be kept out not only of school but of public life in general: religion is a private matter. (To this mentality, it doesn't sound silly--as it should--to say that school prayer is OK: children are free to pray silently in school anytime.) In this perspective, it's logical to remove from the public eye all evidence of religion--esp. of Christianity, the religion of the Founders (all of them) and still the people's predominant religion. Michael Zuckert's *THE NATURAL RIGHTS REPUBLIC* (U. of Notre Dame/98) squashes the religion element in America's founding--even to the extent of absorbing God into nature: Jefferson in the Declaration is said to mean "the creator, that is, nature"! Lockean natural-rights liberalism absorbs all the other strands (Christian, classical republican, Scottish enlightenment, Whig historical, modern liberal).

7 The three power-arrangements of church/state are **establishment** (the government's religion forced on the populace), **tolerance** (an official, privileged church, but with some liberties for other churches--eg, England's AD 1689 CE Act of Toleration), & (1st in America) **freedom** (all churches free of government interference, no government-favored, -privileged church). Under the third, our system, religion is wholly voluntary, pluralism (a multitude of churches, religions) inevitable. "The characteristic American pattern is neither the 'church' nor the 'sect,' as classically defined by Troeltsch [followed by Wach], but rather the 'denomination.'" (Robt.T. Handy, p435 of H.Shelton Smith et al, *AMERICAN CHRISTIANITY: An Historical Interpretation with Representative Documents*, vol.I [Scrib/60])

8 Further to feel the uniqueness of "the American experiment" in religion, let's use land as base for defining church/sect/denomination. Under **establishment**, a particular religious group has co-authority (with the state) over the nation-land. Let's call this group the church (though of course the early "church" [a noun transliterated from the Gk. adjective meaning "belonging to the Lord [Jesus]"] was land-less). Under **tolerance**, the state (established) church's land-authority is somewhat attenuated by the relative land-claims of the sects (all religious groupings other than the state church), whom government grants the right to hold such property as is necessary for the essential operations of each particular sect. Under **freedom**, no religious body has any special land-rights, every denomination being free to purchase & use land under civil corporate law. Land-wise, the denominations (or "communions") are all on an equal footing: land is removed from the land/state/church equation, to the benefit of the spirit (whether or not the body) of religion. (Under this special definition, the US has no churches or synagogues or temples or mosques --only "denominations.")

9 As our early history shows, American "denominationalism" is a child of English dissent against the Anglican Church both in England & in America (esp. in Virginia, a crown colony whose royal charter recapitulated England's then union of church & state). "The study of the English dissenting tradition should be the first step in trying to understand the American Republic, and this fact has been forgotten or never realized....English Puritanism only affected one region [of the US] and that for only a very short time....The foundation of the American social structure is the much older dissenting tradition of England....An old, radical and hardy English Protestantism existed before the Continental type of Protestantism appeared." (ix-x, Thos.Cuming Hall's *THE RELIGIOUS BACKGROUND OF AMERICAN CULTURE* [Little,Brown/30]) (As if to fill the gap, that year appeared also Wm.Warren Sweet's\* *THE STORY OF RELIGION IN AMERICA* [Harper&Bros.], which I read as a text [1939 ed.] in seminary in 1940, & came to know the author as lecturer the next yr.)