On the Enduring Tension between Religion & Politics[1]

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I am honored to have been asked to comment on this morning's remarks by our distinguished guest, professor Steven L. Carter. Professor Carter, yours is an important–and I will suggest an unusual–voice in the ongoing discussion about religion and politics in the United States. I am delighted that you are here to share your insights with us.

One of the great things about being asked to participate in a session like this is that it provides an incentive to read things that I would probably not have read, to get to know a scholar that was relatively unknown to me. I always enjoy that opportunity, and this is certainly no exception. I read Steven Carter's most recent book, *God's Name in Vain*, and a host of reviews of his earlier work, and I listened intently to his remarks this morning. Needless to say I found much to admire.

First, there is the invitation to engagement I encountered in his prose. I found myself engaged in vicarious dialog almost immediately, agreeing, disagreeing, evaluating evidence, thinking of counter examples, and reading endnotes (a habit I regularly fail to instill in my students). Before I knew it I had material for about two hours worth of comments. Don't panic; I didn't bring it all.

A part of the engagement I felt reading Steven Carter comes from what I would describe as the author's confessional tone. The book is scholarly, but it is not so much a work of scholarship as it is one man's effort to sort out his own ideas and ideals in the infinitely complex interaction of church and state. Here and in previous books on the subject Professor Carter has managed to be controversial without being dogmatic. His thoughtfulness is tangible, and one cannot escape liking the author even when disagreeing with the argument.

I also admire the degree to which Carter's work defies categorization in conventional political terms. Is he a liberal? Certainly not a conventional liberal. Is he a conservative? Certainly not a conventional conservative. No, I think Steven Carter is on a personal journey, somewhere out there on the highway of life, straddling the white line that divides the left lane from the right, and probably taking hits from both sides. It's easier–and a lot safer–to pick a side and stick to it. I admire Steven Carter for choosing the more dangerous path.

My own path has been a different one. As a practicing rational humanist, I find the mysteries of religion, well, mysterious. If there is a God independent of human imagination, that God would be the God of crickets and rocks as well as the God of men and women. And I am skeptical that our human ability to imagine the unimaginable would exceed by much the ability of the cricket or the rock.

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[1]A response to Steven L. Carter, William Nelson Cromwell Professor of Law at Yale University, on the occasion of the Third Annual Earhart-Cornell Lecture on Liberal Arts and the Public Square, April 27, 2001.

Thus our need for revelation or faith, and my confession that I am in short supply. I say all this not to denigrate anybody's faith, least of all that of our distinguished guest, but rather to make clear that I approach the question of the role of religion in public life as a resident of the wilderness rather than of the sacred garden–as a social scientist rather than as a believer.

In his speech this morning and in his most recent book, Steven Carter makes a number of important arguments. I wish to focus on three which I believe are interlinked and communicate an important part of the broader Carter message on religion and politics.

The first argument is that religious voices ought to be heard in the politics of a democratic state. Professor Carter will get no argument from me on this score. A democracy that disenfranchised its citizens for having faith would be a pitiful thing indeed.

But Professor Carter goes beyond the argument that the voice of religion should be heard in the policy process. He argues that the religious voice is essential. Quoting *God's Name in Vain,* Carter writes [5] “politics needs morality, which means that politics needs religion.” Surely this is hyperbole. If morality means a set of values informing our behavior toward one another, then morality is prerequisite not only of politics but of society itself. But it strikes me as an assertion contrary to the evidence to suggest that religion is the only possible source of morality. Values can arise from sources as mundane as naked self-interest. Values can arise from philosophy, from empathy, from tradition, from social convention–as well, of course, as from religion.

As a nonbeliever, I happily welcome religious voices to the conversation. As a small-D democrat, I reject the notion that religious voices should have a privileged status.

Professor Carter's second argument is that religion is at risk when it enters the wilderness of politics. Religious voices need to be heard, he argues, but what is best about the religious voice–its resistence to the dominant culture, its alternative vision of what is good and right, its prophetic voice . . . what is best about the religious voice is likely to be contaminated by too long or too intimate an association with politics, especially electoral politics.

I concur that religious values are at risk when the devout engage in democratic politics, but religious values are not unique in this respect. Any system of thought capable of gaining one's allegiance is equally at risk. If democratic politics is the destroyer or polluter of religion, it is equally the destroyer or polluter of, for example, science.

Politics is a practical and not always a pretty game. Advocates on any side of an issue are likely to assert or abandon almost any religious or scientific or legal principle in a pragmatic quest for the desired result. Republicans have been historical advocates of states rights and vocal critics of activism in the federal judiciary, yet in December they rushed to the United States Supreme Court in an effort to overturn a decision of the Florida Supreme Court on a matter of Florida law, and their textualist friends on the Supreme Court answered their pleas finding unprecedented meaning in the Equal Protection Clause of the 14th Amendment.

I would add parenthetically that the willingness of most Americans to sacrifice principle for short-term political goals is not an entirely bad thing. If, as a people, we held more rigidly to our differing principles–including our religious principles–we would find compromise more difficult, and compromise is the only way to build community in a nation of diversity.

Professor Carter's third argument is that in the United States today religious voices are being denigrated by law, politics, and culture, all of which are hostile to religion. I have tried to see this matter through Steven Carter's eyes, but as he has argued, religion changes one's view of the world, and in the end I have only my own eyes with which to see. What I do see suggests that Steven Carter and I inhabit alternative universes, but I have already admitted that.

Professors Carter's writing is replete with evidence of religious conviction among Americans. It strikes me as implausible that a religious people would practice anti-religious politics, and I don't believe we do.

Political candidates regularly parade their convictions as a qualification for office. Presidents routinely invoke God's blessing on us all. The House and the Senate open their deliberations with prayers. We proclaim our trust in God on currency and coin and our subordination to God in the Pledge of Allegiance.

The vast majority of religion cases coming before the Supreme Court challenge governmental sponsorship of religion not governmental obstruction of religion. When the Supreme Court had the temerity to decide that religious practice did not exempt individuals from anti-drug laws, Congress responded by passing the Religious Freedom Restoration Act.

I find the evidence of official hostility toward religion unpersuasive, but I accept that there is a very real tension between religion and politics and necessarily so. To begin, religion and government are both forms of social control. Each claims authority to tell people how to behave. Religion's authority is based on its claim to represent the will of God. Government's authority, at least in the United States, is based on its claim to represent the will of the people through republican institutions.

I see an irreconcilable tension here. If the people are sovereign, then God is not and vice versa. We can have theocracy or democracy. We can't have both.

What about theocracy? God rules. But whose God? And who speaks for God? There are many religious voices. They don't all agree. Which is to have its way? The faithful can argue religious dogma with each other, but since religious claims ultimately arise from revelation or faith, there is no obvious reason why adherents of any religious view should be convinced by the theological arguments of any other.

Any argument about whose view of God is to prevail in political affairs strikes me as fraught with danger. Arguments about whose God is more worthy of worship have a way of

degenerating into arguments about which worshipers are more powerful, and history does not lack for examples of conversion by conquest or religiously motivated genocide.

To be fair to Steven Carter, he thinks such gruesome results can be avoided. Although he places himself among those for whom allegiance to God trumps allegiance to the nation, he would not impose his religious views on others. Recognizing his own human frailty and the possibility that he could be mistaken about God's will, Professor Carter seems relatively comfortable living in a relatively secular society characterized by diversity of religious doctrine.

I applaud Professor Carter's self-doubt and his tolerance of religious diversity. I too could be wrong. Without that healthy self-doubt I don't believe any of us can enter the public debate without resorting to murder and mayhem. But the devout are not always as tolerant as Stephen Carter. As a general proposition, having a strong sense of personal connection to God seems a poor recipe for self-doubt.

What about democracy? Instead of arguing over doctrine the faithful might choose to make secular arguments for the policy preferences which arise from their religious beliefs. Indeed, I would argue that this is precisely what they ought to do. Unlike theological arguments, which pit one tradition against another, secular arguments seek to be persuasive by identifying and exploiting shared values.

Professor Carter protests this abandonment of God-talk when religious voices enter the public debate. He says that checking God at the door elevates the secular and minimizes the importance of religion. I believe that is a judgment the faithful can make for themselves, but I see no reason to believe that using a secular argument to win over people who cannot be won by a theological argument constitutes any abandonment of religion by the faithful. Instead it appears to me to be a matter of choosing the right tool for the job. If your religion commands you to work for the improvement of the world in which you find yourself, wouldn't selecting the right tool be an important part of doing your work well?

In fact, I think that's just what Steven Carter has done. His argument for a more forceful religious voice in American democracy is supported not by Scripture or religious doctrine or allusions to God's will, but rather by secular arguments and evidence that the results would be good for Americans in general. Implicit in that choice of secular arguments, however, is recognition of the democratic process, a recognition that in matters of governing the people are sovereign.

But isn't there a middle ground, some sort of shared sovereignty between church and state. Each in its own place, isn't that what separation of church and state is all about? Well, actually, no. The church recognizes no limits to its authority. The state recognizes limits, but claims the authority to set those limits itself.

Professor Carter teaches that the obligations of religion have no natural limit–that any religion

worth the name touches every aspect of life and cannot be walled up without being destroyed or at the very least seriously crippled.

Carter also imagines that democratic government is naturally imperialistic, seeking to destroy its competitors and monopolize social control. But this latter claim seems subject to challenge. American democracy embraces limitations on the power of secular government. Certain matters are put beyond the power of majority will, and among those matters are all questions of religious belief and many questions of religious practice.

Carter worries that the state, which he appears to believe is hegemonic by definition, threatens the existence of religion, but at least as a matter of doctrine the reverse seems more nearly true. Religious faith is unlimited in the demands it makes on its adherents; Constitutional democracy celebrates limitations on its own authority.

If I am correct that constitutional government as practiced in the United States is not inherently hegemonic with respect to religion, it nevertheless has the power. So long as democratic institutions patrol the boundary between church and state, the people are sovereign.

How they exercise their sovereignty is another matter. Here I find myself back in Steven Carter's universe. I hope that we will always choose to make reasonable accommodation for religious variety. A vibrant mosaic of religious communities can provide pockets of resistence to the dominant culture, and the continuing existence of those pockets might prove very useful in ways that cannot be fully understood or predicted. To turn Carter's favorite analogy upside down–these pockets of resistence are like the wilderness areas that preserve pockets of naturalness and purity in a world increasingly artificial and polluted by the waste products of industrial civilization.

Communities of faith preserve intellectual alternatives just as wilderness communities preserve biological alternatives. Even nonbelievers should endeavor to protect them.

Thank you.