

Christian Faith and Political Life: A Pre- and Post-Election Dialogue

The proper relationship of the Christian to the community's political and legal institutions has been a recurring issue since the earliest days of the church. The founder of Christianity sought no role in human government during his earthly ministry. One gospel even shows Jesus avoiding a crowd that wanted to make him king by force.¹ Far from wielding political authority, Christ submitted to trial and execution by a Roman governor.² Though he acknowledged before Pilate that he was a king, he also said, "My kingdom is not of this world,"³ and his claim of kingship served as an occasion for mocking by his Roman executioners.⁴ Questions concerning the nature of Christ's kingdom and its relationship to earthly political systems have generated a multitude of positions among Christians ever since, particularly once the Roman emperor Constantine bowed his knee to Christ in the fourth century.⁵

The relevance of Christian faith to political participation has once again become a topic of conversation in the United States following the 2004 presidential election. The Republican incumbent, George W. Bush, captured a large percentage of the votes of evangelical and fundamentalist Protestants.⁶ He also prevailed narrowly among Catholic voters, even though the Democratic challenger, Senator John F. Kerry, is himself a Catholic.⁷ The margin for the Republican candidate was greater still among Protestant and Catholic voters who attend church regularly.⁸ Polling data supported differing accounts of the extent to

¹ John 6:15. Here, one might appropriately draw a contrast to Islam. Mohammed acted as both a religious and political leader. See M. Ozonnia Ojielo, *Human Rights and Sharia'h Justice in Nigeria*, 9 ANN. SURV. INT'L & COMP. L. 135, 135 (2003) (discussing charter promulgated while Mohammed served as "head of the state in Medina").

² John 18:28-19:30.

³ John 18:36. The New Testament indicates that Christ's conviction and sentence were overturned on appeal to a higher tribunal. See Acts 2:22-36.

⁴ John 19:19-22.

⁵ See generally OLIVER O'DONOVAN & JOAN LOCKWOOD O'DONOVAN (EDS.), FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT 100-1625 (1999).

⁶ White "born again" Protestants reportedly voted for President Bush by a margin of 78% to 22%. *Election 2004 Analysis*, RELIGION & ETHICS NEWSWEEKLY (Nov. 5, 2004).

⁷ President Bush received 52% of the vote among Catholic voters, compared to 48% for Senator Kerry. *Id.*

⁸ President Bush prevailed 81% to 19% among white "born again" Protestants who attend church regularly, and 60% to 40% among regularly-attending white Catholics. *Id.* Significantly, the President increased the percentage of the vote he captured among minority religious voters over the 2000 election. Among Hispanic Catholics, President Bush's vote total increased from 31% in 2000 to 42% in 2004. *Id.*

which “moral” issues affected the voting, but issues that might be thought to fall into that category clearly played an important role for a significant segment of the electorate.⁹ Following the election, members of the Democratic Party have engaged in much discussion of how to broaden their appeal to religious voters.¹⁰

In the spring of 2004, several months before the election, a seminar at the University of Georgia School of Law explored views of law and legal institutions reflected in various Christian theological traditions.¹¹ The class included an unusually gifted group of students from a variety of theological and political backgrounds.¹² One student brought a particularly unique and relevant set of experiences to the course. Jason Carter grew up as the grandson of Jimmy Carter, a former Democratic President who has often discussed the political implications of his Christian faith.¹³ Jason also observed first hand the interaction of Christian faith and political activity as a Peace Corps volunteer in post-Apartheid South Africa.¹⁴ His seminar paper proved remarkably prescient in light of the 2004 U.S. election returns. Professor Randy Beck therefore suggested that Mr. Carter’s paper form the basis for this published dialogue.

Among Black Protestants, President Bush’s total increased from 9% in 2000 to 16% in 2004. *Id.* He reportedly received 22% of the votes of African-American Protestants who attend church more than weekly. *Id.*

⁹ In an exit poll, a plurality of voters (22%) ranked “moral values” as the most important issue in the election. See Frank Langfitt, *For Most Voters, Values Trumped Terror and Taxes*, BALTIMORE SUN, 2004 WL 96473850 (Nov. 4, 2004). A more systematic post-election analysis called that polling data into question, though it still appeared that moral issues played a significant role in the election. See *How the Faithful Voted: Political Alignments & the Religious Divide in Election 2004*, PEW FORUM ON RELIGION & PUBLIC LIFE (Nov. 17, 2004).

¹⁰ *Democrats Turn to Leader of Religious Left*, NEW YORK TIMES, 2005 WLNR 620845 (Jan. 17, 2005) (Democratic leaders seek advice from prominent left-of-center evangelical Jim Wallis on how the party can speak to evangelicals); Rob Christensen & Lynn Bonner, *Party Chief: Talk of Faith*, NEWS & OBSERVER (RALEIGH NC), at B5, 2005 WLNR 9909386 (June 23, 2005) (remarks by North Carolina Democratic Party chief “fit a national pattern of Democrats’ talking about ways to appeal to religious voters”).

¹¹ The majority of readings for the seminar were drawn from MICHAEL MCCONNELL, ET AL. (EDS.), *CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT* (2001) and OLIVER O’DONOVAN & JUNE LOCKWOOD O’DONOVAN (EDS.), *FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT 100-1625* (1999). These texts were supplemented by readings from a variety of other authors, including Alexis de Tocqueville, Aleksander Solzhenitsyn, John Howard Yoder, Vladimir Soloviev, Archbishop Desmond Tutu, and the Rev. Martin Luther King, Jr.

¹² The seminar also benefited enormously from the participation of Bryan McGraw, who was teaching courses for the University of Georgia Political Science Department while completing his Ph.D. in Political Theory from Harvard University, and Bryan Baird, who held a post-doctoral teaching position with the University of Georgia Philosophy Department.

¹³ See JIMMY CARTER, *LIVING FAITH* (1996); JIMMY CARTER, *SOURCES OF STRENGTH: MEDITATIONS ON SCRIPTURE FOR A LIVING FAITH* (1999).

¹⁴ While in law school, Jason published a book discussing his observations during his Peace Corps experience. See JASON CARTER, *POWER LINES* (2003).

Toward a Genuine Debate About Morals, Religion, Politics and Law: Why America Needs A Christian Response to the “Christian” Right

By Jason Carter

America’s current debate about religion’s role in politics offers a false choice. On one side is the politicized Christian Right. This group, loosely defined, consists of those political groups and leaders who associate themselves with traditional conservative ideas on culture and claim to represent Fundamentalist or Evangelical Christians. This group has been by far the most vocal advocate of the position that religion deserves an increased role in our nation’s policy-making decisions. Indeed they have come to dominate that position.

The response to the Christian Right¹⁵ has come almost exclusively, from the secular left. They argue not with the Christian Right’s theology, but with the premise that religion should be evoked at all in our public debate.

This paper argues that this polarization is harmful, and that a genuine debate among Christians, and among the rest of society, would be a much healthier alternative for our country’s political dialogue and law making process. Currently, the religious right has a monopoly on religious arguments in the political and legal arena. The left and the center basically default on most overtly “religious issues,” and then refuse to use religious arguments to support their own policies. A healthier and more genuine debate on religion and politics, morality and law, would arise from a Christian response to the Christian Right and explicit Christian arguments on a variety of other issues. This would improve the impact Christianity has on our political system. And by re-calibrating the issues and the stances that Christians discuss, it would improve the average Christian’s understanding of how his or her religion impacts the world. A real and balanced public debate about applying our faith would improve our political system, our religion’s actions in the earthly sphere and, at a time when the world is becoming increasingly divided along religious lines, it would improve non-Christians’ views of the Christian Church. The paper begins with an analysis of the current state of our nation’s discourse and lays bare the polarization between the religious right and the secular left. It then turns to the theories put forward by the left that religious arguments are harmful when used in the public, policy making process.

¹⁵ Throughout this paper, this term will refer only to the politicized version of the Christian Right movement, not to fundamentalist or conservative Christians in general.

After arguing that religion should have a role in our public discourse (and *will* indeed have a role regardless), the paper turns to a critique of the Christian Right. Analyzing, from a Christian perspective, the damage done to our politics and our religion by the Christian Right is the first argument for how our national politics would improve if more Christians challenged the Christian Right.

After this critique, the paper turns a more positive eye toward the impact a third voice could have on this issue. It argues that the problems of our society would be better solved if we employed the best notions of the Christian Right, along with other notions drawn from Christian spiritual perspectives. This final section also argues that, in addition to helping our society, a genuine public debate about our religion would help Christians, as Christians, who are continually struggling to understand the nature of virtue, and to practice a living faith.

I. The Current State of Our Nation's Debate¹⁶

America's current debate about religion's role in politics is divided into two camps: the uncompromising "religious right," and the equally uncompromising "secular left." This division is illustrated by two small town anecdotes. The first illustrates the power and depth of the Religious Right's connection with the political right and the Republican Party, and the second illustrates the secular community's hold on the political left, and the Democrats.

Jesse Vaughn's father is the preacher at the first Baptist Church in Calhoun, Georgia and has been for 24 years. His church has nearly 2,000 members and is member of the Southern Baptist Convention. Jesse founded the Calhoun Habitat For Humanity affiliate.

In 2002, Jesse, a Lawyer who grew up in Calhoun and won numerous awards for his oratory while at Calhoun High School, ran for the open State House Seat in District 10. The seat had been held by a Democrat for as long as anyone could remember (including this author's grandfather, Beverly Langford). Vaughn ran uncontested in the Democratic primary.

His opponent was a religious fundamentalist who attended a different Baptist Church in town. His wife was the founder of the local Right to Life group.

¹⁶ This section of the paper as written prior to the 2004 election. The 2004 election reflected the increasing polarization between the Christian Right and the Secular left. In the aftermath of the 2004 election there has been an increase in the number of Christians who have opposed the Christian Right. The impact of this election is discussed in detail below. See Reply to Professor Beck, n. __ infra and accompanying text.

According to Vaughn, throughout the campaign, people approached him to apologize. “Jesse, we love you and we love your daddy. We’ve known you since you were a boy. But we’re Christians. And these days, if you’re a Christian, you got to go Republican.”
*Vaughn got 41% of the vote.*¹⁷

Mr. Vaughn’s story is not unique: Republicans, and the political Right, have forged a very close bond with Christian voters. According to a survey published by the Pew Research Center for the People and the Press, the percentage of white evangelical protestants nationwide who identify themselves as Republican has gone from 34% in 1988 to 44% in 2003, while the number who identify themselves as Democrats has dropped from 31% to 23% over than same time period.¹⁸ That is a net gain of 18% for Republicans, who now hold almost a two to one advantage over Democrats.¹⁹ Moreover, Republicans also made substantial gains among white Catholics who regularly attend church, gaining 7 percentage points (from 26% in 1988 to 33% in 2003), while Democrats lost 12% (from 41% to 29%).²⁰ In the South, where white Protestants made up more than half the electorate in the 1990s,²¹ Republicans now garner an overwhelming percentage of their votes, getting upwards of 80% of the highly committed evangelical vote.²²

This means that Christians who are conservative in their theology, are increasingly identifying with conservative politics. According to one study, the level of religious commitment was also extremely important in determining voting patterns. In 1992, 1996 and 2000 presidential elections, the religion gap—i.e. the difference between the very religious, who voted overwhelmingly Republican and the secular, who voted overwhelmingly Democratic—was more important than the gender gap, and more significant than almost any other combinations of education, income, or regional groupings.²³

¹⁷ Interview with Jesse Vaughn, November 18, 2003. On file with the author.

¹⁸ *The 2004 Political Landscape: Evenly Divided and Increasingly Polarized*, Pew Center for the People and the Press, at 65-72 (November 5, 2003), available at <http://people-press.org/reports/>

¹⁹ *Id.*

²⁰ *Id.*

²¹ Green, et al., “Religion and Southern Politics at the Millenium” in Bullock and Rozell, *The New Politics of the Old South*, 284, 287 (2003).

²² *Id.* at 289 (indicating that Republican presidential candidate, among white evangelicals received 80%)

²³ Louis Bolce and Gerald DeMaio, “Our Secularist Democratic Party,” *The Public Interest*, Fall 2002, at 4.

This polarization is due in large part to the Democratic Party's refusal to engage the religious voter, as illustrated in the second anecdote from the 2000 election.

While Jesse Vaughn was running uncontested in the Democratic Primary in Calhoun, incumbent Democratic Senator Doug Haines of Athens was facing opposition from his own party.

At a meeting of the Clarke County Democratic Party, an older white man stood up to announce his candidacy. The committee rules allow each candidate to speak for one minute.

The man told the crowd of 35 activists his name, and where he lived. He went on, "I am a Christian. I've been married to the same woman for 36 years, and the thing I really care about is jobs. I want to create jobs for this community and that's why I am running. Thank you."

He sat down. A woman snickered and, under her breath, mocked him: "Christian? Doesn't he mean 'Republican'?"

This scenario is not unique to the college-town of Athens, Georgia. Democratic activists across the country are increasingly secular and hostile to religion.

A recent article in *Public Interest* presents a compelling argument that the Democratic Party has become the party of secularism.²⁴ According to this study, "secularists" are self-identified agnostics, atheists, and persons who never or seldom attend religious services.²⁵ According to one study, sixty percent of the first-time white delegates at the 1992 Democratic Convention fit this description, while only about 5% of those at the Republican convention did.²⁶ On the other hand, practicing Christians will be quite likely to find others like themselves at Republican gatherings: according to one study, two-thirds of the white delegates at Republican conventions between 1972 and 1992 attended religious services at least once a month, while only two in five Democratic delegates did the same.²⁷

This polarization between the religious right and the secular left is self-fulfilling. Republicans rely on the religious right. The South has become the GOP's political base, and highly committed evangelical Protestants made up nearly 48% of southern voters who voted for George W. Bush.²⁸ (By contrast,

²⁴ Id.

²⁵ Id. at 3.

²⁶ Id. at 4.

²⁷ Bolce, *supra* n. 8 at 4.

²⁸ Id. at 291 (Table C.3).

they made up only 16% of Al Gore's southern supporters.) Republicans won the governors race in Mississippi and Kentucky in November 2003, and as one analyst put it, the driving force behind these victories isn't economics, it's values.²⁹ Republicans in these states courted religious voters by frequently referring to their religion.³⁰

President Bush is famous for including in his speeches a constant stream of religious language.³¹ His top speechwriter, Matt Gerson, is an evangelical Christian. Bush talks frequently of "missions," "calls" and "fighting evil." His autobiography is entitled "A Charge to Keep," which is a quote from his favorite hymn. His use of religious language will be discussed more critically below,³² but for the purposes of this section, it is enough to note that by all accounts, the President's use of religious language has added to his stature among religious voters. Because of this ability to communicate, he was able to by-pass the traditional leaders of the religious and right and, as one of his advisers put it, "go directly to those who sat in the pews."³³ Religious voters embraced him after he noted, in one of the Presidential debates, that Jesus was the political philosopher who most influenced him.

Indeed, the Washington Post reported on Christmas Eve, 2001 that "for the first time since religious conservatives became a modern political movement, the President of the United States has become the movement's de facto leader."³⁴ In January of 2004, the Reverend Jerry Falwell, a famous and controversial leader of the Religious Right who claims to control the largest mailing list of conservatives in America (he says it reaches ten million families), said, "George Bush is the personification of the ideal conservative. I cannot imagine a living American who better personifies what I believe in."³⁵ Falwell went on to say that in his experience talking weekly with thousands of Christian Conservatives, "No man

²⁹ William Schneider, "Political Pulse—What Huey Long Knew", National Journal, Nov. 15, 2003.

³⁰ Id.

³¹ Jim Wallis, "Dangerous religion: George W. Bush's Theology of Empire," *Sojourners Magazine*, Sept.-Oct. 2003 available at <http://www.sajo.net>. All of the examples in this paragraph come from this source. See also, Sullivan, supra n. 20 (noting "wonder-working power" and other uses of religious language)

³² See infra notes 68-70 and accompanying text.

³³ Dana Milbank, Religious Right Finds its Center in Oval Office, Washington Post, December 24, 2001 at A2.

³⁴ Id.

³⁵ Television transcript of "Paula Zahn Now," CNN television, aired January 26, 2004, available at <http://www.cnn.com/TRANSCRIPTS/0401/26/pzn.00.html>

has excited the religious and social conservatives of America since Ronald Reagan like George W. Bush.”³⁶

At the same time, secularists make up a significant portion of the Democratic base. In the 2000 election, secularists represented as much of the Democratic coalition as union members (both providing 16 percent of Gore’s white votes, and backing him about two to one over Bush). Moreover, secularists have a disproportionate impact on the party. While few Democratic members of congress are secularists, most of the people who work for them are.³⁷ Because secularists are concentrated among the media elites, and the highly educated, they tend to be heard more frequently than the religious rank and file. This base, which opposes invoking religion in public discourse, and the Party’s responsiveness to it, may explain the Party’s perceived hostility to religion.³⁸

Because the religious right makes an extremely important part of the Republican electoral base, it is no surprise that the Party is responsive to that community, and continues to promote itself as the party of the Christian. The Democrats, on the other hand, rely heavily on their “base” in the secular community, and continue to be somewhat hostile—or at least silent—on the issue of religion.

It is important to note that issues relating to religion and culture, are the issues that most divide our country and engender the most intense opinions on either side. We are a nation divided, basically, along cultural, religious lines. One study uses “feeling thermometers” to determine how different groups feel about each other.

Feeling thermometers ask respondents to rate social groups and political leaders on a scale ranging from 0 degrees (extremely cold) to 100 degrees (extremely warm). A thermometer rating below 35 degrees (the average score that whites express toward illegal aliens) is commonly considered to reflect antipathy; scores above 50 degrees indicate varying degrees of warmth...

In 1992, the average thermometer score of Republican [Convention] delegates [who represent Republican activists from across the country] toward union leaders, liberals, blacks, Hispanics, and Democrats, for

³⁶ Id.

³⁷ Amy Sullivan, “Do the Democrats Have a Prayer?”, *Washington Monthly*, June 2003, 7 available at <http://www.washingtonmonthly.com/features/2003/0306.sullivan.html>,

³⁸ White Americans view the GOP as friendlier to religion (58% said it was friendly, while only 26% said it was neutral, compared to 41% friendly and 37% neutral for Democrats). Pew Report, *supra* n. 3 at 65-72 .

example, was 17 degrees warmer than their mean score toward feminists, environmentalists, and prochoice groups (44 degrees versus 27 degrees, respectively). Similarly, the mean thermometer score of Democratic [Convention] delegates that year was 21 degrees warmer toward conservatives, the rich, big business, and Republicans than their average score toward prolife groups and Christian fundamentalists (34 degrees versus 13 degrees, respectively).”³⁹

Today, we are a nation whose politics is sharply divided between the religious right, and the secular left. Not entirely, but substantially. The rest of this paper discusses why this current state of affairs is insufficient. In this debate, the Right is wrong and so is the Left.

The paper turns first to what is a threshold question posed by the secular left: whether religious values should be included in our political discussions at all. It then turns its attention to the Religious Right, and argues that it should be challenged on religious terms.

II. The Problems with the Current Debate

A. Why it is wrong (and anyway impossible) to exclude religion from our nation’s public debate

This section of the paper deals with arguments made by the political Left in America against the use of religious reasoning in public debate about our government’s policies. After a brief overview of Left’s arguments with regard to religion’s role in politics, this section takes up several criticisms. First, there are several theoretical reasons: it is wrong to tell those who want a religiously integrated life that they can not do so in public life; without religion appeals to morality and virtues are non-existent; people participate in politics based upon other social institutions, and these institutions and communities of faith are at least as important to democracy as the overarching political community in which we live. Lastly, and in response to the practical politicians of our day who purport to stand for the separation of Church and state, there are pragmatic reasons to allow (and engage in) religious arguments in our public discourse.

1. The philosophical argument against religious discourse

To oversimplify a remarkable argument, many political philosophers have argued that religion, and religious arguments threaten the political legitimacy of liberal democracy. As one explains, “We are prone to extremes in the service of

³⁹ Bolce, *supra* n. 8, at 3.

our holy causes. Conflicting secular ideas, even when firmly held, can often be blended and harmonized in the crucible of free discussion; but a clash of gods is like a meeting of an irresistible force, with an immovable object.”⁴⁰ Indeed, many of the most prominent liberal political philosophers believe that the secularization of politics is the culmination of liberalism’s path, and that this secularization is the only way in which liberal democracies have achieved civic peace.⁴¹

These arguments are based basically on the following logic. A political order requires a modicum of social cooperation. In order to maintain this cooperation, the institutions of the political order must be legitimate, and therefore must be seen as fair. To achieve this cooperation and legitimacy, the order must be based upon what citizens have in common. Because not all citizens share the same religion, “what citizens have in common is not their religion but their reason.”⁴²

Governmental policies based upon religious grounds cannot be justified to those who do not share the religion, absent some appeal to reason. These policies, therefore, do not respect those persons’ ability to participate equally in “affirming the grounds on which they are coerced.”⁴³ This disrespect, the argument goes, leads to civil strife because it shows that the political order is willing to coerce some people for reasons that they could not reasonably be expected to endorse.

John Rawls’ famous version of this argument concludes, therefore, that in order to be a virtuous citizen of a liberal political order, one must be “ready and able” to show how their views can be supported by public reason. This does not necessarily exclude arguments based on religion, but it does require that religious arguments be justified also by arguments of reason. Under this standard, a majority (or, presumably, whomever is wielding coercive political power) need not provide reasons in support of its policies with which no reasonable person could disagree. However, it must provide an argument such that “those who oppose its conclusion can nevertheless understand how a reasonable person can affirm it.”⁴⁴

⁴⁰ Paul J. Weithman, “Introduction: Religion and the Liberalism of Reasoned Respect” (*hereinafter* Weithman, *Introduction*) in *Religion and Contemporary Liberalism*, 3 (Paul J. Weithman, Ed.) (1997)(*hereinafter* Weithman *Contemporary Liberalism*) (quoting Robert Audi).

⁴¹ *Id.* at 3-4 (quoting Richard Rorty)

⁴² *Id.* at 6.

⁴³ *Id.* at 8.

⁴⁴ *Id.* at 12-13 quoting John Rawls *Political Liberalism* 253 (1996)

Because of concerns for governmental legitimacy, equality and fairness, this theory demands the exclusion of certain types of argument from serving as the basis for laws and public policies. In the context of religion, what some philosophers want excluded ranges from Rawls' allowance for religious argument if it is supported by secular reasoning, to other claims that churches must abstain completely from advocating any social policy that restricts human conduct.⁴⁵

This argument is compelling in many ways. A modern example that shows the illegitimacy to some of a religious based argument is the current debate over gay marriages. The gay rights movement has marshaled a long and relatively compelling set of reasons in support of their cause. We can assume that many in this group of citizens do not believe that their religion forbids same-sex civil marriage. Some opponents of same-sex marriage argue in the public sphere based upon reason, and have marshaled a list of compelling reasons themselves. But many opponents to gay marriage base their opposition on religious tenets.

If same sex marriage is forbidden based upon those religious tenets, not shared by the proponents of gay rights, it is clear that the reasoned arguments of the Gay Rights movement could not alter the underlying principles behind the decision, no matter how compelling. This is an extremely frustrating process for those who have met with arguments they cannot respond to. And to the extent that gay people who want to marry are limited in their ability to do so without being allowed to influence the debate with reasoned arguments, this undermines the legitimacy of those laws, excludes the proponents of gay marriage from full participation in our democracy and thus, based upon their choice of religious beliefs, treats them unfairly.

However, the next section of the paper argues that this theory is insufficient to forbid the genuine participation of religious principles in public debate.

2. Problems with the political philosophy of excluding religious argumentation

In response to the arguments above, with their goals of governmental legitimacy and Democratic civility, it is important to ask if the price we pay for those virtues is simply too high. This section of the paper looks at the costs of excluding religion from public debate.

First, there is the issue of freedom. As one writer states, it seems to be enough to argue vigorously with those who put forth theologically based

⁴⁵ See Id. at 11-15 (discussing the exclusions advocated by John Rawls and the slightly different exclusions advocated by Robert Audi).

arguments. “To suggest as well that they are estopped completely from even presenting such arguments seems gratuitously censorial.”⁴⁶

Moreover, if religious arguments are to be excluded because they are not shared by all citizens, then much else must be excluded, and it is very difficult to come up with any moral or ethical model for decision-making. For example, not all citizens believe that our decisions should be based upon maximizing utility, so a law based upon giving the greatest good to the greatest number of people would be illegitimate. Indeed, in our pluralistic society there is no universally held ethical theory, and thus any decision could be seen as illegitimate if it eventually rests upon a decision that some outcome that is right, or good. Thus, the argument for excluding only ethical theories that are based in religion is unfair to the religious.⁴⁷

The first impact of excluding moral or religious arguments is a crippling of decision-making. Liberalism, is not itself a normative theory that can decide what is right or wrong. Absent a moral basis for decision-making, liberalism is left with nothing to fill the void except appeals to individual economic self-interest, or, at best, nationalism.⁴⁸ An order with no ethical or moral grounding is doomed to be seen as debased by the vast majority of people who believe in normative values of good or evil.

This unfairness to religion and the difficulty in having a political order without morals is further illustrated by its impact on the freedom to live, or attempt to live a “religiously integrated existence.” To people who desire this end, a political order that forbids them from trying to reconcile their roles as citizens with their desire to live according to their religious beliefs is extremely unfair, and will lack legitimacy.⁴⁹ This unfairness is at least as palpable, and damaging to the legitimacy of the political order, as the unfairness that results from the marginalization of those who do not believe in the religious tenets used to justify a law (as in the gay marriage example above). Thus, if unfairness undermines the legitimacy of the liberal political order, the exclusion of religious argumentation cannot be said to avoid this undermining.

⁴⁶ Sanford Levinson, “Abstinence and Exclusion” in Weithman, *Contemporary Liberalism*, *supra* n. 25 at 77.

⁴⁷ See Philip L. Quinn, “Political Liberalisms and Their Exclusions of the Religious” in Weithman, *Contemporary Liberalism*, *supra* n. 25, at 144.

⁴⁸ Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons” in Weithman, *Contemporary Liberalism*, *supra* n. 25 at 177.

⁴⁹ *Id.*.

In addition, it can be argued that philosophical liberalism's exclusion of religion from the public debate may undermine the very basis of political participation.⁵⁰ Liberalism merely assumes that people will participate in politics and then analyzes the most responsible way for them to do so. IN reality, one must begin by analyzing why people participate in politics in the first place. Behind this political participation is a much broader social or civic participation. This notion of a broader "civic democracy" as opposed to a purely political one provides an alternative basis for examining participation in our society. Our society, and the ways in which we as citizens act upon it, include "many forms of community and association that are not political in form: families, neighborhoods, voluntary associations of innumerable kinds, labor unions, small businesses, giant corporations, and religious communities."⁵¹

These organizations and associations are enormously important to the daily lives of citizens, arguably much more important than the government, and must be considered when talking about the structure of our social life, and citizen participation in our political order. It is embedded in this civic society that people make decisions about politics. Citizens' motivations, and reasoning is largely influenced by other organizations and associations—not merely their own individual self-interest, but their relationships with others in their community.

Churches, and other religious institutions play an undeniably large role in this civic society. And the foundation of many people's political participation, and social understanding is laid in churches. If one were to deny the ability of churches to provide this foundation, it is unclear where people would learn the "civic virtues" that are at the heart of political liberalism. Thus, churches and other associations and community groups must be integrated into the political system, or there is a real danger that politics will be come estranged from important forces that shape the everyday lives of citizens. That estrangement jeopardizes the key to political liberalism: the participation of the citizenry in communal, political decision making.⁵²

In sum, the categorical exclusion of religious arguments from public discourse paralyzes the political order and threatens its legitimacy in several ways. This does not mean that every religious argument is valid, or even helpful. And some can certainly be disruptive to Government's or a law's legitimacy. But if

⁵⁰ The following argument regarding "civic democracy" is taken from Weithman, *Introduction*, *supra* n. 25, at 27-29.

⁵¹ Weithman, *Introduction*, *supra* n. 25, at 28 quoting David Hollenbach, "Liberalism, Cummunitarianism, and the Bishop's Pastoral." appearing in Weithman, *Contemporary Liberalism*, *supra* n. 25 at 291.

⁵² See Weithman, *Introduction*, *supra* n.25, at 27-33 (discussing civic democracy theorists)

one desires fairness, and a political order that is in tune with its citizens, one has to allow religion to enter the discourse. The argument of this paper is that the more inclusive that debate becomes, and the more different religious voices there are, the healthier and more productive the debate.⁵³

There are also pragmatic reasons for moving beyond the secular left's philosophical debate. Simply put, the reality of the situation is that religion *is* a part of our national debate and it shows no signs of retreating.⁵⁴ As one widely respected intellectual of the left put it, "Liberalism is over. The Left is dead. Politics will be principally shaped by religious communities. The only question is, will they be repressive and totalitarian religious communities, or lucid, progressive ones."⁵⁵

As will be discussed at greater length below, this is not a cynical statement coming from the left. But in real-life politics, even among the current political left in America and its arguments about the separation of Church and State, it will not be difficult to sell progressive religious participation in politics.

Mainstream politicians on the American left have not embraced Rawls's arguments. Instead, that they have reacted against the Religious right. There is currently a sizeable portion of voters and activists who can be fairly classified as "anti-fundamentalist".⁵⁶ As the temperature thermometers show, democrats are very hostile to the current religious debate. But this does not mean that they are opposed to *all* religiously based arguments.

Even on the far left, the "feeling thermometer scores" for the Reverend Martin Luther King are certainly quite high. Jimmy Carter, a devout Christian whose faith is well known, has higher positive ratings among Democrats that almost any other Politician in the world. Howard Dean, a favorite son of those in the Democratic Party most hostile to religious fundamentalism, courted President Carter during the 2004 primary and made a point to go to Carter's church in Plains, Ga., to demonstrate his tolerance for religion and its role in politics. It is doubtful that the left in America would be as strongly opposed to religious argumentation if the arguments were not focused on issues chosen solely by the

⁵³ See Quinn, *supra* n. 32 at 156 (arguing for an "inclusivist ideal")

⁵⁴ See *supra* n. 13-21 (discussing Christian influence in Republican Party, Christian responsiveness to religious arguments, and subsequent impact on elections)

⁵⁵ Jim Wallis, *The Soul of Politics: Beyond Religious Right and Secular Left* 41 (1995) quoting Eugene D. Genovese.

⁵⁶ Bolce, *supra* n. 8, at 4 (noting that Democratic activists dislike "religious fundamentalists" more than any other group in politics)

religious right but were instead designed to increase pluralism, and participation, and help create a healthier and more vibrant political system.

The possibility of success in creating that healthier system is far from remote, and this will appease not just the politicians and political activists, but the philosophers as well. In fact, as one academic points out, “many of the movements in the modern world which have resulted in reforms and revolutions that the liberal admires have been deeply religious in their orientation: the abolitionist movement in nineteenth-century America, the civil rights movement in twentieth-century America, and the resistance movements in fascist Germany, in communist Eastern Europe, and in Apartheid South Africa.”⁵⁷ This is difficult for either the politician or the philosopher to refute.

Moreover, as will become clear below,⁵⁸ this paper is not an argument for religiosity in *government* or the state sponsoring of religion. In fact it criticizes this aspect of the Christian Right. This paper does argue for a real debate; for climbing into the ring with the Christian Right and meeting them head on with religious arguments as opposed to purely secular ones. And it argues that this debate will be good for everyone.

It is in this spirit that the paper turns to an analysis, from a Christian perspective, of the Christian Right, as a political movement that claims to represent, at its most fundamental level, Christian values.

B. The Christian Right In American Politics—A critique.

1. An Overview of the Christian Right and its Beliefs

This section briefly outlines the history and composition of the current Christian Right. It then lays out the cultural and “moral/behavior” focus of the movement.

The “Christian Right” is a term, in the political context, that refers to a set of political organizations who support an agenda that they claim is based in Fundamentalist Christianity. Groups associated with the Christian right can generally be said to claim as their broadest target audience, “the 40 million voters who attend church frequently, identify themselves as evangelicals or orthodox

⁵⁷ Quinn, *supra* n.32, at 167.

⁵⁸ See *infra*, n. 95-99 and accompanying text.

Roman Catholics and consider themselves traditionalists on cultural issues.”⁵⁹ The kernel of this community is the two million members of the Christian Coalition, the most influential and effective force on the Christian Right.⁶⁰

The current iteration of the Christian Right traces its roots from Jerry Falwell’s largely failed “Moral Majority” of the 1980’s and Pat Robertsons’s failed 1988 bid for the Presidency. But from the standpoint of gaining political power, the current Christian Right has been anything but a failure.

Building upon the network that Robertson formed in his run for the Republican nomination for President, Robertson founded the Christian Coalition in 1989 as an organization devoted to grass-roots political organizing in conservative Christian communities. In 1990, under the brilliant and vigorous political leadership of Ralph Reed, then the young Executive Director of the organization, the Christian Coalition garnered its first large scale election victory—Jesse Helm’s close fought race for the United States Senate in North Carolina. Helms, the incumbent Senator, was trailing by eight percentage points in tracking polls when the Christian Coalition kicked its meticulously designed grassroots machine into gear. Within five days Coalition activists had made 30,000 phone calls and distributed three-quarters of a million voter education pamphlets. Helms won by 100,000 votes, and the Christian Coalition arrived as a legitimate and powerful political force.⁶¹

Initially, and perhaps at its most pure, the Christian Right focused on issues that were largely cultural in nature. Indeed, some political scientists have posited that conservative religious beliefs spill over into politics *only* in response to the increased visibility, and vocalness within the culture of groups that are disfavored by orthodox Christians (homosexuals and feminists, for example).⁶² In 1995, the Christian Coalition published what it called a “cultural agenda” for the 104th

⁵⁹ Ralph Reed, Jr., “Casting a Wider Net: Religious Conservatives Move Beyond Abortion and Homosexuality,” *Policy Review*, Summer 1993 at 31.

⁶⁰ There are many other organization that could be included in this analysis. However many of them, for example *Focus on the Family*, an expressly Christian pro-life group, are single-issue groups. Because the Christian Coalition is such a political force (its president Speaks at the Republican National Convention), and because it has the most comprehensive agenda, it will often be the focus of the following section. See “Our Vision,” *Christian Coalition of America*, available at <http://www.cc.org/vision.cfm>

⁶¹ John Loizides, “Pat Robertson’s God, Inc.,” *Esquire*, November 1994 at 82, *reprinted in The New Christian Right: Political and Social Issues*, Melvin I. Urofsky and Martha May (eds.) (1996).

⁶² Clyde Wilcox, “Premillennialists at the Millennium: Some Reflections on the Christian Right in the Twenty-First Century”, *Sociology of Religion* 1994, 55:3, 243, 247 *reprinted in* Urofsky, *supra* n. ____ at 151.

congress.⁶³ One exposition of the Christian Right's perspective, albeit in a relatively extreme form, is Pat Robertson's statement at a Prayer meeting in 1980:

“You've got a country filled with homosexuals, people who are living together outside of wedlock, who are engaged in drunkenness, fornication, drug addiction, crime and violence. Now, what are we going to do with these people? Are you going to kill them all? Are you going to put them in jail? How are you going to enforce righteousness on them?”⁶⁴

Even if it is not completely fair to claim that the Christian Right's goal is to “enforce righteousness” on others, it is certainly fair to say that the Christian Right's focus is on the morality of our society, and the behavior or “bad living” of certain people. In addition to the traditional personal morality concerns listed in Mr. Robertson's address, this behavioral focus extends to other of society's problems.

Ralph Reed provides an example in a 1993 article calling for the religious right to moderate and diversify its political message. He states that the rising cost of health care

is inextricably linked to the moral health of society. Good health reflects good living; poor health in many cases betrays poor living...[M]any of the most expensive items in the health care budget are directly attributable to behavioral problems. Crack babies...cost \$25 billion. Drug abuse and its associated violence cost the nation additional tens of billions of dollars...[Ninety percent of lung cancer victims are smokers and] the direct cost of lung cancer on the economy may be as high as \$5 billion, with an addition \$10.1 billion of indirect costs. America's 18 million alcoholics suffer from [a variety of] costly ailments...Murder, assault, and unintentional injuries run up a bill of \$100 billion a year. [And] sexual promiscuity imposes its own terrible costs, including hepatitis, AIDS, and other sexually transmitted diseases.”⁶⁵

In addition to this focus on personal morality and good living, the Christian Right has adopted as its cause a fight against “anti-Christian bigotry and [the defense] of people of faith.”

⁶³ Christian Coalition, “Contract with the American Family: A Bold Plan to Strengthen the Family and Restore Common-Sense Values” *reprinted in* Urofsky, *supra* n. 46, at 224.

⁶⁴ Loizides, *supra* n. 46, at 83.

⁶⁵ Reed, *supra* n. 44, at 33.

The Christian Coalition’s current congressional agenda includes a number of “moral” and “religious-freedom” issues—in fact 17 of the 19 agenda items relate to these two goals. The Coalition lists the following among its top priorities: controls on pornographic “spam” e-mail, restrictions on internet gambling, anti-cloning bills, allowing religious organizations to engage in politics without affecting their tax-exempt non-profit status, a “Ten Commandments Display Act” that purports to stop the enforcement of court orders to remove religious monuments from public spaces, three bills purporting to protect the pledge of allegiance, three items relating to the rights of “unborn children”, two agenda items pertaining to civil rights for homosexuals—one banning adoption and the other prohibiting “domestic partnerships”, and a final plank supporting “school choice.”⁶⁶

The next section of this paper critiques the morally based political agenda of the religious right from a Christian perspective. This is the first aspect of the exercise in providing a Christian response to the Christian Right. This critique is followed below by an exposition of the positive value of a third voice in our nations’ debate, but this section of the paper stands as the first argument as to why the Religious Right as it exists in today’s politics should not go unchallenged by other Christians.

2. Problems with the Christian Right’s Theology

(a) *The Right’s confidence that it knows the Will of God is inappropriate.*

Once a Christian claims to be on a religious mission in the political world, it becomes enormously important to justify his or her beliefs and policies with the imprimatur of Christian teachings. However, one of the fundamental tenets of Christianity is that humans are fallible, and imperfect. Indeed the Bible expressly states that we will not know God while we remain on this earth: “For we know only in part, and we prophesy only in part; but when the complete comes, the partial will come to an end...For now we see in a mirror, dimly, but then we will see face to face. Now, I know only in part; then I will know fully, even as I have been fully known.” (1 Cor. 13:12)

In the face of our limitations, the Bible also instructs Christians to approach the world with humility. “Do nothing from selfish ambition or conceit, but in humility regard others as better than yourselves.” (Phil. 2:3) “When pride comes, then comes disgrace, but wisdom is with the humble.” (Prov. 11:2)

⁶⁶ Christian Coalition of America’s Agenda for the 108th Congress, *available at* <http://www.cc.org/issues.cfm>

As the controller of Pat Robertson's 1988 presidential exploratory committee stated, the Christian Right is "notorious for displaying overconfidence in their ability to discern the Divine Will at any time, in any situation." He noted the well-deserved respect that many have in Evangelicals' conviction that believers can discern God's will through prayer, bible study and "the gentle promptings of the in-dwelling Holy Spirit," but he also quoted evangelical theologian Carl F. H. Henry's critique of the Evangelical Right for "its confusion of the inerrancy of Scripture with the inerrancy of its own interpretation and application of Scripture."⁶⁷

As many have pointed out, anyone who attempts to impose their version of the scriptures on others runs the risk spiritual overconfidence. The somewhat cynical George Bernard Shaw remarked that "God created man in his image, and we have decided to return the favor."⁶⁸

Not only is this confidence untrue to Christianity (as Paul states in Philippians 2:5-7, even Jesus, who "was in the form of a God, did not regard equality with God as something to be exploited, but emptied himself, taking the form of a slave"), but in the political world it engenders a dangerous "us against them" mentality. If one group believes that they know the Will of God, and that *only* their way of life is consistent with that will, their Christianity inevitably takes on an element of self-exultation. Jesus warned against this type of self-exultation, particularly among religious leaders by saying that "All who exalt themselves will be humbled, and all who humble themselves will be exalted." (Matt. 23:12)

Moreover, being confident (or being forced by politics to *act* confident) that one knows God's will, makes it difficult to listen to other viewpoints. As one author put it, "spiritual overconfidence in the Evangelical Right [tends to discourage it from forthrightly engaging] ideas of non-Evangelicals or liberals, or even other Evangelicals or Conservative Republicans with different views...and rather [encourages it] to dismiss them as ungodly and unworthy of response or discussion."⁶⁹

On a political and cultural level this mentality is demonstrated very well by Pat Buchanan's speech to the 1992 Republican National Convention. He first notes the cultural issues on which "Clinton and Clinton" differ from the Republicans: abortion ("At the top [of Clinton's cultural] agenda is unrestricted,

⁶⁷ Thomas C. Atwood, "Through a Glass Darkly: is the Christian Right Overconfident it Knows God's Will?", *Policy Review*, Fall 1990 at 47, *reprinted in* Urofsky, *supra* n. 46.

⁶⁸ Campolo, *Is Jesus a Republican or a Democrat?* 2 (1995).

⁶⁹ Loizides, *supra* n. ___.

unrestricted abortion on demand”⁷⁰), feminism (Hillary is a “radical feminist” who compared “the family as an institution” to slavery⁷¹), environmentalism (Al Gore is an extremist who puts “birds and rats and insects ahead of families, workers and jobs”⁷²), and homosexuality (Clinton and Gore are “the most pro-lesbian and pro-gay ticket in history”⁷³). He then states that the 1992 election “is about who we are...There is a religious war going on in this country for the soul of America...And in that struggle for the soul of America, Clinton and Clinton are on the other side, and George Bush is on our side.”⁷⁴

Buchanan then ended with the following analogy, drawing upon his experience in the aftermath of the 1992 riots in Los Angeles, which followed the acquittal of the policemen who arrested and beat Rodney King. He talked about his visit with the troopers of the 18th Cavalry who had “come to save the city of Los Angeles.” And he recounted their story:

They had come into Los Angeles late in the evening of the second day, when the rioting was still going on, and two of them walked up a dark street, where the mob had burned and looted every building except one, a convalescent home for the aged. And the mob was headed in to ransack and loot the apartments of the terrified old men and women inside. The troopers came up the street, M-16s at the ready, and the mob threatened and cursed, but the mob retreated because it had met the one thing that could stop it: force, rooted in justice and backed by moral courage.

Greater love than this hath no man that that he lay down his life for his friend. Here were 19-year-old boys ready to lay down their lives to stop a mob from molesting old people they did not know. And as those boys took back the streets of Los Angeles, block by block, my friends, we must take back our cities, and take back our culture, and take back our country.

God bless you, and God bless America.

Buchanan’s war between the forces of justice and an angry black mob looting in the streets is not the manner in which many Christians would characterize their relationship with their community, even those parts of their community with whom they disagree. Jesus’ overarching commandment is to love one another. Christians are instructed to look past their differences; in Christ

⁷⁰ Pat Buchanan, “The Election is About Who We Are,” Speech to the Republican National Convention, delivered August 17, 1992, *reprinted in* Urofsky, *supra* n. 46, at 26, 27.

⁷¹ *Id.*

⁷² *Id.* at 28.

⁷³ *Id.* at 27.

⁷⁴ *Id.* at 28.

“there is neither Jew nor Greek, bond nor free, male nor female” (Gal. 3:28). The Bible says that the ministry of Jesus is the ministry not of division, but of reconciliation (2 Cor. 5:18). And when Jesus heard that there were others ministering in his name who were unrelated to his disciples, Jesus did not condemn them. Rather, he said that “Whoever is not against us, is for us” (Mark 9:40).⁷⁵

This is a very different message than the message that says we are standing and fighting against everyone who is not like us. It is very different from the idea that those in the world who disagree with our conception of God’s Will are a rampaging mob, set against us in mortal combat for the soul of our Nation.

A theology susceptible to this type of application is dangerous if it is unchallenged. While many in the Religious Right do not employ such extreme “us against them” rhetoric, there has been little evidence in the public debate that the Right expressly disclaims it. As the next section argues, this could be because in politics, politics comes first.

(b) The Christian Right’s political success has come at the expense of its religious honesty

The Christian Right is stuck between a rock and a hard place. Their theology is unbending, and yet, it seems they laid the foundation for the pollution of their principles when they decided to try to win elections. Ralph Reed is not the most important religious leader of the Christian Right, but for the last decade and a half he has certainly been its most important political leader. His political strategy succeeded where almost every other Christian political movement failed,⁷⁶ and the organization he built continues to be the home of the Christian Right’s most powerful political muscle. But his strategy itself shows how principles grounded in the Bible must take a back seat to political realities.

In 1993 Reed recast the movement as “the Pro-family movement,” and wrote a manifesto for how the Christian Right should broaden its support, beyond the personal morality that formed the traditional core of the movement. His first point:

Values alone are not enough. The successful candidate or movement must promote policies that personally benefit voters—such as tax cuts, education vouchers, higher wages, or retirement benefits. Without specific

⁷⁵ This argument is adapted from Tony Campolo, *Is Jesus a Democrat or a Republican?* 15-16 (1995).

⁷⁶ See generally Wilcox *supra* n. 47.

policies designed to benefit families and children, appeals to family values or America's Judeo-Christian heritage will fall on deaf ears...The pro-family movement has limited its effectiveness by concentrating disproportionately on issues such as abortion and homosexuality. These are vital moral issues, and must remain an important part of the message. To win at the ballot Box and in the court of public opinion, however, the pro-family movement must speak to the concerns of average voters in the areas of taxes, crime, government waste, health care, and financial security.⁷⁷

Reed then went on to lay out what he believed to be the best way to connect with church going voters. He noted that in 1992 only 12 percent of voters believed that abortion was a key issue, and that "even more startling" only 22 percent of self-identified born-again evangelicals listed abortion as an important voting issue.⁷⁸

After the 1992 election, when the Christian Right sat down to look at the cold-hard numbers by which political power is meted out in our democracy, they found out that the ideals and goals of their target audience of religiously conservative Christians were not that different from the goals and ideals of the public at large. "Their primary interest is not to legislate against the sins of others, but to protect the health, welfare, and financial security of their own families."⁷⁹

Thus, the most successful political strategist of the Christian Right decided that, because of the politics of the situation, the Christian Right needed to change its tune. It would still use the language of Christianity—the organization Reed founded is still known today as the "Christian Coalition"—but it would adopt an agenda far broader than the religiously based cultural agenda of the movement's birth. To underscore this strategy, Reed concluded that,

The key to success for the pro-family movement is to discuss a broader issues agenda in the language of the target audience—churchgoers and families with children...The Apostle Paul said that he had become "all things to all people that I may by all means win some." His methodology made Christianity the dominant faith in the Western world within three centuries. The same technique can make the pro-family movement the most effective grassroots voice in America if properly followed.

⁷⁷ Reed, *supra* n. 44, at 31

⁷⁸ *Id.*, at 32

⁷⁹ *Id.*, at 32

The words of the apostle Paul thus became the guiding force behind a political strategy, as opposed to a religious movement. The Christian Coalition's 1995 agenda contained no mention of the Bible,⁸⁰ and its 2004 agenda has as its first priority making President Bush's tax cuts permanent.⁸¹

This politics first attitude, as some have pointed out, should be appealing to the Rawlsian left because it provides secular reasoning to support its beliefs.⁸² However, it is not compatible with mainstream, much less conservative, Christian theology. For example, one could argue compellingly that cloaking a political strategy in a religious movement violates the commandment that forbids taking the Lord's name in vain.⁸³

Moreover, the cynical use of the language of Christianity to speak about politically based positions borders on blasphemy. As noted above, George Bush is famous for the use of religious language in his speeches, and this use of language has endeared him to many in Christian Right.⁸⁴ However, a closer look at some of the language he uses raises serious theological problems.

In his 2003 State of the Union Address, when speaking of America's deepest problems, he referred to the "power, the wonder-working power, in the goodness and idealism and faith of the American people." The phrase "wonder-working power" is from a popular evangelical hymn. ("Power, Power, Wonder-working power in the blood of the lamb...") And on the first anniversary of September 11, the President said, "The ideal of America is the hope of all mankind... That hope still lights our way. And the light shines in the darkness. And the darkness has not overcome it." The last two sentences come directly from the Gospel of John.⁸⁵

The President who claimed that Jesus Christ was the political philosopher who most influenced him, is thus comparing the power of salvation to the goodness and idealism and faith of the American People, and "the ideal of America" is likened to the light of Christ himself. In the words of one commentator, this "civil religion" lacks

⁸⁰ Contract with the American Family, *supra* n. 48, at 192-225.

⁸¹ See Christian Coalition, Agenda, *supra* n. 51.

⁸² See Stephen L. Carter, "Liberal Hegemony and Religious Resistance: An Essay on Legal Theory" in *Christian Perspectives on Legal Thought* 25, 39 (Michael W. McConnell, et al. eds.) (2001)

⁸³ Jim Wallis, "Dangerous religion: George W. Bush's Theology of Empire," *Sojourners Magazine*, Sept.-Oct. 2003.

⁸⁴ See *supra* notes 16 to 21.

⁸⁵ Wallis, "Dangerous religion," *supra* n. 67. All of the examples in this paragraph come from this source.

acknowledgement of the truth of this passage from the gospel of Matthew: "Why do you see the speck in your neighbor's eye, but do not notice the log in your own eye? Or how can you say to your neighbor, 'Let me take the speck out of your eye,' while the log is in your eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your neighbor's eye." A simplistic "we are right and they are wrong" theology rules out self-reflection and correction... Theologian Reinhold Niebuhr wrote that every nation, political system, and politician falls short of God's justice, because we are all sinners.⁸⁶

Others would no doubt go further, and with good reason. Tony Campolo writes that the remaking of Jesus to serve the interests of politics "is not just bad religion that needs correcting. *The Bible calls it Idolatry!*" He then quotes from the first chapter of Romans: "Professing themselves to be wise, they became fools, and changed the glory of the incorruptible God into an image made like to corruptible man...who changed the truth of God into a lie, and worshipped and served the creature more than the creator, who is blessed forever. Amen." (Rom. 1:22-23, 25)

Of course, the argument against the politicization of religion applies not just to the Right, but to any group that attempts to mold their religious beliefs for political ends. This argument is revisited in the final section of the paper in the context of a new religious voice in America's politics.⁸⁷

(c) *The Christian Right's issue selection does a disservice to many important aspects of Christianity*

The Christian Right's uneasy marriage of traditional conservative policies with the movement's original cultural issues—homosexuality, abortion, pornography, drug and alcohol use and others, is not necessarily consistent with Christianity. This section challenges the issue selection of the Right for being both under and over inclusive. It leaves out many of the important issues at the heart of Christianity, and addresses other issues that Christians might be better to leave alone.

⁸⁶ Id.

⁸⁷ See *infra* n. 92-99.

The Bible is replete with calls to help the poor.⁸⁸ Prophets like Isaiah, Amos, and Jeremiah all lambaste the rich for trampling on the heads of the poor (Amos 2:7), and warn that great divides between the rich and poor are antithetical to God's will (Jer. 5:26-29; Is. 1:21-26, 10:1-4). Psalm 72 calls not just to help the poor, but for the rulers, the government, to do so:

Give the king your justice, O God,
and your righteousness to a king's son.
May he judge your people with righteousness
and your poor with justice...
May he defend the cause of the poor of the people,
give deliverance to the needy,
and crush the oppressor...
For he delivers the needy when they call,
the poor and those who have no helper.
He has pity on the weak and the needy,
and saves the lives of the needy.
From oppression and violence he redeems their life,
and precious is their blood in his sight. (Ps. 72:1-4, 12-14)

Two Proverbs make this directive even clearer. "Those who oppress the poor insult their Maker, But those who are kind to the needy honor him." (Prov. 14:31) And even more tellingly, "Whoever is kind to the poor lends to the Lord, and will be repaid in full." (Prov. 19:17) As Ronald Sider declares, this is an amazing statement—one who is kind to the needy is giving the Creator of all things a loan!⁸⁹

Jesus declared that the purpose of his ministry was to bring good news to the poor (Lk. 4:18). "Blessed are you who are poor," he said, "for yours in the kingdom of God." (Lk. 6:20). And when speaking about the judgment of mankind, Jesus predicted that some would ask "'Lord, when was it that we saw you hungry or thirsty or a stranger or naked or sick or in prison, and did not take care of you?' Then he will answer them, 'Truly I tell you, as you did it not to the least of these, you did not do it to me.'" (Mt. 25: 44-45).

It would be easy to continue through the Bible to show that the Christian God identifies with the poor, but that is unnecessary. It is clear. Despite this, out of 19 agenda items, there is no mention of helping the poor in the Christian Coalition's 2004 platform, and there is but one pledge to support a statute to

⁸⁸ This section draws heavily upon Ronald Sider *Rich Christians in an Age of Hunger* 62-68 (1977).

⁸⁹ Ronald J. Sider *Rich Christians in an Age of Hunger* 68 (1977).

encourage charitable giving.⁹⁰ By contrast there are four planks involving homosexuality and pornography. According to its website, the Christian Coalition issued 24 press releases in 2004 announcing its stand on various issues: while not one has to do with the alleviation of poverty, one half deal with homosexuality.⁹¹

This focus on cultural issues rather than economic ones is difficult to defend. As stated above, the Right is currently very vocal on the issue of homosexual marriage. In what many explained as a reaction to the Religious Right, the President has proposed a constitutional amendment to ban same-sex marriages. In Georgia, a referendum on such an amendment was passed after an enormous lobbying effort by many in the Christian Right. However, Jesus never mentioned homosexuality, though he was most surely aware of it. As one commentator notes, “it just wasn’t on his top ten list of sins.”⁹² What is at the top of that list of sins, the commentator points out, “is judgmental religious people who look for sin in the lives of others without dealing with the sin in their own lives. (Matthew 23)”⁹³

The vocalness of the Right in “defense of the institution of marriage” is further complicated when one notes that they are noticeably silent on an aspect of marriage that Jesus actually addressed. Jesus stated that divorced people could not remarry without committing the sin of adultery, and that divorce was only justified on the grounds of unchastity. (Matt. 5:31-32) This admonition has received far less attention from the lobbyists and letter writers of the Right as the practice of divorce has become more and more common, and “no-fault” divorce has been made an option in many states.

Moreover, a compelling argument can be made that coercing morality does not serve the ends of Christianity. The notion of freedom in Christian theology stems in part from the idea that one must choose God’s path without coercion in order to be saved. God provided for Adam and Eve the ability to do wrong so that their choice to do right would have meaning. If there were no free choice, then acting on faith and in virtue would have no meaning. This idea has been endorsed by centuries of Christian theologians.⁹⁴ As Judge Michael McConnell points out,

⁹⁰ Christian Coalition, Agenda, supra n. 51.

⁹¹ See <http://www.cc.org/press.cfm>

⁹² Tony Campolo and Brian McClaren, *Adventures in Missing the Point* 183 (2003).

⁹³ Id.

⁹⁴ Michael W. McConnell, “Old Liberalism, New Liberalism and People of Faith,” in *Christian Perspectives on Legal Thought*, 13 (Michael W. McConnell, et al, eds.) (2001).

under this view, it is literally impossible for the government to improve the spiritual state of a citizen.⁹⁵

A government policy, therefore, cannot coerce anyone to salvation. The purpose of morals legislation must be justified by earthly benefits—either it helps teach people the habits of virtue, and they can then choose that virtue in their heart, or it is simply a better way to structure society in the here and now of the “Earthly City.”⁹⁶ These arguments leave considerable room for debate among Christians about what the best way is to receive the earthly benefits of God’s law.

William J. Stunz makes a compelling argument that the positive law and God’s moral law are not meant to be coextensive, and in fact they cannot possibly be.⁹⁷ Stunz argues that because Christ defined sin so broadly (for example, he points out that Jesus defined murder as anger and adultery as lust), it would be impossible for our law to punish all sins. Our law, therefore, must make distinctions between “bad” and “worse.”⁹⁸ When morals are contested in the populace, Stunz argues that decisions about where to draw the line between bad (but not illegal) and worse (illegal) deserve close scrutiny from people who desire to induce a particular more “moral” behavior. He claims that backlashes against pushing moralism too far are the norm, and not the exception.⁹⁹ And thus, he argues,

Those who want to make abortions rare, may do well to keep them safe and legal...If abortion is evil, perhaps it is right to prohibit it regardless of the consequences. Yet Christianity does not compel indifference to consequences. And I suspect that most abortion opponents care a great deal about consequences: as its preferred name suggests, the larger goal of the pro-life movement is to save lives. Given the current division of opinion on abortion, that goal may be better advanced by persuasion than by legal force. If so, perhaps the right lesson to draw is this: Always err on the side of freedom rather than legal restraint. Don't forbid--at the least, don't criminally punish--behavior that a large fraction of the populace thinks is morally permissible.¹⁰⁰

⁹⁵ Id.

⁹⁶ This is the argument put forward by David Waldroup in his presentation on April 28, 2004 on the extent to which positive law should reflect the law of the bible.

⁹⁷ William J. Stunz, “Christian Legal Theory,” 116 *Harv. L.Rev.* 1707, 1735.

⁹⁸ Id. at 1735, 1737.

⁹⁹ Id. at 1739.

¹⁰⁰ Id.

Even if Stunz's theory about cultural backlashes to moralistic legal rules is not correct, it is still true that legislating against the sins of others is not necessarily compelled by Christianity. That something is morally wrong does not mean it must be illegal. And furthermore, if Christians want to create an environment that contains fewer immoral acts, they may at least want to be careful with their political strategies.

Once we decide that believing that particular conduct is sinful does not necessarily require that forbearance from that conduct should be the law of our polity, we arrive at almost the same place we would be absent biblical directives on morality: a choice about what the law should be in order to structure the best earthly society. The point here is that, regardless of your theological take on the tenets of Christianity, and the sins that are more or less important to legislate against, there is room for debate with others, both inside and outside Christianity, about which laws should apply and why. Christians should engage in that debate with the Christian Right, and the Christian Right should welcome the challenge.

Despite this, the Christian Right continues to press an agenda grounded in traditional cultural concerns, often at the expense of other Christian principles. Poverty has already been mentioned. Jesus' message of peace is another major moral issue at the heart of Christianity that is missing from the agenda of the Religious Right.

Jesus instructed his followers, "Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also...I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous." (Matt. 5:39, 44-45)
"Blessed are the peacemakers, for they will be called children of God."
(Matt. 5:9)

When discussing his religion, Jimmy Carter, a well-known Evangelical Christian and winner of the Nobel Peace Prize takes every opportunity to note that he worships the Prince of Peace. In his Nobel Peace Prize Lecture, he stated that we must always remember, "while war may be necessary, it is always evil."

This is not to say that Christians in politics must oppose every act of violence—Jimmy Carter, a former naval officer, certainly did not. But Christians should be honest about their religion's teaching on the issue, and acknowledge that the issue of war making is a complex one for the Church in this day and age.

We are currently fighting what we consider a righteous war against terrorism. As discussed above our President states that it is a war against "evil,"

that it is a “mission” and that his “call to keep” is the protection of the American homeland. The Christian Coalition weighed in on the issue by defending Lieutenant General William G. Boykin’s October 2003 claim that the war on terrorism was a religious war between Good and Evil, and that the terrorists represented Satan.¹⁰¹

Perhaps these stances are justifiable. But, the politicized Christian Right is silent about Jesus’ admonitions to love one’s enemy, to turn the other cheek and his blessing of the peacemakers. If the stances taken by the Christian Right on our current war are in line with their religious values, then the discussion should be tailored to their defense, with a full exposition of the issues, and the teachings of Christianity. Currently, the Bible and many important and difficult issues at the heart of Christ’s teachings are left out of this discussion.

The list of issues on which the Christian Right *could* act is long, and these are but a few criticisms of the Right’s picking and choosing among Christianity’s tenets. The issues it selects are issues that fit well with the cultural traditionalists whom they cultivate as their political base, and not necessarily with the teachings of Jesus. The next section of the paper takes up a number of issues that Christians can address, and ways that Christians can address them honestly, and openly, to the benefit of all.

III. Why a robust debate is a better debate for our country and our religion

There are several reasons why responding to the Christian right in the court of public opinion is important. First, there is much to be gained as a society from religious ideals and perspectives in our public discourse, particularly if more ideals are put forward on a broader range of issues than those currently chosen by the Christian Right.

Because it differs from both of the approaches above, a new debate would avoid their problems. As secularism takes away our ability to care about what happens in the world of politics, a new Christian or religious voice, or a panoply of religious voices, would help to infuse our national dialogue with meaning beyond the bland self-interest of our current politics. Also, because it would be broader-based and more religiously honest, it would prevent the debate from being debased in the way the Christian Right has debased it.

This section first addresses some of the ways a new debate would benefit our communities and our earthly world. The second section then addresses,

¹⁰¹ See “Christian Coalition Chastises Left-wing Criticism of American Military Hero,” October 23, 2003, Press Release from Christian Coalition, available at <http://www.cc.org/content.cfm?id=90>

briefly, the way in which a more robust and balanced debate would benefit Christianity itself. These benefits to Christians, as Christians, conclude the paper.

A. Why a New Debate Would be Good for the World at Large

The first argument is stated above: a genuine debate would reign in the politicized Religious Right. A vibrant debate would prevent overconfidence among many, and provide fodder for discussing whether one who supports “legislating against the sins of others” is on firm theological footing.

Being a Christian would mean being a Christian on every issue, not just those that are popular among political conservatives. The Clergy Leadership Network is a group that has begun this debate. They claim to operate from an “expressly religious” point-of-view, but oppose the Christian Right. According to their CEO and Chairman, “People may want to label us the Christian Left. But what we are really about is mainstream issues and truth, and it that makes us ‘left,’ then that shines even more light on the need for a shift in our society.”¹⁰² They list the following issues among the ones they feel they need to address: Economic life; The American Presence in the World; Civil Rights, Human Rights, National Security; Church/State Relations; Justice for All; Tax Policies; Health; Education; Environment.¹⁰³ If Christians become vocal on these issues, as Christians, then the debate will expand, and a Christian voice will be heard on many more issues than at present.

A vibrant debate would make the President think twice before using religious language to describe our country. It would perhaps temper the idea that we, as Americans, are a chosen people, above the rest of the world, fighting evil from our “city on the hill” where we do not sin. This thought is dangerous. The fallibility of our countrymen, even our heroic soldiers, was demonstrated very clearly, and with disgusting photographic evidence from the Abu Ghraib Prison in Iraq. There, Americans, who our President noted have that “power, wonder-working power,” and who are the light that shines in the darkness, and who are fighting evil, tied naked men together in a pile, put dog collars on them, wired their genitals with electrodes and demeaned them as though were not human. And took pictures of the “thumbs-up” revelry.¹⁰⁴

¹⁰² “The Christian Left?”, on “Now with Bill Moyers,” PBS Broadcasting, December 26, 2003, available at <http://www.pbs.org/now/society/faithpolitics/html>

¹⁰³ “Issues”, Clergy Leadership Network available at http://www.clnnlc.org/about_issues.html

¹⁰⁴ See Thom Shanker and Jacques Steinberg, “Bush Voices ‘Disgust’ at Abuse of Iraqi Prisoners,” *New York Times*, Saturday May 1, 2004, at A1.

A vibrant debate would force us, as Christians, to deal with the complex and difficult arguments for when war is appropriate and when it is not. The partisan Religious Right has too often let Christians down in this regard. And a robust debate about the teachings of Christianity from everyone on the political spectrum would give our politics a humanity, and a focus on love and social justice that would benefit us all—from the richest to the poorest.

The partisanship, and mean-spiritedness that is prevalent on both sides of our current politics could certainly benefit if Senators and House Members in Washington DC, and in state houses from Atlanta to Albuquerque, recognized that both sides of many arguments command moral force.

On a larger scale, a new politics where spiritual issues can take their rightful place as important and informative aspects of a debate would be of enormous benefit. The most important problems of our nation and our world could be addressed with a new and broadened Christian focus; the way we think about problems would change.

As Jim Wallis states, many of our world's problems do have a “central spiritual reality” and yet, we currently do not deal with this spiritual reality forthrightly.¹⁰⁵ These problems will not be solved by conservative piety or by liberal sociology.¹⁰⁶ But, Wallis writes, if we take the best impulse of conservatism—that we require individual initiative, and moral responsibility from each and every person, and the best impulse of liberalism—that we must insist on a society that is responsible for its people, then we can begin to come up with lasting solutions, and strategies for creating a moral and just society.

Wallis calls this new thinking a growing movement toward “prophetic spirituality” that demands both social justice and personal responsibility.¹⁰⁷ He envisions a new idea, with the “politics of community” at its core, a reawakening of the idea that a divine covenant binds all humans together under God. Wallis points out that the role of the prophets in the Bible was two-fold: they first revealed the idolatry that led people astray, and showed the people the falseness of what they worshipped. And then, the prophets held up an alternative vision, calling on the best in people to make a new community.¹⁰⁸

¹⁰⁵ Jim Wallis, *The Soul of Politics: Beyond religious Right and Secular Left* 7 (1995).

¹⁰⁶ Id.

¹⁰⁷ Id., at 51.

¹⁰⁸ Id. at 53.

Wallis' idea is compelling, and a new way of thinking about Christianity and its role in our society could have an enormous impact on a variety of issues. The cycle of poverty in the African-American community, the enormous crime rates among the poor of every race, issues of drug use, sexism, racism and even the environment can not be solved simply by taking a moralistic view of the current "bad" behavior of people while ignoring the systemic issues that led to the current state of affairs. Nor can the problems be solved without acknowledging the spiritual dimension of those problems, which is one shortcoming of the secular, sociological left.

This author's experiences in post-Apartheid South Africa provide an example of the two sides of many social problems. Ten years after the fall of Apartheid, the systemic and material residue left from decades of South Africa's strict racial segregation is enormous. The nation's gap between the rich and poor is the largest in the world. In the black community there are not enough jobs, not enough money, and the educational system is in desperate need of resources. Housing and healthcare are deficient across the board. These are secular issues that liberals focus on, and in South Africa there is much being done to provide housing, services, education, and to redistribute wealth and otherwise deal with the material issues afflicting that society.

But there is also another dimension to that nation's problems: the spiritual residue of Apartheid is as thick and stubborn as the material. This is evidenced by a black teacher, holding his wedding pictures, undeveloped, in a black film canister. He has been married for seven years, and has never had them developed. Why not? He thinks the stores that develop film are "too expensive for us blacks." He has never even been inside to ask how much it costs. He can certainly afford it on his teacher's salary, but his pictures remain undeveloped because his understanding of what it means to be a Black South African prevents him even from going into the store to ask.

On the other side of Apartheid's lines, a white man sees another white person sitting by the side of the road in a black community. He pulls over. "Are you OK?" he asks out his car window.

"Yes. I'm fine."

"Did your car break down? Do you need a lift?"

"No. I don't have a car. I live here."

The white man in the car looks around at the shacks built out of sticks and mud.

“But, there’s nowhere to live here,” he says.

“Well,” says the white man sitting on the on the ground. “I’ve lived here for 18 months.”

“Alone?!”

“No,” he says as he motions toward two black men sitting next to him, and maybe forty people walking around near the road, going to and from their houses. “Not alone. I live with all these people.”

And the white man in the car shakes his head and drives off. Because of his understanding of what it means to be a White South African, he cannot conceive of another white person living in “Black South Africa.” He is not a bad person—after all, he stopped by the side of the road to help someone he thought was in trouble. But he is blind in very important ways to the world around him, and he is just as limited in his sense of community as the teacher with the wedding pictures. To put Apartheid behind it, South Africa must deal with its spiritual needs just as forthrightly as the country’s material and systemic needs.

The United States, and other areas of the world, are no different. On the issue of crime in America, one author provides a compelling argument for a more “spiritual” or “moral” way of approaching the problem. He writes that America’s violent crime rate is five times that of Europe, and our incarceration rate is the highest of any major industrialized nation in the world. He states that this violence is caused largely by a failure of the family as an institution.

As Daniel Patrick Moynihan argued in 1965...there is one unmistakable lesson in American history: When a community allows a large number of young men to grow up in broken families...that community asks for and gets chaos...in such a society, crime, violence, unrest unrestrained lashing out at the whole social structure—these are not only to be expected, they are very nearly inevitable.”

That writer goes on to point out that one-fifth of white children and two-thirds of black children are born out of wedlock. He points out that liberal solutions to crime, like rehabilitation and early release programs, and conservative solutions, like building more prisons, have both failed. He argues that the answer is to restore the family, and the moral health of the community:

Through their families, [young men will have fathers to emulate and] will have a personal stake in creating a moral climate for their own

children. Moreover, the penal system needs reform to allow for redemptive sentencing for non-violent criminals that allows them to work, pay back their victims and make restitution to society.¹⁰⁹

This “spiritual” aspect of crime is certainly a valid one to address in any comprehensive plan. Such a call to focus on the family and the need for a spiritual and moral rebirth in communities beset by crime would not be that controversial on the political left, had it not come, as the above argument did, from the controversial conservative Ralph Reed.

At the same time, we must look beyond this personal moral rebirth to the sins of our society: racism, disrespect for the poor, and a lack of forgiveness in our criminal justice system. These arguments would be easier for those on the Right to accept if they came not from the secular left, but from genuinely held Christian beliefs.

In short, if we were able to marshal the best arguments of the Religious Right, and add to them broader Christian concepts of love and social justice, we might actually solve some problems. Certainly, a discussion that involved both sides of these arguments would provide a fresh look at our problems, and be of great assistance to our policy makers in finding solutions.

These solutions and this spiritual renewal are sought by both the Political Left and the Political Right. If Christians are discussing the issues from both sides, the Religious Right will have to broaden its message, or they will lose precious votes. This would get people from across the political spectrum involved in solving many of our societies problems, instead of a limited few—more Christians would be involved in this earthly city, working with others to create communities and bonds of love and thereby making manifest the teachings of Christ, on earth as it is heaven.

B. This new debate would help not only our communities, but our religion

Nehemiah tells us “Let us start building. So they committed themselves to the common good.” (Neh. 2:18) James echoes this message: “Faith without works is dead.” (James 2:6). Christians would benefit, as Christians from the positive impact their living faith would have on society.

However, there are dangers for Christianity in increasing its political profile, and its activities in the community around it. Frederick Nymeyer argued

¹⁰⁹ Reed, *supra* n. 44, at 33-34

forcefully that the Christian based activism of the “Social Gospel” was a critical problem for believers. Nymeyer argued that when actions taken in the name of Christ are not successful, all too often the activist does not return to the gospel, but instead tweaks and changes the social action until it may be unrecognizable as a Christian activity.¹¹⁰

Moreover, as discussed above, there is danger in politicizing religion. Just as the Christian Right has altered itself in response to politics, a new Christian movement could do the same. As one notes, “Religion as political cheerleader is invariably false religion.”¹¹¹

However, the question today is not must there be a new and dangerous politicization of Christianity? Rather, it is must there be a monolithic partisan movement? Christianity has been politicized. The issue now becomes, can and should believers work to ensure that Christianity’s role in our political dialogue is balanced, and as true as possible to the teachings of Jesus? A robust debate, like the adversary system in our courts, will assist us in our search for “truth” in an invigorating and thought provoking way. It will help all Christians better understand how their religion should interact with society, and would force those who are in politics to be clear and honest about how their own religion impacts their decisions.

Also, if the politicized Christian Right remains the only Christian voice in our politics, it will continue to give many Christians an unfairly bad name. In reviewing Sean Hannity’s book “Deliver Us From Evil: Defeating Terrorism, Despotism and Liberalism,” which could have been discussed above as an example of not only “us against them” piety,¹¹² but also the inappropriate use of religious language,¹¹³ the industry-standard book review states, “Fans of Hannity’s—Christian Conservatives in particular—will no doubt embrace this straightforward call to arms.”¹¹⁴ This is not the way that many Christian

¹¹⁰ Public Broad Casting Corporation, “History of the Social Gospel: About Progressive Religious Tradition” December 26, 2003 available at <http://www.pbs.org/now/society/socialgospel.html>. This is the corollary to the argument made above with regards to the President likening America to Jesus, or the Christian collation carrying the name of Christ into the political realm. When the organization or the country fails to live up to the ideal, which it inevitably will do, it degrades the name.

¹¹¹ Wallis, *Soul of Politics*, *supra* n. 90, at 43.

¹¹² He compares American “liberals” to “terrorists” and “despots” and categorically calls them “evil” on the cover of his book. *See supra* n. 53-59 and accompanying text.

¹¹³ He takes a line from the Lord’s Prayer praying for God to deliver us from evil, and uses it to make a political statement as though his arguments, or his party or his president would do the delivering. *See supra* n. 67-71 and accompanying text.

¹¹⁴ Excerpt from Publishers Weekly, available at <http://www.amazon.com>.

conservatives feel, and a vibrant debate would allow them to claim back the aspects of their religion that are debased by the politicized Christian Right.

A new debate will show that Christians, and even Christian Conservatives, are not a monolithic political force, with a particular limited agenda, but rather participate in democracy and in the world in a variety of ways. That helps Christianity at a time when the world is becoming more and more divided along religious and cultural lines, and religious pluralism is an important fact of life that we all must understand.

The City of God and the Cities of Men: A Response to Jason Carter

Law school seminars sometimes educate the professor as much as the students. That certainly proved true in the spring of 2004, when 17 law students and two colleagues from other departments participated in a jurisprudence seminar I led at the University of Georgia School of Law. The course focused on ancient and contemporary perspectives on law found within various Christian theological traditions. For a number of students, the course seemed liberating, an opportunity to discuss fundamental questions that underlie the law school curriculum, but often prove difficult to address in the law school setting.

One of the seminar students who repeatedly spurred my own thinking was Jason Carter. The inclusion in the course syllabus of a reading from Archbishop Tutu resulted from a suggestion by Jason, and his experience living and working in post-Apartheid South Africa provided a valuable international perspective on the issues addressed in the course. Equally thought-provoking was the paper Jason presented in the final weeks of the seminar, a version of which you have now read. It seemed to me, in the aftermath of the 2004 presidential election, that Jason's paper might prove valuable to a larger audience, as the issues he addressed have become the subject of widespread discussion. This also seemed a good opportunity to continue processing my own thoughts coming out of the seminar, and I am pleased Jason was amenable to publication in this dialogue format. As in any genuine conversation, the ideas I offer here are somewhat tentative and exploratory. I look forward to continuing the dialogue with Jason and others interested in these questions.

I. Political Participation and the Religiously Integrated Existence

Jason initially considers and rejects philosophical positions that call for citizens to put aside their religious beliefs when they participate in the political sphere.¹¹⁵ He advocates instead the freedom to live a “religiously integrated existence” in all areas of life, including political life.¹¹⁶ Here, Jason reminds me of another Carter—Professor Stephen L. Carter of the Yale Law School. In *The Culture of Disbelief*, Professor Carter contends that “[i]n our sensible zeal to keep religion from dominating our politics, we have created a political and legal culture that presses the religiously faithful to be other than themselves, to act publicly, and sometimes privately as well, as though their faith does not matter to them.”¹¹⁷

¹¹⁵ Jason Carter, _____, at ____.

¹¹⁶ *Id.* at ____.

¹¹⁷ STEPHEN L. CARTER, *THE CULTURE OF DISBELIEF* 3 (1993).

Both Carters highlight a problem many Christians face when confronted with arguments for a secular public square. To understand the problem, we need to recognize that calls for the segregation of religious and political thought present a moral question: how *should* a Christian conduct himself in his interaction with the political process? But to be a Christian means, in part, that one approaches moral questions within the context of a Christian worldview. To tackle moral inquiries from some other perspective would be to act as something other than a Christian.¹¹⁸

That leads to an even more foundational inquiry: how does a Christian resolve moral issues? Traditionally, Christians have understood moral inquiries as questions concerning the will of God.¹¹⁹ An underlying assumption throughout the biblical texts, for instance, is that the right thing to do in any situation is what God wants you to do.¹²⁰ One does find within the Christian community a variety of viewpoints regarding how one may discern the will of God. In particular, the precise relationship of reason and revelation—of natural law and Scripture—has been the subject of various understandings.¹²¹ But once a Christian has discerned the will of God, the moral question has been answered.

¹¹⁸ OLIVER O'DONOVAN, *RESURRECTION AND MORAL ORDER: AN OUTLINE FOR EVANGELICAL ETHICS* 11 (1994) (“The foundations of Christian ethics must be evangelical foundations; or, to put it more simply, Christian ethics must arise from the gospel of Jesus Christ. Otherwise it could not be *Christian* ethics.”).

¹¹⁹ Fundamental to the Christian faith is submission to Christ as “Lord.” *See, e.g.*, Philippians 2:11; Colossians 2:6. His Lordship implies the exercise of authority over the believer’s life, including moral decisionmaking. *See, e.g.*, Luke 6:46 (“Why do you call me, ‘Lord, Lord,’ and do not do what I say?”).

¹²⁰ The driving passion in the life of Christ was to do the will of his heavenly Father. John 4:34 (“Jesus said to them, ‘My food is to do the will of Him who sent Me, and to finish His work.’”); Luke 22:42 (“nevertheless not My will, but Yours, be done”). He set the same agenda for those who would follow Him. *See* Matthew 7:21 (“Not everyone who says to me, ‘Lord, Lord,’ will enter the kingdom of heaven, but only he who does the will of my Father who is in heaven.”).

¹²¹ *See* Dean C. Curry, *Reclaiming Natural Law*, *FIRST THINGS*, Nov. 1997, at 56 (reviewing J. BUDZISZEWSKI, *WRITTEN ON THE HEART: THE CASE FOR NATURAL LAW* (1997) and MICHAEL CROMARTIE, *A PRESERVING GRACE: PROTESTANTS, CATHOLICS, AND NATURAL LAW* (1997)). My own somewhat unstudied position is that reason and revelation both play an important role in addressing moral questions, but that reason must be guided by revelation to counteract the effects of the fall. *See* HAROLD J. BERMAN, *LAW AND REVOLUTION, II: THE IMPACT OF THE PROTESTANT REFORMATIONS ON THE WESTERN LEGAL TRADITION* 79 (2003) (discussing Philip Melancthon’s “paradoxical” view that natural law is discovered by reason, but that reason is corrupted by sin; “His resolution of this paradox was to subordinate the natural law that is both discernible to, and distorted by, human reason to the biblical law that is revealed to faith.”). The prospect of autonomous moral reasoning, unaided by revelation, first appears in Scripture in the mouth of the serpent. In the Edenic temptation described in Genesis, the serpent promises that if Adam and Eve disobey the divine mandate, their eyes will be opened, and they will be like God, knowing good and evil. *See* Genesis 3:5. The tenor of biblical teaching seems to be that humans depend on the word of God for every good gift, from creation to eternal life. *See, e.g.*, Genesis 1; Psalm 33:6; Matthew 4:4; John 6:68.

From this vantage point, the moral claim presented by secularists becomes nearly incomprehensible. The inquiry translates into the following: “does God want me to ignore his will when I engage in political activity?” The question virtually answers itself.¹²² This shows that the call for a secular public square, at base, amounts to a demand that Christians either stop being Christians or recuse themselves from the political process.

If one believes that the God of traditional Christian theology in fact exists, the idea of doing politics without taking God’s will into account seems comparable to doing physics without taking account of gravity. Consider some elements of historical Christian teaching about God: He created all things.¹²³ He rules as sovereign over all creation.¹²⁴ He is perfectly wise.¹²⁵ He alone is good.¹²⁶ He holds His creatures to a moral law, and will ultimately judge the human race.¹²⁷ He demands undivided love and absolute priority in every aspect of our lives.¹²⁸

If such a God really exists, as orthodox Christians believe, it would seem utterly irrational to act as if He did not.¹²⁹ It may be, of course, that no such God exists, or that He does exist, but we can know nothing of His will. But to embrace either proposition would be to depart from the historic Christian faith. For the Christian to act with integrity—for her conduct to remain consistent with her profession of faith—every undertaking in the political arena should flow in some manner from an understanding of the will of God.¹³⁰ She should think and act as a

¹²² I suppose one could imagine a deity who wanted to be ignored—who desired, for instance, that humans make moral decisions autonomously, without his input. But that would not be the God Christians worship. One could also imagine a more sophisticated position, holding that God wants Christians to use only certain methods to discern his will when they participate in the political sphere; for instance, perhaps God wants Christians to rely exclusively upon natural law reasoning, and ignore biblical revelation, when they interact with the political community. But this proposition would need to be demonstrated theologically before Christians could view it as binding.

¹²³ Gen. 1:1; John 1:3; Rev. 4:11.

¹²⁴ Isaiah 46:10 (“I make known the end from the beginning, from ancient times, what is still to come. I say: My purpose will stand, and I will do all that I please.”); Matt. 19:26; Mark 4:41.

¹²⁵ Prov. 3:19-20; Job 12:13; Daniel 2:19-20.

¹²⁶ Luke 18:19.

¹²⁷ Gen. 18:25; Acts 10:42-43; Heb 12:23; Rev. 20:11-15. At the same time, the gospel teaches that God graciously offers mercy on the basis of repentance and faith in Christ. Acts 2:38; Romans 8:1-4.

¹²⁸ Ex. 20:3; Luke 14:25-33.

¹²⁹ It would also be utterly ungrateful. If God has done for Christians what the Scripture indicates, they owe Him a debt far greater than they can ever pay.

¹³⁰ The effort to understand the will of God takes place within the context of the Christian community, which God has provided to shepherd and encourage believers through the challenges of life in this world.

Christian in her life as a citizen, just as in her life as a mother, an employee, or a church member.¹³¹

Jason mentions the view (associated with John Rawls and others) that citizens, including religious citizens, should only pursue political goals justified on the basis of a secular system of moral reckoning.¹³² On this view, only non-religious arguments should be offered in political debate.¹³³ Jason, on the other hand, recognizes the value of conducting at least some political discussion in explicitly religious terms, in order to permit the dialogue he advocates about political implications of Christian faith. Such a dialogue would have the virtue of allowing theological responses to positions developed on theological grounds. I suspect the exclusion of religious arguments from political debate would simply make political discussions less fruitful, by preventing us from discussing the real issues in controversy.¹³⁴

Jason makes an important point when he notes the absence of any universally held ethical theory. In my view, moral arguments only work to the extent they fit within some larger narrative about humans and their place in the universe. How could one know what is “good” for a person to do without some understanding of what humans are, where they came from, why they exist and their ultimate destiny? We divide over moral questions because we adopt (or assume) different answers to such fundamental questions. The exclusion of religious narratives from political discourse would effectively privilege materialist narratives about humanity, even though they may rest just as heavily on faith commitments as those disqualified as “religious.” The generation that framed our constitutional order felt free to offer explicitly theological arguments in favor of

¹³¹ Of course, context matters in how one lives the Christian life. One might say different things in church than in the workplace. But in each context, the Christian should seek to honor God in all she does. I Cor. 10:31 (“So whether you eat or drink or whatever you do, do it all for the glory of God.”).

¹³² See Carter, *supra* note __, at __.

¹³³ This strikes me as somewhat analogous to an “English-only” statute applied to politics.

¹³⁴ At the same time, while believers should feel free to speak as believers, one can think of a number of reasons why Christians should, when they can, “translate” their political arguments into terms non-Christians can understand. For instance, perhaps it would be more loving to address political arguments to non-Christian neighbors in terms they can understand. Matthew 5:43. Or perhaps Christians should be cautious about using religious arguments in politics because God would not want the church associated too closely with a particular political agenda. See Stephen L. Carter, *Symposium, The Future of Callings-an Interdisciplinary Summit on the Public Obligations of Professionals Into the Next Millennium: What is the Source of the Obligation of Public Service for the Professions?*, 25 WM. MITCHELL L. REV. 103, 112 (1999) (“Once a church becomes involved in identifying itself politically, whether with a political movement or a political party, it is already begun to lose the ability to stand radically apart from that society precisely because it is trying so hard to fit in.”).

political measures.¹³⁵ Conversely, the suppression of religious speech has been associated historically with attempts to favor an ideology, as in antebellum efforts to censor religiously-based abolitionist literature.¹³⁶

The idea of Christians seeking to do the will of God in the political sphere will raise concerns for some readers. Jason appropriately underscores the need for humility about our capacity to discern God's will. Christian theology offers strong reasons to doubt our objectivity, our virtue, our foresight and our reasoning.¹³⁷ The Bible itself contains examples of people who do horrible things because they mistake the will of God.¹³⁸ But while humility should lead to caution about how clearly we know God's will for the political order, that same humility, it seems to me, should drive us to seek divine guidance in the first place. If self-interest and ignorance lead us to misunderstand or distort the guidance God provides, that should make us even more skeptical of our capacity to discern what is good and true on our own, without an objective reference point.

Some will question whether those who believe in divine guidance can participate constructively in politics, an enterprise that calls for dialogue and compromise. We all know of zealots who seem incapable of cooperative engagement. But abuses in that direction represent an inevitable misapplication of what can be a very desirable trait, the willingness to adhere to principle and act upon conviction. Some of the most important social movements in American history succeeded precisely because large numbers of Christians felt confident they were doing what God called them to do, even in the face of opposition. Abolitionists braved persecution because they believed they were doing the will of

¹³⁵ See Michael McConnell, *Why Is Religious Liberty the "First Freedom"?*, 21 CARDOZO L. REV. 1243, 1251 (2000) (noting the "strikingly theological argument" in the preamble to the Virginia Statute of Religious Liberty: "Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord of body and mind, yet chose not to propagate it by coercions on either"); Note, *Wagering on Religious Liberty*, 116 Harv. L. Rev. 946, 948-49 (2003) ("The arguments offered [for religious liberty in the early United States] were not only profoundly religious, but also tied to a certain brand of voluntaristic Protestantism manifested in America by sects such as the Baptists and the Mennonites."); DECLARATION OF INDEPENDENCE ("Nature and . . . Nature's God;" "they are endowed by their Creator with certain unalienable Rights;" "appealing to the Supreme Judge of the world;" "with a firm reliance on the protection of Divine Providence").

¹³⁶ See Michael Kent Curtis, *The Curious History of Attempts to Suppress Antislavery Press, Speech, and Petition in 1835-37*, 89 Nw. U. L. Rev. 785, 799 (1995) (noting the religious content of abolitionist speech in the course of a larger discussion of attempts to suppress that speech).

¹³⁷ Job 38-41; Romans 3:9-18.

¹³⁸ The Apostle Paul, for instance, relates that before his conversion to Christianity, he demonstrated his zeal for God by persecuting the church. Philippians 3:4-6; Acts 22:3-5; see also Acts 8:3.

God.¹³⁹ And much of the courage displayed in the civil rights movement found its origin in the Christian convictions that motivated many of its members.¹⁴⁰ At the same time, Christians should have the modesty to recognize the insight of those outside the community of faith. Just as Paul acknowledged truths expressed in Greek poetry, Christians should be willing to learn from others who bear the image of God, whether or not they are part of the Christian church.¹⁴¹

Though I consider myself an evangelical Christian within the Reformed tradition, I suspect I would be uncomfortable with a political system run exclusively by my co-religionists. But I would likewise be concerned about a political system dominated by environmentalists or militarists or secular liberals. Because I hold to a Christian view of human nature, I believe no group, whether defined by religion or ethnicity or ideology, can be trusted with unchecked power. But our system of government provides at least two protections against factional zealotry, in either a religious or secular form. The most familiar lies in the liberties guaranteed by the Constitution, including the prohibitions on religious establishments and religious tests for office, as well as the safeguards for free exercise of religion, free speech and the like.¹⁴²

The other protection against sectarian oppression is structural. James Madison explained in Federalist No. 10 that as you extend the sphere of population and territory covered by a Republican government, “you take in a greater variety of parties and interests;” as a result, “you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens, or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and act in unison with each other.”¹⁴³ Madison contended, therefore, that there would be less cause to fear factional oppression from the federal government than from groups within the individual states.¹⁴⁴

¹³⁹ Stephen L. Carter, *Reflections on the Separation of Church and State*, 44 ARIZ. L. REV. 293, 303 (2002) (“The civil rights movement and the abolition movement were church-led revolutions, and they were accomplished because the garden [in which conscience is nurtured] was largely left alone: raised to ideas radically different from the wisdom of the moment, the leaders of those movements, as well as the rank-and-file, put their faith into practice and changed the nation.”); Edward McGlynn Gaffney, Jr., *Politics Without Brackets on Religious Convictions: Michael Perry and Bruce Ackerman on Neutrality*, 64 TUL. L. REV. 1143, 1158-66 (1990).

¹⁴⁰ Stephen L. Carter, *supra* note ____, at 303; Gaffney, *supra* note ____, at 1166-75. Gaffney also highlights the role of Jewish groups in the civil rights movement. *Id.* at 1170-71.

¹⁴¹ Acts 17:28. Similarly, Moses was willing to take the advice of his Midianite father-in-law in structuring a judicial system for the Israelite community. Exodus 18:13-27.

¹⁴² U.S. CONST., Art. VI, cl.3; *id.* amdt. I & XIV.

¹⁴³ Federalist No. 10.

¹⁴⁴ *Id.*

At the time Madison wrote, the Louisiana purchase had not occurred,¹⁴⁵ the national population consisted of fewer than 4 million people, and churchgoers were concentrated in a handful of major denominations.¹⁴⁶ Today, the country encompasses a much larger territory, the population exceeds 290 million,¹⁴⁷ and there are dozens of significant religious groups.¹⁴⁸ While one can speak of broad categories of Christians, like “evangelicals” or “fundamentalists” or “Catholics,” such labels actually obscure important religious and political distinctions among a wide array of diverse subgroups.¹⁴⁹ It would be difficult for me to imagine traditionalist Christians coming together to make common cause on more than a handful of contested issues. Ironically, though, barring religiously-inspired political participation would not only undermine constitutional liberties protected by the Bill of Rights, but might also increase the risk of faction, by reducing the number of distinct voices permitted within our public counsels.

II. Citizens of Jerusalem in the Midst of Babylon

The reassurances offered above regarding Christian participation in politics rest to some extent on this country’s liberal democratic tradition. But if integrity requires a Christian’s political commitments to flow from his faith, does that call into question his ability to support this form of government? After all, democracy may generate results inconsistent with what the Christian takes to be God’s ideal for human law, and liberal premises will sometimes disable government from acting to restrain evil. On the other hand, though, it seems likely that all forms of government will sometimes generate policies incompatible with the will of God. Moreover, an unconstrained governmental power to curb evil can also be an unconstrained power to promote evil. In a world of fallen humans, and in the absence of any clear scriptural preference for one governmental structure, there are

¹⁴⁵ Federalist No. 10 was written in 1787. The Louisiana Purchase occurred in 1803.

¹⁴⁶ See JOHN WITTE, JR., RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT 120 (2d ed. 2005) (showing percentages of American churchgoers in 1780 who attended Anglican, Calvinist (Congregationalist, Presbyterian, Reformed), Evangelical (Methodist, Baptist), Lutheran (Swedish, German, Swiss) or Catholic churches); Bernard A. Weisberger, *Religion on the Frontier, reprinted in I HISTORICAL VIEWPOINTS* 266, 268 (4th ed. 1983) (John A. Garraty, ed.) (noting “considerable variety” in 1790’s religious picture, but listing only Episcopalian, Dutch Reformed, Lutheran (various shoots), Baptist, Methodist, Quaker, Catholic, Jewish, Deist, pre-Unitarian, Presbyterian and Congregational).

¹⁴⁷ See U.S. Census Bureau, www.census.gov.

¹⁴⁸ The 2000 study performed by the Association of Statisticians of American Religious Bodies reported data for 149 religious groups. See Lessie Scurry, *2004 Guide Book: Religion: Wide Variety of Faiths Represented in Atlanta*, Atlanta J.-Const. 34, 2004 WLNR 6339308 (July 22, 2004).

¹⁴⁹ See Elisabeth Bumiller, *Preaching to the Choir? Not This Time*, N.Y. TIMES, at A15, 2005 WLNR 8125106 (May 23, 2005) (pointing to dissenting letter by nearly 800 students, faculty and alumni at Calvin College, where President Bush delivered commencement address, as evidence “that Bush’s evangelical base was not monolithic”).

strong theological arguments for some form of liberal democracy as the best among available options, and for submitting to most of the political outcomes generated by such a system.¹⁵⁰

In the lead essay from *Christian Perspectives on Legal Thought*, Professor (now Judge) Michael McConnell highlights four respects in which Christian theology and history have been understood to support particular features of liberal political theory.¹⁵¹ First, the Christian understanding of the pervasive nature of sin undermines utopian political projects and supports the division of governmental authority to prevent abuses of power.¹⁵² Second, the existence of an international Catholic church in medieval Europe, separate from and in tension with the various national kingdoms, along with the Reformation's "two kingdoms" theology, resulted in a practical and theoretical separation of church and state, a strong affirmation of limited government.¹⁵³ Third, the notion of "primacy of conscience," the teaching that faith must be uncoerced to be acceptable to God, led to a respect for freedom as a necessary precursor to virtuous choices.¹⁵⁴ Fourth, the doctrine of the sovereignty of God over all people and the Protestant teaching concerning the priesthood of all believers provided theoretical support for political equality.¹⁵⁵

Liberal democratic political theory, in certain forms, dovetails nicely with what seems to me the relevant biblical model for political participation by Christians. The question of how Christians should approach political life represents a subset of the larger question of how Christians should think about life in this world. My views on this issue derive from scriptural teaching describing believers as citizens of a heavenly city, which the New Testament calls "the New Jerusalem."¹⁵⁶ Abraham, the biblical exemplar of the person of faith, spent his entire life wandering about as an alien in the promised land; the New Testament

¹⁵⁰ By saying that Christians should submit to "most of the political outcomes generated by such a system," I leave open the possibility that some measures implemented by a Democratically-elected government would be so beyond the pale that Christians in good conscience could not comply.

¹⁵¹ McConnell, *supra* note ____, at 7-17.

¹⁵² *Id.* at 7-8. This theme finds further development in an essay by Marci Hamilton. *Id.* at 293-306.

¹⁵³ *Id.* at 8-13; *see also* Stephen L. Carter, *Reflections on the Separation of Church and State*, 44 ARIZ. L. REV. 293, 294 (2002) ("The serious historian will readily admit that the metaphorical separation of church and state, whatever precise meaning we might choose to assign to it today, has its origins in Protestant theology, for it was the Protestants who laid before an unenlightened Europe the model of the two great powers, the temporal and the spiritual, and the theological argument for placing the capacities in the hands of separate earthly masters.").

¹⁵⁴ McConnell, *supra* note __ at 13-15; *see supra* note ____.

¹⁵⁵ McConnell, *supra* note __ at 15-16.

¹⁵⁶ Rev. 21:2; *see also* Gal. 4:25-26 (distinguishing the present city of Jerusalem from "the Jerusalem above").

tells us that “he was looking forward to the city with foundations, whose architect and builder is God.”¹⁵⁷ The Apostle Peter picks up on this theme, advising Christians to live as aliens and strangers in this world.¹⁵⁸ Likewise, the Apostle Paul tells Christians that their “citizenship is in heaven.”¹⁵⁹ While Peter and Paul were speaking principally to questions of conduct, rather than politics, I think the underlying concept carries political implications as well. Saint Augustine built upon the biblical theme of the heavenly city in *The City of God*, a classic work on Christian political theory.¹⁶⁰ As I understand the biblical teaching, Christians are to see themselves first and foremost as citizens of the heavenly city, which exists now in inchoate form, and will be revealed fully at the culmination of history.

If politics concerns the life of the city—the *polis*—the Christian occupies an ambiguous position as a member of two communities. She resides temporarily in an earthly city while anticipating a permanent home in the city of God. This picture of the Christian as a resident alien, or perhaps a dual citizen,¹⁶¹ might imply a practical disengagement from the life of this world.¹⁶² But to my understanding, Christians have an appropriate concern for both cities.

One might here draw an analogy between Christians in this life and the people of Israel during the Babylonian captivity. Large portions of the Old Testament relate to the period during which the Israelites lived as expatriates in a foreign land, waiting for the rebuilding of Jerusalem.¹⁶³ Through the prophet Jeremiah, God instructed the Israelites to “seek the peace of the city where I have caused you to be carried away captive, and pray to the Lord for it; for in its peace you will have peace.”¹⁶⁴ Old Testament figures like Daniel, Esther, Mordecai and Nehemiah offer examples of Israelites who played key roles in the politics of the

¹⁵⁷ Heb. 11:8-10.

¹⁵⁸ I Pet. 2:11.

¹⁵⁹ Phil. 3:20.

¹⁶⁰ See SAINT AUGUSTINE, *THE CITY OF GOD* (Marcus Dods transl. 1999) (426).

¹⁶¹ Though Paul taught Christians to live as citizens of heaven, he still thought of himself as a Roman citizen as well. See Acts 16:35-39; 22:25-29.

¹⁶² Surely some concerns of the earthly city should be less pressing to the Christian, whose true home lies elsewhere. See II Timothy 2:4 (“No one serving as a soldier gets involved in civilian affairs—he wants to please his commanding officer.”).

¹⁶³ See, e.g., the books of Ezra, Nehemiah, Esther, Jeremiah, Daniel and Ezekiel.

¹⁶⁴ Jeremiah 29:7 (New King James Version); SAINT AUGUSTINE, *CITY OF GOD*, *supra* note ____, Book XIX, §26. The New American Standard version translates this verse: “Seek the welfare of the city where I have sent you into exile, and pray to the LORD on its behalf; for in its welfare you will have welfare.” Jeremiah 29:7 (NASB).

foreign cities where they lived. In many of these accounts, citizens of Jerusalem performed official functions in non-Israelite cities.¹⁶⁵

Expanding on Professor McConnell's point concerning the Reformation's two kingdoms theology, this "two cities" perspective can provide a theoretical justification for limited government. If God delegates authority to two distinct cities, one earthly and one heavenly, it reasonably follows that He intended them to administer different jurisdictions and perform different functions. On this view, the earthly government should not perform tasks that have been assigned specifically to the church, the visible manifestation of the heavenly city in this world.¹⁶⁶

American history has seen recurring efforts to apply Christ's remarks about a "city on a hill" to the United States.¹⁶⁷ While well-intentioned, this seems to me a misapplication of Scripture that confuses the heavenly and earthly cities. When Christ spoke those words, he was referring to his followers—citizens of God's city.¹⁶⁸ He was not speaking of an earthly political community. Likewise, when John Winthrop described the Massachusetts colonists as a "city on a hill," we should remember that he was a pastor preaching to his congregation. A description that may have been accurate, in biblical terms, when applied to the religiously-homogeneous Massachusetts colonists cannot properly be applied to a nation like

¹⁶⁵ See, e.g., Esther 2:17 (Esther made queen); Daniel 2:48 (Daniel made ruler over province of Babylon); Nehemiah 1:11 (Nehemiah serves as cupbearer to the king). An analogous Old Testament model is Joseph, who served in the court of Pharaoh while Israel dwelt in Egypt. Genesis 41:39-44.

¹⁶⁶ For instance, the jurisdiction to make, baptize and teach disciples has been assigned to the church. See Matthew 28:19-20.

¹⁶⁷ This was a favorite theme of President Ronald Reagan. For instance, in his farewell address to the nation, he said:

The past few days when I've been at that window upstairs, I've thought a bit of the "shining city upon a hill." The phrase comes from John Winthrop, who wrote it to describe the America he imagined. What he imagined was important because he was an early Pilgrim, an early freedom man. He journeyed here on what today we'd call a little wooden boat; and like the other Pilgrims, he was looking for a home that would be free.

I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace, a city with free ports that hummed with commerce and creativity, and if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here. That's how I saw it and see it still.

Ronald Reagan, Farewell Address, www.reaganlibrary.com/reagan/speeches/farewell.asp (Jan. 11, 1989).

¹⁶⁸ Matthew 5:14-16 ("You are the light of the world. A city on a hill cannot be hidden. Neither do people light a lamp and put it under a bowl. Instead they put it on its stand, and it gives light to everyone in the house. In the same way, let your light shine before men, that they may see your good deeds and praise your Father in heaven.").

the United States, which includes citizens from a wide diversity of religious and secular backgrounds.

For similar reasons, I find myself skeptical of claims that this or any earthly polity should be called a “Christian nation,” notwithstanding the fact that many Americans are Christians.¹⁶⁹ One would not have called Old Testament Babylon a “Jewish nation,” even if the expatriate Israelites had made up a majority of the population; their permanent home lay elsewhere. The same logic holds for Christians who live in this country.¹⁷⁰ But while I do not think of the United States as a “Christian nation,” it is nevertheless the case that many who contributed to the development of our system of government viewed the world through the lens of Christian theology.¹⁷¹ Since our liberal political tradition arose in significant part from a Christian worldview, I believe friends of liberal government would do well to view Christian theology as a potential ally, and should be cautious about attempting to divorce liberal political theory from its religious roots.

Consider Professor McConnell’s point that Christian theology provides theoretical justifications for political equality, a foundational axiom of modern democratic theory.¹⁷² He mentions theological teachings concerning the sovereignty of God and the priesthood of all believers. To these doctrines, we might add others that point in the direction of political equality. For instance, Christianity, like Judaism, believes that all humans are created in the image of God.¹⁷³ This equality as divine image-bearers suggests an equal entitlement to the regard of one’s fellow creatures.¹⁷⁴ Likewise, the teaching that all humans are sinners in need of grace tends to exercise a leveling influence, undermining

¹⁶⁹ The Bible does not apply the adjective “Christian” to any earthly political community; it uses the term only in connection with the church and its members. *See* Acts 11:26 (“The disciples were called Christians first at Antioch.”); I Peter 4:16. If there is a “Christian nation,” it is the church, scattered throughout many nations around the world. I Peter 2:9 (“But you are a chosen people, a royal priesthood, a holy nation, a people belonging to God, that you may declare the praises of him who called you out of darkness into his wonderful light.”).

¹⁷⁰ For related reasons, I think Jason makes a powerful point when he criticizes political rhetoric that applies to the American people religious imagery that refers to Christ in its original context. *See* Carter, *supra* note ____, at ____.

¹⁷¹ *See, e.g.,* JOHN WITTE, JR., RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT 20-29 (2nd ed. 2005).

¹⁷² *Reynolds v. Sims*, 377 U.S. 533, 560-61 (1964) (“the fundamental principle of representative government in this country is one of equal representations for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State”).

¹⁷³ Gen. 1:27, 9:6; I Cor. 11:7; James 3:9.

¹⁷⁴ *See* Genesis 9:6; James 3:9 (“With the tongue we praise our Lord and Father, and with it we curse men, who have been made in God’s likeness.”). The talionic principle—“eye for eye and tooth for tooth”—also assumes a basic equality among citizens. *See* Exodus 21:23-25; Leviticus 24:19-20; Deuteronomy 19:21.

pretensions to moral superiority. Finally, biblical teaching indicates that God has no regard for distinctions in wealth, intellect or other characteristics that might tempt us to depart from equality in political affairs.¹⁷⁵

Such theological support for political equality is a matter of no small significance. One practical difficulty for liberal theory is that its egalitarian ideals draw little encouragement from observable reality.¹⁷⁶ To all appearances, humans in fact differ greatly in numerous respects, from their gifts, talents and intellect, to their circumstances and wealth. To the physical eye, we seem profoundly unequal. Were we to draw our political principles from observations of nature, we might well join Aristotle in concluding that some people are born to rule and others to be ruled.¹⁷⁷ It requires a strong religious or ideological basis to support a doctrine of political equality. For this reason, we should not be surprised that Thomas Jefferson premised the affirmation of equality in the Declaration of Independence on the doctrine of divine creation: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights. . . .”¹⁷⁸ While human equality may be “self-evident” to those who believe in creation by a single Creator, is it necessarily self-evident to a materialist?

III. The Broadening of the Evangelical Political Agenda

Jason makes a number of fair points when he critiques the political agenda of the so-called “Religious Right.” A significant portion of his assessment seems to be, not that the Religious Right spends too much time in Scripture, but that it spends too little. If we could completely lay aside our political prejudices and read the Bible afresh, I suspect we would find some portions that seem quite

¹⁷⁵ James 2:1-7 (rich and poor); I Corinthians 1:26-29 (God chooses the foolish, the weak and the lowly to shame the wise and the strong).

¹⁷⁶ See PHILLIP E. JOHNSON, *OBJECTIONS SUSTAINED: SUBVERSIVE ESSAYS ON EVOLUTION, LAW & CULTURE* 34-39 (1998) (discussing resistance to sociobiology within the social sciences because of fear it could undermine egalitarian principles).

¹⁷⁷ ARISTOTLE, *POLITICS*, Book I, Chap. 5, in *INTRODUCTION TO ARISTOTLE* (Richard McKeon, ed.), at 559 (1947) (“that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule”).

¹⁷⁸ Likewise, stable Democratic government requires a habitual popular willingness to abide by the results of elections. The Christian understanding of God’s providence offers a rationale for the believer to accept the outcome of elections fairly conducted, even when greatly disappointed by the results. The Apostle Paul required submission to governing authorities on the ground that “there is no authority except that which God has established,” Romans 13:1, and Peter likewise called for submission to government “for the Lord’s sake,” I Peter 2:13. See also John 19:11 (“Jesus answered [Pilate], ‘You would have no power over me if it were not given to you from above.’”). There has been much theological discussion of the limits of such submission; but even if exceptions exist, these passages offer a general principle supportive of electoral outcomes.

“conservative” by modern standards, but others that would strike us as very “liberal.” For this reason, Christians should be careful not to align themselves so closely with one political party that they lose the ability to critically evaluate its policies from a theological perspective.¹⁷⁹

Jason highlights, for instance, the pervasive biblical concern for the poor. This strikes me as an excellent example of an area where Scripture may be more compatible with liberal than conservative sensibilities. Jesus’ ministry and teaching often showed a particular concern for the needs of the impoverished.¹⁸⁰ The early church practiced a sort of voluntary communism among its members, with wealthier members selling excess property to provide for brethren in need.¹⁸¹ In the same vein, the Apostle Paul records that when he met with the Jerusalem apostles to discuss his ministry to the Gentiles, “[t]hey desired only that we should remember the poor, the very thing which I also was eager to do.”¹⁸² Over and over, the Scripture makes plain that God wants concern for the less affluent to characterize the Christian church.

That does not necessarily mean Christians should favor all forms of government-sponsored redistribution. In light of biblical teaching on the importance of labor, a Christian might reasonably prefer welfare policies that encourage work.¹⁸³ I have always been impressed with the provisions in the law of Moses prohibiting farmers from harvesting to the edges of their fields or collecting the gleanings, since these were to be available for the poor and the alien.¹⁸⁴ These mechanisms of redistribution ensured a source of sustenance for those in need, but also required the able-bodied poor to contribute to their own support. Alternatively, a Christian might argue that care for the poor should be the responsibility of the church, and therefore favor private over governmental approaches to poverty. But it does seem, given the attention afforded this subject in Scripture, that one would expect poverty issues to receive prominent attention in any Christian political platform. Professor William Stuntz of Harvard Law School has recently opined that there may be a large pro-redistribution vote within

¹⁷⁹ See *supra* note ____.

¹⁸⁰ See, e.g., Matthew 19:21; Mark 8:1-8; Luke 7:22; Luke 14:13; *cf.* John 13:29.

¹⁸¹ Acts 4:32-37.

¹⁸² Galatians 2:10.

¹⁸³ Proverbs 28:19; Ephesians 4:28; I Thessalonians 2:9; I Thessalonians 4:11-12.

¹⁸⁴ Leviticus 19:9; Leviticus 23:22 (“When you reap the harvest of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Leave them for the poor and the alien.”); Deuteronomy 24:19; *cf.* Ruth 2:2-3.

the evangelical community, just waiting to be tapped by the right Democratic politician.¹⁸⁵

Evangelical Christians seem increasingly cognizant that faithfulness to biblical teaching requires attention to a broader range of political concerns. The International Justice Mission, for instance, has played a leading role in challenging bonded child labor, forced prostitution, political corruption and similar injustices around the world.¹⁸⁶ The National Association of Evangelicals recently adopted a position paper setting forth the following seven general principles for civic engagement by the evangelical community:

- We work to protect religious freedom and liberty of conscience.
- We work to nurture family life and protect children.
- We work to protect the sanctity of human life and to safeguard its nature.
- We seek justice and compassion for the poor and vulnerable.
- We work to protect human rights.
- We seek peace and work to restrain violence.
- We labor to protect God's creation.

While some of the more particular positions taken in the document will seem familiar, others may be surprising to those whose view of evangelicals has been largely shaped by the mainstream media:

“God measures societies by how they treat the people at the bottom.”¹⁸⁷

“[T]he legacy of racism still makes many African Americans, Hispanics, and other ethnic minorities particularly vulnerable to a variety of social ills.”¹⁸⁸

“[I]f governments are going to use military force, they must use it in the service of peace and not merely in their national interest.”¹⁸⁹

¹⁸⁵ William J. Stuntz, *Faculty Clubs and Church Pews*, Tech Central Station, www.techcentralstation.com/112904A.html (Nov. 29, 2004).

¹⁸⁶ See GARY HAUGEN, *GOOD NEWS ABOUT INJUSTICE* (1999); International Justice Mission, www.ijm.org.

¹⁸⁷ *Id.* at 9.

¹⁸⁸ *Id.* at 11.

¹⁸⁹ *Id.*

“We urge government to encourage fuel efficiency, reduce pollution, encourage sustainable use of natural resources, and provide for the proper care of wildlife and their natural habitats.”¹⁹⁰

Many of the positions set forth in the NAE paper could have been drafted by persons on the political left. Indeed, one of the principal authors of the document was Ron Sider, President of Evangelicals for Social Action and a long-time evangelical crusader for more liberal causes.¹⁹¹ This pre-election document by one of the most prominent organizations of evangelicals may suggest that the time is ripe for the sort of dialogue about Christianity and politics that Jason advocates.

IV. But What About the “Cultural Issues”?

C.S. Lewis once suggested that if we could visit a “fully Christian society,” it would leave us with “a curious impression.”¹⁹² We would find “that its economic life was very socialistic and, in that sense, ‘advanced’, but that its family life and its code of manners were rather old fashioned.”¹⁹³

Each of us would like some bits of it, but I am afraid very few of us would like the whole thing. That is just what one would expect if Christianity is the total plan for the human machine. We have all departed from that total plan in different ways, and each of us wants to make out that his own modification of the original plan is the plan itself. You will find this again and again about anything that is really Christian; every one is attracted by bits of it and wants to pick out those bits and leave the rest.¹⁹⁴

Lewis points to the great danger I see in the dialogue Jason advocates, the danger to which, in his analysis, the Religious Right has already succumbed. The constant temptation will be for those on both left and right to read the Bible the way an advocate reads a legal opinion, looking for parts helpful to his case, while downplaying portions that might support an opponent. It is all too easy to use

¹⁹⁰ *Id.* at 12.

¹⁹¹ See RONALD J. SIDER, *RICH CHRISTIANS IN AN AGE OF HUNGER* (1997); RONALD J. SIDER, PHILIP N. OLSON & HEIDI ROLLAND UNRUH, *CHURCHES THAT MAKE A DIFFERENCE: REACHING YOUR COMMUNITY WITH GOOD NEWS AND GOOD WORKS* (2002); RONALD J. SIDER, *JUST GENEROSITY: A NEW VISION FOR OVERCOMING POVERTY IN AMERICA* (1999).

¹⁹² C.S. LEWIS, *MERE CHRISTIANITY* 84 (Harper Collins 2001) (1952).

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 84-85.

Christian words to rationalize positions developed on non-Christian grounds, or to ignore clear biblical teaching that leads us places we might prefer not to go.¹⁹⁵

That brings us to the so-called “cultural issues,” which seem such a source of division among the politically vocal, though perhaps less so for the country as a whole.¹⁹⁶ These questions seem to relate in many cases to sexual conduct and its consequences. One part of me would like very much not to address such issues, because I prefer to give conflict a wide berth. Moreover, while I believe the biblical teachings on marriage and sexuality, I am uncertain what political or legal implications follow, if any. And yet, if we are to engage in a genuine dialogue on political implications of Christian faith, I think we must deal with traditional Christian teaching in this area. Perhaps an open dialogue can help address the polarization and mutual demonization that has tended to characterize political discussions of some of these questions.

Most of us would agree that sexual conduct can range from very wonderful to quite horrific, depending on the circumstances in which it occurs. Virtually everyone, I suspect, would acknowledge the need for restraints upon sexual expression. In Kantian terms, this is one area where we are strongly tempted to treat others as means to our ends, rather than ends in themselves.¹⁹⁷ If the typical young man simply followed his sexual inclinations without hindrance, “he might easily populate a small village,” as Lewis put it.¹⁹⁸ He would also leave behind a string of wounded sexual partners and find himself lonely and miserable in the process.¹⁹⁹

In traditional Christian understanding, God designed sex as an expression of love, to be enjoyed in the context of covenant marriage with its lifelong commitment.²⁰⁰ Christians inherited from their Jewish forebears the conviction

¹⁹⁵ The New Testament indicates that God wants to transform Christians, so that they become more like Christ. Romans 8:29. But counter forces are also at work, which seek to make the church more like the world, the heavenly city more like the earthly. See Matthew 13:22; Romans 12:2; I John 2:15.

¹⁹⁶ See JAMES DAVISON HUNTER, *CULTURE WARS: THE STRUGGLE TO DEFINE AMERICA* (1992); but cf. MORRIS P. FIORINA, SAMUEL J. ABRAMS & JEREMY C. POPE, *CULTURE WAR? THE MYTH OF A POLARIZED AMERICA* (2004) (arguing from polling data that the majority of citizens take a middle-of-the-road position on controversial political issues, rather than polarizing between extreme positions).

¹⁹⁷ See R. George Wright, *Treating Persons as Ends in Themselves: The Legal Implications of a Kantian Principle*, 36 U. RICH. L. REV. 271 (2002); George P. Fletcher, *Law and Morality: A Kantian Perspective*, 87 COLUM. L. REV. 533, 541 (1987) (summarizing one variation of Kant’s “categorical imperative” as the instruction that you should “always treat humanity in yourself and others as an end in itself and never merely as a means”).

¹⁹⁸ C.S. LEWIS, *supra* note ____, at 96.

¹⁹⁹ Sex can be a great dessert in an otherwise healthy relationship; it makes a terrible main course.

²⁰⁰ Genesis 2:19-25; Matthew 19:4-6; Hebrews 13:4; Song of Solomon.

that God, rather than the state, created the institution of marriage.²⁰¹ The view that sexual conduct should be confined to the marriage relationship does not flow from antipathy toward sexual relations. Rather, those who accept the biblical teaching believe that God, as the inventor of sexuality, knows the context in which sexual relations will be best enjoyed and generate the fewest harmful consequences. For many Christians I know, that faith has been confirmed by observation in their own lives and the lives of others. Though Christian sexual morality may seem difficult in our culture, it rests upon a desire to promote genuine human happiness, by helping people to experience love in its highest forms and to avoid the pain associated with sexual bonding followed by rejection. Thus, Christians are not surprised when social science research indicates that marriage tends to produce superior outcomes for spouses and children.²⁰²

²⁰¹ See Genesis 2:19-25; Matthew 19:6b (“Therefore what God has joined together, let man not separate.”).

²⁰² A team of family scholars headed by Norval Glenn, Steven Nock and Linda Waite reported on 21 conclusions about marriage that can be drawn from the social science research:

1. Marriage increases the likelihood that fathers have good relationships with their children.
2. Cohabitation is not the functional equivalent of marriage.
3. Growing up outside an intact marriage increases the likelihood that children will themselves divorce or become unwed parents.
4. Marriage is a virtually universal human institution.
5. Divorce and unmarried childbearing increase poverty for both children and mothers.
6. Married couples seem to build more wealth on average than singles or cohabiting couples.
7. Married men earn more money than do single men with similar education and job histories.
8. Parental divorce (or failure to marry) appears to increase children’s risk of school failure.
9. Parental divorce reduces the likelihood that children will graduate from college and achieve high-status jobs.
10. Children who live with their own two married parents enjoy better physical health, on average, than do children in other family forms.
11. Parental marriage is associated with a sharply lower risk of infant mortality.
12. Marriage is associated with reduced rates of alcohol and substance abuse for both adults and teens.
13. Married people, especially married men, have longer life expectancies than do otherwise similar singles.
14. Marriage is associated with better health and lower rates of injury, illness, and disability for both men and women.
15. Children whose parents divorce have higher rates of psychological distress and mental illness.
16. Divorce appears significantly to increase the risk of suicide.
17. Married mothers have lower rates of depression than do single or cohabiting mothers.
18. Boys raised in single-parent families are more likely to engage in delinquent and criminal behavior.
19. Marriage appears to reduce the risk that adults will be either perpetrators or victims of crime.
20. Married women appear to have a lower risk of experiencing domestic violence than do cohabiting or dating women.
21. A child who is not living with his or her own two married parents is at greater risk of child abuse.

This theological understanding of marriage at one time formed the basis for a broad societal consensus about sexual relations, albeit, one often honored in the breach.²⁰³ The biblical teaching on sexuality has at least three virtues: an authoritative origin, a clear rationale and clear application. To an increasing extent, however, this consensus has been eroded in recent decades, particularly among our cultural elites. Recognizing the need for some restraints, the culture has offered a more relaxed moral standard: anything goes between “consenting adults.” But the revised rule fails to offer clarity in rationale (what’s so magic about turning 18?) or in application (is there “consent” if it’s my employee? my student? if I’ve made false promises? if I’ve engaged in emotional manipulation? can consent be withdrawn once it’s given? what if one consenting party is married?). More significantly, the new standard lacks an authoritative origin, opening it to relativistic critiques (“who says my desires are wrong?”). As a result, moral confusion reigns. Lines that were previously clear have become muddled or disappeared altogether.

Even someone who does not agree with the biblical teaching about sexual relations might well survey American culture with a profound uneasiness, a sense that something has gone amiss in our understanding of marriage and sexuality. Far from an expression of love, sex has in many instances diminished to a form of recreation or a field of conquest. Consider the Abu Ghraib photographs mentioned by Jason. I agree that the pictures of U.S. soldiers sexually humiliating naked Iraqi detainees undermine our pretensions to moral superiority. But they do so in part because of the view of sexuality they embody. Or consider the ubiquitous endeavors, in advertising and popular culture, to cause married men to fantasize about sexual relations with women other than their wives. In an increasing number of venues, adultery has been, if not glorified, at least dangled before the eye as a tantalizing possibility.

Consider the impoverished women and children servicing the Third World “sex tourism” industry, many of whose clients hail from the United States.²⁰⁴ Think about the millions pressured to meet appearance and performance expectations generated by popular culture, and the other millions who have been sexually used and then rejected. Contemplate the increasing number of men addicted to internet pornography (which now plays a significant role in the high

²⁰³ This section of the argument draws heavily from a never-published editorial about the Abu Ghraib prison scandal, drafted jointly with Dr. Warren Gage of Knox Theological Seminary.

²⁰⁴ GARY HAUGEN, GOOD NEWS ABOUT INJUSTICE, 42 (1999) (“Each year . . . more than a million children around the world are forced into prostitution—a million *new* children each year.”); *Feds Target Journeys for Sex*, MIAMI HERALD, 2005 WL 56508435 (Jan. 16, 2005).

divorce rates).²⁰⁵ One need not be a Puritan like me to believe that *something* has gone awry in connection with our societal views on sexuality.²⁰⁶

Now at this point, the Bible throws me a curve ball. It would be very easy to mount my moral high horse and denounce the pornographers, or the advertising executives, or Hollywood. But Christ won't let me do that. As Jason points out, Jesus had little use for people who thought they were morally superior, who believed they had their moral act together and that it was other people who needed to change. In Christ's analysis, the root problem plaguing our culture in this area lies uncomfortably close to home. The real problem is husbands like me. In a passage of Scripture that caused Jason's grandfather some grief during the 1976 presidential race, Christ explained that anyone who looks at a woman to lust after her has already committed adultery with her in his heart.²⁰⁷

Christ's goal in this sermon, I think, was to drive us to despair about our ability to satisfy God's moral standards by our own, unaided efforts.²⁰⁸ The same sermon that treats lust as a form of adultery also brings anger and contempt within the commandment against murder.²⁰⁹ Here is that equality we mentioned earlier. Everyone alike is guilty in the eyes of God, and hence completely dependent on his mercy. Christians, who claim the benefit of that mercy, need to speak as forgiven sinners. But our political discourse, especially on issues like pornography or homosexuality or abortion, can easily come off sounding more like the Pharisee in Christ's parable, rather than like the tax collector Christ calls us to emulate.²¹⁰

²⁰⁵ *Online Porn Addiction Called Real and Growing Problem*, WARREN'S WASH. INTERNET DAILY, 2004 WL 60518903 (Nov. 19, 2004) (Senate testimony by Dr. Mary Anne Layden of University of Pennsylvania indicates "40% of porn/sex addicts will lose their spouse, 58% will suffer severe financial losses, and 27-40% will lose their job or profession"); *Brown Says Pornography Addiction Ruined His Life*, 1/17/05 Associated Press (AP) Newswires (Jan. 17, 2005) (former Iowa State Assistant Basketball coach describes progressive involvement in internet pornography, leading to child pornography conviction).

²⁰⁶ And I have said nothing to this point about abortion, which raises a host of issues beyond what it may reveal about our attitudes toward sexuality.

²⁰⁷ Matthew 5:27-28.

²⁰⁸ Only when we despair of our own morality will we long for divine forgiveness and supernatural transformation.

²⁰⁹ Matthew 5:21-22.

²¹⁰ Perhaps every evangelical Christian getting ready to participate in a political talk show should commit this part of the Bible to memory:

To some who were confident of their own righteousness and looked down on everybody else, Jesus told this parable: "Two men went up to the temple to pray, one a Pharisee and the other a tax collector. The Pharisee stood up and prayed about himself: 'God, I thank you that I am not like other men—robbers, evildoers, adulterers—or even like this tax collector. I fast twice a week and give a tenth of all I get.'

I, for one, appreciate the honesty Jason's grandfather showed in 1976, and I think we Christians would do well to acknowledge that we are addressing "our" sins here, not just those of other people.

So what implications follow for Christian involvement in political life? I'm not really sure. One possible inference could be that Christians should focus on promoting sexual purity among Christians, and not worry so much about the larger culture. There is biblical support for confining our attention to the church, and letting God deal with those outside the community of faith.²¹¹ Certainly, we Christians would have plenty to do just getting our own house in order. Revelations of clergy sexual abuse (among Protestants *and* Catholic) and the high divorce rate among professing Christians, for instance, suggest that Christians have quite a distance to go in encouraging one another to embrace biblical teaching in the area of marriage and sexuality.²¹²

At the same time, I am not persuaded that the church should take a completely *laissez faire* approach to issues of sexuality in the larger culture.²¹³ To take an extreme example, Christians should care about effective legal protection against rape. And I support the work of the International Justice Mission in seeking international enforcement of laws against forced prostitution, particularly

"But the tax collector stood at a distance. He would not even look up to heaven, but beat his breast and said, 'God, have mercy on me, a sinner.'

"I tell you that this man, rather than the other, went home justified before God. For everyone who exalts himself will be humbled, and he who humbles himself will be exalted."

Luke 18:9-14.

²¹¹ In Paul's first letter to the church at Corinth, a member of the church was sleeping with his father's wife (*i.e.*, either his mother or his step-mother). I Corinthians 5:1. Paul ordered the Corinthian Christians to expel the man until he repented, something that apparently happened before Paul's second epistle, in which he urges that the offender be forgiven and restored to fellowship. I Corinthians 5:3-5; II Corinthians 2:5-11. In the first epistle, Paul articulated the principle "that you must not associate with anyone *who calls himself a brother* but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler." I Corinthians 5:11 (emphasis added). However, he made clear that he was *not* referring to "the people of this world," but only to members of the church. I Corinthians 5:10. Christians were to help one another avoid sexual sin, but were to leave it to God to judge people outside the church, who had not accepted its teachings on sexuality. I Corinthians 5:12-13 ("What business is it of mine to judge those outside the church? Are you not to judge those inside? God will judge those outside.").

²¹² See Ronald J. Sider, *The Scandal of the Evangelical Conscience: Why Don't Christians Live What They Preach?*, CHRISTIANITY TODAY, at 8 (Jan./Feb. 2005).

²¹³ The fact that we live in a Democratic system, in which sovereignty resides in the people, may distinguish the current situation from that faced by the early church. The Corinthian Christians addressed by Paul generally held no political authority. I Corinthians 1:26-27 ("Brothers, think of what you were when you were called. Not many of you were wise by human standards; not many were influential; not many were of noble birth. But God chose the foolish things of the world to shame the wise; God chose the weak things of the world to shame the strong.").

involving children.²¹⁴ Further, I think Christians have an appropriate concern about societal sexual mores to the extent they affect those within the church, including our children. Any father of young daughters, like myself, can be excused for caring what lessons about sexuality young men are learning from television or cyberspace. Part of the concern many Christians have with popular culture is that sexual expression once defended as a matter of “privacy” has become increasingly, even aggressively, public.

Moreover, tying back to our discussion in the previous section, cultural views on marriage and sexuality intimately relate to the issues of poverty Christians are called to address. If we want to see positive change in our less prosperous communities, we cannot ignore the effect of family life on cycles of poverty.²¹⁵ A great deal of social science research shows that the decay of marriage and the dearth of two-parent homes in our low-income neighborhoods work to the detriment of poor children. The affluent have means to deal with the effects of family breakdown that are unavailable to those in poverty. Love for our neighbors prevents us from becoming indifferent to the ways they may be harmed by prevailing assumptions about sexuality and family life.

However, while I am not satisfied with indifference as the Christian response, I am still uncertain what political program follows. Since we are dealing with issues of the heart, I am dubious that they can be effectively addressed through legal coercion. This may be an area that Christians need to engage through another form of politics, the politics of the heavenly city, which I will discuss below. Before I get there, though, let me say a few words about one cultural issue mentioned by Jason, the question of same-sex marriage.

V. *Who Should Define “Marriage”?*

One much discussed issue in the last election cycle was the legal status of same-sex marriage. The issue came to popular attention as a result of a handful of state court decisions. The Supreme Judicial Court of Massachusetts interpreted that state’s constitution to require revision of the state’s marriage laws to include same-sex couples.²¹⁶ The opinion followed comparable decisions by the supreme courts of Hawaii and Vermont.²¹⁷ Although Hawaii and Vermont have not issued marriage licenses to same-sex couples, the Vermont legislature, following the

²¹⁴ See International Justice Mission, www.ijm.org.

²¹⁵ See RONALD J. SIDER, JUST GENEROSITY: A NEW VISION FOR OVERCOMING POVERTY IN AMERICA 121-38 (1999) [CHECK]; A Report from Family Scholars, *supra* note ____.

²¹⁶ *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003).

²¹⁷ *Baker v. State*, 744 A.2d 864 (Vt. 1999); *Baehr v. Lewin*, 852 P.2d 44 (Haw. 1993).

direction of their supreme court, authorized same-sex “civil unions,” which incorporate the attributes of marriage under a different name.²¹⁸ Connecticut has followed suit.²¹⁹ During the presidential campaign, both major-party candidates announced their opposition to extending marital status to same-sex couples.²²⁰ Substantial majorities in eleven states voted to amend their state constitutions to limit marriage to the union of one man and one woman.²²¹ The number of states with such constitutional provisions has since increased to eighteen.²²²

In defining the relationships entitled to recognition as “marriages,” the law does not deal with the question of which relationships will be permitted. Rather, it addresses the distinct question of which relationships other citizens will be asked to subsidize and legally support.²²³ Identifying relationships entitled to marital status is not a question of tolerance; the law now tolerates a host of non-marital sexual relationships. The law of marriage instead acts upon the universe of legally permitted sexual relationships to identify a subset that receives a heightened level of societal encouragement and protection.

One could argue that in a pluralistic society the law of marriage should not draw distinctions based on contested moral views. But such a marriage law seems impossible to construct. At the least, it would require a redefinition of marriage much broader than that currently under consideration. The institution of marriage in any recognizable form inevitably involves a number of debated or debatable moral distinctions.

Several attributes have traditionally been deemed necessary in this country before a relationship will receive the special recognition and encouragement associated with marriage. There must be two, and only two, parties, neither of whom may be married to anyone else. One must be male and the other female. Both must be adults. Both must consent to the arrangement. They may not be

²¹⁸ 15 Vt. Stat. Ann., ch. 23 (2004). The Hawaii Constitution was subsequently amended to provide that “[t]he legislature shall have the power to reserve marriage to opposite-sex couples.” HAW. CONST. Art. 1, § 23.

²¹⁹ *Gay Marriage Battle Still Going Strong*, COLUMBIA STATE, at A10 (May 15, 2005).

²²⁰ James Q. Wilson, *America Passes the Religious Test*, TIMES (U.K.), at 16 (Nov. 19, 2004).

²²¹ Don Lattin, *Catholic Bishops Set Out to Save Marriages*, KANSAS CITY STAR, at E14 (Nov. 20, 2004).

²²² *National Briefing Plains: Voters Approve Amendment Banning Same-Sex Marriage*, N.Y. TIMES, at A16 (Apr. 6, 2005).

²²³ See Elizabeth S. Scott, *Marriage, Cohabitation and Collective Responsibility for Dependency*, 2004 U. CHI. LEGAL F. 225, 252-53 (2004) (“Special treatment of married couples in the domains of income and estate tax, military and government pensions, family leave, health and life insurance, and social security benefits are familiar under the current regime.”).

closely related. The parties must commit to a permanent relationship (or at least a relationship of indefinite duration), rather than one of specified length. And the commitment must be publicly acknowledged, before an authorized person, in compliance with statutory formalities. When these requirements have all been satisfied, the government will stand behind and enforce the parties' commitment, protecting each against unjustified or precipitous withdrawal by the other.

All of these requirements give legal force to moral views regarding the sorts of relationships that should receive societal encouragement and support. The distinctions are "moral" in the sense that they reflect conclusions about which characteristics are likely to make the relationship most beneficial for the participants, for any children born into the relationship or for the larger social order. Each of these moral conclusions can be contested, and most have been, in this country or elsewhere. In the nineteenth century, for instance, a significant body of citizens in our western territories sought to practice polygamy, until Congress stepped in and limited marriage to a two-person relationship.²²⁴ In many countries, children are given in marriage, based on the consent of their parents.²²⁵ There have been marriages in many cultures between close family members—for instance, a father and daughter or a brother and sister—and it is increasingly easy to imagine someone arguing that two close relatives who love each other should have the liberty to enter such a marriage (particularly if they are unable to bear children).²²⁶ A case can likewise be made for limited-term marriage relationships, perhaps on the ground that separation would be less traumatic if it was anticipated from the beginning of the relationship.²²⁷ Some countries now treat informal cohabitation as the virtual equivalent of marriage,²²⁸ and legislatures continue to experience pressure to loosen legal restrictions on divorce.²²⁹

²²⁴ See SARAH BARRINGER GORDON, *THE MORMON QUESTION: POLYGAMY AND CONSTITUTIONAL CONFLICT IN NINETEENTH-CENTURY AMERICA* (2001). Advocates of polygamy argued that it was actually morally superior to the form of marriage practiced in the rest of the country. *Id.* at 85-116.

²²⁵ *Child Marriage "Violates Rights,"* BBC News, <http://news.bbc.co.uk/1/hi/world/1206979.stm> (Mar. 7, 2001).

²²⁶ See Lloyd DeMause, *The Universality of Incest*, *JOURNAL OF PSYCHOHISTORY* 19 (Winter 1991).

²²⁷ WILLIAM J. BENNETT, *THE BROKEN HEARTH* 11 (2001) (relating Barbara Ehrenreich's call for "renewable marriages, which get re-evaluated every five to seven years, after which they can be revised, recelebrated, or dissolved with no, or at least fewer, hard feelings").

²²⁸ See Milton C. Regan, Jr., *Calibrated Commitment: The Legal Treatment of Marriage and Cohabitation*, 76 *NOTRE DAME L. REV.* 1435, 1436 (2001) (discussing laws in Canada and Scandinavian countries).

²²⁹ See, e.g., Kenneth G. Satandard, *New York Needs No-Fault Divorce*, *N.Y.L.J.* 2 (Apr. 29, 2005).

Since all of these traditional attributes of marriage have been or could be contested, any recognizable law of marriage will inevitably require the drawing of moral distinctions between different sexual relationships, including some and excluding others. Christians involved in helping decide which relationships should receive societal encouragement through marriage laws will presumably be influenced by their understanding of the origin and purposes of the institution,²³⁰ just as their Christian worldview might influence consideration of other legal/moral questions, from appropriate environmental legislation to protect God's creation to appropriate welfare legislation to assist less affluent neighbors. Participants in our communal life who approach moral questions from a different perspective may reach different conclusions, and it is not uncommon, of course, for Christians to disagree among themselves on legal and political questions.²³¹

Given that the law of marriage inevitably raises a host of moral issues, how should those issues be resolved?²³² My answer begins with the observation that our political system rests on a foundation of popular sovereignty. In theory, "we the people" rule, rather than an aristocratic subset of the population. A commitment to popular sovereignty, combined with a belief in political equality, points to majority rule as the default principle for resolution of legally-significant

²³⁰ Marriage has long been understood in western culture as an institution with overlapping religious and social significance. At one point, the law of marriage was administered through the ecclesiastical courts, and it was only during the Protestant Reformation that, for theological reasons, jurisdiction shifted to the secular courts. See JOHN WITTE, *LAW AND PROTESTANTISM* ___ (200_); *LAW AND REVOLUTION II* ___ (200_). Governments in this country have continued to recognize the religious significance of marriage, empowering clergy to perform wedding ceremonies.

Marriage plays an important role in Christian theology. The Bible begins with the wedding of Adam and Eve in the Genesis creation account (Gen. 2:21-25) and ends with the wedding of Christ and his church in the new creation at the end of Revelation (Rev. 19:7-9, 21:2). Throughout Scripture, the relationship of husband and wife serves as a metaphor for God's relationship with his people. Eph. 5:22-33. Thus, the Hebrew prophets compare the worship of other gods to unfaithfulness in the marital relationship. See, e.g., Jeremiah 3; RAYMOND C. ORTLUND JR., *WHOREDOM: GOD'S UNFAITHFUL WIFE IN BIBLICAL THEOLOGY* (1996).

²³¹ Disagreement on legal and political issues can occur even when Christians agree on underlying moral principles. That is in part because the demands of human law cannot be coextensive with the demands of the moral law. William Stuntz, *Christian Legal Theory*, 116 HARV. L. REV. 1707, 1735 (2003). Jesus seemed to draw such a distinction when he taught that, due to "hardness of heart," the law of Moses permitted divorce in situations where a divorce would violate God's moral standards. Matt. 19:3-9. God's will for marriage may differ from his will for the *law* of marriage.

²³² Any system of laws must answer two distinct sorts of questions. On the one hand, the system must generate answers to questions concerning the legal significance of primary conduct: which relationships will be treated as marriages? what tax consequences flow from a sale of stock? what happens if I cause an automobile accident? On the other hand, the system must also answer questions of jurisdiction, identifying who has authority to make certain decisions: who decides which relationships will be treated as marriages, or what tax consequences flow from the sale of stock, or what happens if I drive recklessly?

moral disagreements.²³³ I believe that default principle is appropriately applied to the current controversy in this country over the definition of marriage. Judicial redefinition of marriage to include same-sex couples does not remove questions of morality from the law. It simply substitutes a new moral paradigm, favored by a smaller group of citizens, for the moral paradigm accepted by the majority.²³⁴

In suggesting that the question of same-sex marriage be resolved by “the people” (or their representatives) acting through established political processes, I have no illusion that the majority always reach the best answer to political or moral questions. Majority rule ameliorates, but does not eliminate, the universal problem that some citizens will be forced to live under laws they view as ill-considered, unfair or immoral. Our commitment to majority rule has rightly been

²³³ Douglas Laycock, *Continuity and Change in the Threat to Religious Liberty: The Reformation Era and the Late Twentieth Century*, 80 MINN. L. REV. 1047, 1082 (1996) (“On moral questions, we argue and we vote; no other solution is possible in a democracy, even though some moral positions turn out to be inconsistent with some theological positions.”); Sanford Levinson, *Looking Abroad When Interpreting the U.S. Constitution: Some Reflections*, 39 TEX. INT’L L.J. 353, 359 (2004) (“I do not interpret the American constitutional tradition as one that necessarily privileges the ‘refined’ moral views of professional philosophers over the untutored intuitions of the majority”).

²³⁴ Jason’s reply raises the question of whether Christians are consistent when they adhere to biblical teaching on homosexuality while rejecting slavery. *See infra* at note _____. By my lights, however, support for the abolition of slavery seems fully reconcilable with a commitment to the authority of Scripture. One of the most celebrated events of redemptive history was God’s deliverance of the Israelites from bondage in Egypt. *See* Ex. 13:3-16. Release from slavery to sin constitutes a New Testament metaphor for salvation. *See* John 8:34-35; Romans 6. Scripture generally treats slavery as a miserable condition and the slave as an object of pity. *See* Gen. 9:25 (“Cursed be Canaan! The lowest of slaves will he be to his brothers.”); Ex. 3:7 (“The LORD said, ‘I have indeed seen the misery of my people in Egypt. I have heard them crying out because of their slave drivers, and I am concerned about their suffering.’”); Deut. 23:15-16 (a slave who has taken refuge among the Israelites may not be returned to his master); II Kings 4:1-7 (Elisha provides for a widow, whose sons are threatened with slavery); Job 3:18-19 (death brings release to a slave), Proverbs 12:24 (“Diligent hands will rule, but laziness ends in slave labor.”). Though the possibility of a kind master is sometimes acknowledged, *see* Ex. 21:5-6, slave trading is condemned. Gen. 42:21-22 (Joseph’s brothers recognize their sin in selling Joseph into slavery); Deut. 24:7 (one who kidnaps a fellow Israelite and makes him a slave must be put to death); I Timothy 1:10 (including “slave traders” among the ungodly); Rev. 18:13 (wicked Babylon trades in the “bodies and souls of men”). In light of such teaching about the slave’s generally unhappy lot, a Christian might reasonably support elimination of slavery as an inference from the command to love your neighbor as yourself. *See* Lev. 19:18; Matt. 22:38-40.

It is true that slavery was permitted in certain situations by the law of Moses. However, Christ suggests that at least one portion of that law was not a perfect expression of moral principle, but an accommodation to the hard-heartedness of men. *See* Matt. 19:3-9. The Israelite law of slavery may be of the same character. Recognizing the inevitability of slavery, perhaps the law of Moses pursued a strategy of limiting and regulating the institution to improve the lives of those in bondage. *See, e.g.*, Ex. 21:20-21; Ex. 23:12 Lev. 25:39-55. This would be consistent with Christian support for abolition in later centuries, when eliminating slavery becomes a realizable objective. The New Testament does teach Christian slaves to obey their masters, *see, e.g.*, I Tim. 6:1-2, and that God will reward those who do, Col. 3:22-25, but it also tells slaves to obtain their freedom if they can, I Cor. 7:21-23, and warns masters that God will show them no favoritism in evaluating their treatment of slaves, *see* Col. 4:1; Eph. 6:9. Nothing here seems inconsistent with the position that the elimination of slavery represents a positive step in the social life of a nation.

tempered by a fear of majority overreaching. We have therefore adopted lawmaking procedures—including government through representatives, bicameral legislative deliberation and the executive veto—that tend to moderate majoritarian impulses. We have also enshrined various minority rights in the Constitution and made them enforceable by the courts. As suggested by Alexander Hamilton in Federalist 84, judicial review for constitutionality is consistent with our commitment to popular sovereignty, at least so long as the rights enforced by the courts result from majoritarian processes of constitutional modification.

But while I recognize the need for limits on majority rule, let me offer two reasons for believing that, as a general matter, majoritarian lawmaking processes, rather than the countermajoritarian courts, provide the better forum for resolving the current dispute over the redefinition of marriage.²³⁵ First, marriage is a foundational social institution, a basic building block of our communal order. Any genuine commitment to popular self-government, it seems to me, counsels against taking such an important decision about the shape of our society out of the hands of the people and their representatives.

Marriage as traditionally defined has been in existence in this country for hundreds of years. Fundamentally changing the institution risks profound social consequences, some of which we may be unable to anticipate. We are only now coming to recognize the unanticipated consequences of the relatively recent revolution in divorce law.²³⁶ Is it wise to engage in a second major alteration of the law of marriage at a time when the institution seems to be weakening? What ramifications would flow from a fundamental restructuring of the marriage relationship? How might people think differently about marriage if it was expanded to include same-sex couples? How might the perceived link between marriage and childrearing change if marriage was extended to a type of sexual

²³⁵ I believe my position is consistent with *Loving v. Virginia*, 388 U.S. 1 (1967), in which the Supreme Court invalidated state laws banning interracial marriage. The Court's decision turned on a very plausible reading of the Equal Protection Clause, which was designed to override state laws that discriminate on the basis of race. Since the Equal Protection Clause was adopted through established majoritarian procedures of constitutional amendment, Court enforcement in this context would seem to fall within Hamilton's argument from Federalist 84. I believe *Loving* can be distinguished from the current dispute over same-sex marriage. Laws against miscegenation were designed to segregate the races, reinforcing the socially disadvantaged position of African-Americans. By contrast, the traditional definition of marriage calls for mixing of the genders—not segregation—and therefore cannot be understood as an attempt to disadvantage either gender.

²³⁶ See BARBARA DAFOE WHITEHEAD, *THE DIVORCE CULTURE* (1998); JUDITH WALLERSTEIN, *THE UNEXPECTED LEGACY OF DIVORCE* (2001); JAMES Q. WILSON, *THE MARRIAGE PROBLEM* (2002). I wonder how many of our legislators would have voted for no-fault divorce if they knew how high the divorce rate would get? Would they have done so if they were aware of the number of children who would miss out on the social and economic advantages of being raised in two-parent households?

relationship that cannot produce children?²³⁷ I do not know the answers to those questions, nor do advocates of same-sex marriage.²³⁸ If we are to take the risk of fundamentally altering a long-standing and important social institution like marriage, I would prefer that the decision be made by politically accountable legislators responding to the will of their constituents.²³⁹

Second, it seems significant to me that this is a decision about which relationships will be subsidized and encouraged, rather than which relationships will be permitted. The case for judicial intervention becomes weaker, in my view, when we are discussing what conduct will be socially encouraged. The Supreme Court has drawn precisely this distinction in the context of abortion, another area where emotions run deep. While the Court has required states to permit abortions, it has not required them to pay for the procedure.²⁴⁰ For instance, in *Maher v. Roe*, the Court wrote that its recognition of a constitutional right to abortion “implies no limitation on the authority of a state to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds.”²⁴¹

²³⁷ See Patrick F. Fagan & Grace Smith, *The Transatlantic Divide on Marriage: Dutch Data and the U.S. Debate on Same-Sex Unions*, HERITAGE FOUND., www.heritage.org/Research/Family/wm577.cfm (Sept. 29, 2004).

²³⁸ While we have a long history of experience with traditional marriage, the effects of the proposed change are speculative. See William C. Duncan, *Legislative Deference and the Novelty of Same-Sex Marriage*, STAN. L. & POL’Y REV. 83, 88-89 (2005) (“Since the legal redefinition of marriage has been very recent and limited to four countries (Netherlands, Belgium, some Canadian provinces, and now, Massachusetts), there will be little relevant evidence from direct observation for some time.”). This highlights what I see as a weakness in consequentialist theories of morality. The assumption that we can predict and weigh the good and bad consequences of our decisions places excessive confidence in human foresight. Experience shows that actions often have consequences that we never anticipated. Just as Christians should be humble about their ability to discern the will of God, consequentialists should be equally humble about their ability to predict the results of significant social experiments.

²³⁹ See *id.* at 96 (“A change like this cannot be made lightly and, as I have argued here, ought not be made without participation of the political branches (and not mere nominal participation either).”).

²⁴⁰ The argument here should not be read to imply that I am satisfied with the Supreme Court’s abortion jurisprudence. Even those supportive of abortion rights have expressed profound dissatisfaction with the Court’s constitutional analysis in *Roe v. Wade*, 410 U.S. 113 (1973). See, John Hart Ely, *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 YALE L.J. 920 (1973). Moreover, I believe grave moral questions are raised by the Court’s abortion license, which is extremely broad when compared to other nations. See, e.g., *Stenberg v. Carhart*, 530 U.S. 914 (2000); Kenneth Anderson, *Squaring the Circle: Reconciling Sovereignty and Global Governance Through Global Government Networks*, 118 HARV. L. REV. 1255, 1287 n.51 (2005) (“However, when measured against secular Western European legal norms—let alone those of the rest of the world, including the Muslim and Latin American worlds—the standard of *Roe v. Wade* is just as much an ‘outlier’; Western Europe, while permitting abortion, has imposed many intermediate requirements that have been struck down in the United States.”) (citing MARY ANN GLENDON, *ABORTION AND DIVORCE IN WESTERN LAW: AMERICAN FAILURES, EUROPEAN CHALLENGES* 15-24 (1987) and reviewing ANNE-MARIE SLAUGHTER, *A NEW WORLD ORDER* (2004)).

²⁴¹ *Maher v. Roe*, 432 U.S. 464, 474 (1977).

There is a basic difference between direct state interference with a protected activity and state encouragement of an alternative consonant with legislative policy. Constitutional concerns are greatest when the State attempts to impose its will by force of law; the State's power to encourage actions deemed to be in the public interest is necessarily far broader.²⁴²

For this reason, I disagree with Justice Scalia's argument that the Supreme Court's decision in *Lawrence v. Texas*, invalidating a state law against homosexual sodomy, implies a constitutional right to same-sex marriage.²⁴³ In my view, if the Court ever faces a substantive due process argument for same-sex marriage, the abortion-funding decisions provide an adequate analogy to sustain governmental authority to maintain the traditional definition of marriage.

VI. The Weakness of Earthly Law

Jason quotes Jim Wallis of the group Sojourners, a left-of-center organization of evangelical Christians, who warns about a form of "idolatry" reflected in President Bush's rhetorical references to the American people. To those who think of an "idol" as a statue of a deity, this warning may seem peculiar. But Christ expanded the concept of idolatry beyond graven images to include anything that competes with God for our ultimate devotion or confidence.²⁴⁴ In a well-known passage from the Sermon on the Mount, he taught:

No one can serve two masters. Either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve both God and Mammon.

Christ here uses the name of a pagan deity ("Mammon") to refer to the idolatrous pursuit of wealth. One who trusts in God may use money as a gift from him. But a bondage results when one comes to trust in the money itself. When financial success becomes a god, it demands ever-greater sacrifices; spouse, children and friends are offered up on its altar, in a vain attempt to appease a voracious deity.²⁴⁵

Martin Luther understood the first commandment—"You shall have no other gods before me"—to forbid idolatry in this broader sense:

²⁴² *Id.* at 475-76; see also *Harris v. McRae*, 448 U.S. 297, 312-18 (1980).

²⁴³ *Lawrence v. Texas*, 539 U.S. 558, 604-05 (2003) (Scalia, J., dissenting).

²⁴⁴ The Apostle Paul made a similar use of the concept of idolatry, referring to those whose "god is their stomach." Philippians 3:19.

²⁴⁵ Many law school graduates become enslaved in the service of Mammon, a cruel taskmaster, which is one reason so many attorneys are unhappy in their careers.

A god means that from which we are to expect all good and to which we are to take refuge in all distress That now, I say, upon which you set your heart and put your trust is properly your god.²⁴⁶

From this perspective, there may be no such thing as a secular individual or a secular culture. One suspects that every person places her ultimate hope, if not in God, then in some other “deity” she expects to make her happy (if she serves it well enough). In every culture, certain idols achieve prominence, attracting many worshippers. Multitudes in this country bow before Mammon, a favored divinity in a capitalist economy. But many other gods likewise populate the extensive American pantheon. Law professors like myself tend to frequent the temple of Reputation. And the changing societal attitudes about sexuality suggest a growing sect of devotees of Eros.

In concluding this response to Jason’s thoughtful essay, I want to highlight a form of idolatry that may tempt politically-active Christians, a type of misplaced confidence addressed by one of the Hebrew psalmists.²⁴⁷ In Psalm 146, after the initial call to worship God, the psalmist lays out his concern about idolatry in politics:

Do not put your trust in princes, in mortal men, who cannot save.
When their spirit departs, they return to the ground; on that very day their plans come to nothing.²⁴⁸

The psalmist here offers two reasons not to place our hope in the agenda of any political figure (“prince”). First, politicians die, and when they die their plans die with them. Every political agenda founders on the rocks of mortality. Second, a human political figure “cannot save.” That which humans need most, in biblical understanding, cannot come from the government.

In much the mode of one conducting an electoral campaign, the psalmist then points to God as an alternative basis for confidence, superior to any human prince. He focuses first on God’s accomplishments and character:

Blessed is he whose help is the God of Jacob, whose hope is in the LORD
his God,

²⁴⁶ MARTIN LUTHER, THE LARGE CATECHISM (F. Bente & W.H.T. Dau, transl.) (1921)
<http://www.sacred-texts.com/chr/luther/largecat.htm#Heading3>.

²⁴⁷ The psalm is framed with appeals to praise the Lord, implying that the body of the psalm also concerns right worship. Psalm 146:1-2, 10.

²⁴⁸ Psalm 146:3-4.

the Maker of heaven and earth, the sea, and everything in them—the LORD,
who remains faithful forever.

The psalmist then turns to the ambitious divine agenda:

He upholds the cause of the oppressed and gives food to the hungry.
The LORD sets prisoners free, the LORD gives sight to the blind,
the LORD lifts up those who are bowed down, the LORD loves the righteous.
The LORD watches over the alien and sustains the fatherless and the widow,
but he frustrates the ways of the wicked.²⁴⁹

Unlike the earthly prince, the writer suggests, God’s agenda will not be frustrated by death: “The LORD reigns forever, your God, O Zion, for all generations.”²⁵⁰

The law of the earthly city serves vital purposes. Christians should care what it provides. But we should avoid placing undue hope in the success of any political program. Most of the really important things in life, the law is powerless to accomplish. If a man has fathered a daughter, and fails to contribute to her care, the law can track him down and make him pay. What it cannot do is make him love his little girl. Human law can influence behavior, but it cannot change the heart. That is why government relies on coercion. The law of the earthly city comes to people as an alien force, pressing them to do what they otherwise would not, through threats of punishment and promises of reward.

But what human law cannot achieve—such as teaching a man to love his daughter—God has accomplished countless times. The law of God, according to Christ, consists in love for God and love for neighbor. This law, too, comes to people as an alien force when they first encounter it. But the promise of Scripture is that God writes his law on the believer’s heart in the process of salvation.²⁵¹

One of my concerns about political activity by Christians is that it diverts so much energy from more important pursuits. We obsess on issues of symbolism, such as whether the Ten Commandments may be displayed on public buildings or whether God can be acknowledged in the Pledge of Allegiance, and neglect weightier questions, like whether love of God and man (the essence of the decalogue) is on display in our churches or whether we really live our lives “under God.” We struggle for control of the tools of coercion, hoping the government can

²⁴⁹ Psalm 146:5-9.

²⁵⁰ Psalm 146:10.

²⁵¹ Jeremiah 31:33; Hebrews 8:10, 10:16

make people behave. But we neglect the extension of God's kingdom, which would transform lives more thoroughly and effectively.

What if much of the time and money Christians pour into earthly politics went instead toward building the heavenly city? Let me conclude by offering a candidate for a "Christian politician" that more of us should emulate. Mo Leverett of Desire Street Ministries in New Orleans is a former college football player, a musician and a minister of the gospel. Though he grew up in a middle class family, he moved with his wife and children into one of the poorest, most violent and most drug-infested neighborhoods in the country, where he became a high school football coach. With help from his ministry, a number of young men from the neighborhood have obtained college athletic scholarships. More recently, Leverett launched Desire Street Academy, a private school that seeks to prepare impoverished children for higher education.

Interestingly, one of Leverett's songs is entitled, "Let's Build a City."²⁵² Even though he has never run for office, Leverett apparently sees himself as engaged in city-building—*i.e.*, in politics—of the highest form. And my bet is that Leverett's efforts to build the city of God will do more to transform the earthly city in which he lives than the programs of many earthly politicians.

²⁵² Mo Leverett, *Sacrament of Life*.

A Reply to Professor Beck

Jason Carter

While I am sure that Professor Beck and I have different perspectives on certain issues, I take his response to my paper as a concurrence rather than a dissent. My brief reply to his position is intended in the same vein.

The Aftermath of the 2004 Election

The debate about Christianity's role in our nation's law making was reinvigorated by the 2004 election. The election saw increased polarization between the secular left, and the politicized Christian right.²⁵³ Evangelical protestants voted overwhelmingly for the Republican candidate, George Bush, while the most secular voters voted overwhelmingly for John Kerry.²⁵⁴

The 2004 election emboldened the Christian right. In addition to what they believed was their crucial role in President George Bush's victory, the Christian right celebrated the passage of Constitutional amendments banning gay marriage in all eleven states where such an amendment was on the ballot.²⁵⁵ One leader of the Christian Right stated that "the liberal, anti-Christian dogma of the left has been repudiated in almost every recent election"²⁵⁶ Citing polls that showed President Bush received 80% support from those voters who listed moral values as their top priority, and the large number of such voters, the Christian right has continued to flex its political muscle. In the wake of this election, Christian conservatives have become increasingly vocal and increasingly effective in Congress and in state legislatures across the country.²⁵⁷

²⁵³ John C. Green, et al., *The American Religion Landscape and the 2004 Presidential Vote: Increased Polarization*, Pew Forum on Religion and Public Life (February 3, 2005) available at <http://pewforum.org/surveys/>

²⁵⁴ Id.

²⁵⁵ See, e.g., Susan Page, "Shaping Politics from the Pulpit," *USA Today*, August 3, 2005, p.A1 (reporting that evangelical Christian leaders are emboldened by the 2004 election and 18 constitutional amendments banning gay marriage); Press Release, Christian Coalition, "Christian Coalition says 'Christian Evangelicals Made the Major Difference in the 2004 Presidential Election'" (November 3, 2004), available at <http://www.cc.org/pressrelease.cfm>

²⁵⁶ Tony Perkins, President of the Family Research Counsel, as quoted in David D. Kirkpatrick, "Frist Set to Use Religious Stage On Judges Issue," *New York Times*, April 15, 2005, p. A1.

²⁵⁷ See, e.g., Neela Banerjee, "Christian Conservatives Press Issues in Statehouses," *New York Times*, Dec. 13, 2004 p. A1 (listing initiatives from various states); Kelley Beaucar Vlahos, "Lawmaker Hopes to Open Churches to Political Speech," *Fox News*, May 12, 2005, available at <http://www.foxnews.com/story/0,2933,156264,00.html> (quoting Walter Jones, a North Carolina congressman who sponsored a bill to alter the tax code to allow Churches to engage in politics, as stating that "the political climate has become more amenable to [such a] change" because Christian conservatives are mobilized across the country).

In the decisive swing-state of Ohio, where President Bush won by fewer than 120,000 votes out of 5.6 million cast, white evangelical or born-again Christians who attend church at least once a week made up nine percent of the electorate. They voted for George Bush over John Kerry by a 93%-7% margin.²⁵⁸ Now, a group of 1000 evangelical ministers in Ohio are organizing a network of “Patriot Pastors” to register voters and solidify the Christian Right as a political force. One supportive pastor claims that he is a “Christ-o-crat.”²⁵⁹

On the opposite end of the political-religious spectrum, secular liberals are both horrified and mobilized. Many decried the take-over of our government by “fundamentalists.” Membership in the American Humanist Association has tripled in the last three years, and the Secular Coalition for America is preparing to establish a full-time lobbying presence in Washington.²⁶⁰ More generally, one cannot escape a visit to an influential liberal weblog without hearing about the dangers of religion in politics.²⁶¹

At the same time, however, in a development that tracks this paper’s argument, many organizations and leaders have sprouted up claiming to be a Christian response to the politicized Christian right. The week of George Bush’s inauguration Jim Wallis’s book “God’s Politics: Why the Right Gets it Wrong and the Left Doesn’t Get It” debuted at number 11 on the New York Times Bestseller List. Organizations like the Christian Alliance for Progress have launched efforts “to reclaim Christianity” from the Christian Right.²⁶² Many Democrats have called for the party to reach out to religious voters.²⁶³ John C. Danforth, a Republican Episcopal priest who served as Senator from Missouri and as Ambassador to the United Nations, wrote a widely read opinion piece entitled “Onward Moderate Christian Soldier” that roundly condemned the Christian Right from a Christian perspective.²⁶⁴

Based upon these stirrings among Christians opposed to the Christian Right, one could argue that a constructive debate about Christianity in our politics and law-making may begin to take shape. In this environment, as the different sides stake out territory and as more and more people lay claim to the “Christ-o-

²⁵⁸ Page, *supra* n. ___

²⁵⁹ Id.

²⁶⁰ Caroline Hsu, “Rallying the Humanists” U.S. News and World Report (August 8, 2005).

²⁶¹ See generally <http://www.dailykos.com>

²⁶² Christian Alliance for Progress, “Mission Statement” available at <http://www.christianalliance.org>.

²⁶³ David Kirkpatrick, “Some Democrats Believe the Party Should Get Religion,” New York Times, November 17, 2004, p. A20.

²⁶⁴ John C. Danforth, “Onward, Moderate Christian Soldiers,” New York Times, June 17, 2005, p. A27.

crat” moniker, Professor Beck’s honest and constructive analysis becomes even more important.

In my view, in order to help avoid the primary pitfalls that Professor Beck envisions in a political debate among Christians, there are two key questions Christians must ask about how our religion should impact our nation’s politics and our government’s policies. The first question is substantive: What are the teachings of our religion and the goals it seeks to achieve? The second question is more procedural: When are political participation and governmental power the proper vehicles for advancing those goals? The most constructive debate among Christians will likely come as they discuss the second of these questions.

I. What does Christianity have to say about our community?

The first inquiry receives the most attention in the current debate among Christians, and indeed in my paper above. It is here that the Christian Right focuses on the morality of hot-button issues like homosexuality and abortion. As my paper points out, this initial question is also fertile ground for exploring the morality of other issues, such as social justice, providing for the poor, the death penalty, torture and war.

Professor Beck’s crucial point with regard to this inquiry is that Christians must be wary of the temptations of politics when trying to discern the content of their religion. As Professor Beck puts it, “once Christians align themselves too closely with one political party, they lose the ability to critically evaluate its policies from a theological perspective.”²⁶⁵ As to the harm done to one’s religion when it gets polluted by the give and take of politics, one politician explained that it “is a lot like mixing ice cream with horse manure. It won’t hurt the manure, but it will really mess up the ice cream.”²⁶⁶

I agree with professor Beck that a great danger in a political debate among Christians is the constant temptation felt by political entities on both the left and right to interpret Christianity to support their pre-existing views. Examples of this tendency exist on both sides of the political spectrum. While the “Christ-o-crat” Ohio pastor claims that he is not a Republican or a Democrat, he focuses almost entirely on the same culturally-driven issues that dominate the Christian Right.²⁶⁷ The self-exultative aspects of such issue selection are discussed in the paper above.²⁶⁸

Another example of a politics-first-Christianity-second attitude is expressed by the president of Naral Pro-Choice America, the most influential abortion rights

²⁶⁵ See n. ___, supra and accompanying text.

²⁶⁶ Brian McLaren and Tony Campolo, *Adventures in Missing the Point* 107 (2003) (quoting an American mayor).

²⁶⁷ Page, supra n. ___.

²⁶⁸ See supra n. ___ and accompanying text.

group in the country. When confronted with Democrats who believed that the party should court religious voters, she pointed out that the “platform and the grass-roots strength of the [Democratic] party is pro-choice.” Therefore, she stated, the Democrats may need more religious language, but they do not need new positions.²⁶⁹

From a Christian perspective, the debate among political Christians about the content of Christian teachings may be imperfect—it is, after all, politics.²⁷⁰

²⁶⁹ Kirkpatrick, “Some Democrats,” supra n. ___ .

²⁷⁰ A recent example demonstrates that the debate likely will be highly emotional. The Christian Alliance for Progress, in a platform that mirrors the Democratic Party’s, has vowed to take on the following issues: economic justice, environmental stewardship, “Equality for Gays and Lesbians,” “Effective Prevention vs. Criminalization of Abortion,” “Seek Peace, Not War,” and health care for all Americans. See Christian Alliance for Progress, “Issues,” available at <http://www.christianalliance.org>. After the Alliance’s founding, Reverend Jerry Falwell sent a scathing e-mail to his supporters, attacking the theology behind the Alliance. Jerry Falwell, “Another Group Arrives to Combat the Religious Right,” Insider weekly newsletter to The Moral Majority Coalition and The Liberty Alliance (July 8, 2005) available at <http://www.christianalliance.org>. For example, the e-mail states,

[T]he Christian Alliance for Progress says it will “speak out when conservative Christians misrepresent the gospel to support their misguided political positions.” These positions include “equality for gays and lesbians” and “honoring the sanctity of childbearing decisions through effective prevention, not criminalization of abortion.”

It sounds like the Alliance got its talking points from Howard Dean. The group is simply falling in line with untold numbers of past liberal church groups that have promoted abortion-rights, homosexual rights and anti-war sentiments.

Joseph Loconte recently commented in the Wall Street Journal (July 1, 2005) that while the Christian Alliance for Progress claims to be “firmly founded on the teachings of the Gospel,” students of the Gospel “may be surprised at how neatly such an agenda fits the Democratic Party platform.”

Here is a reality of the Bible: it clearly forbids homosexual behavior and, for that matter, any sexual activity outside the bonds of male-female marriage. The Word of God unmistakably speaks against homosexual behavior in Romans chapter 1, describing a time in history when, as today, men and women gave themselves over to unnatural sexual relations. There can be no mistaking that these passages condemn same-sex relationships.

The Christian Alliance for Progress can label themselves “Christian,” but they are willfully daring to distort and dispute biblical writings forbidding homosexuality. . . .

[T]he Alliance calls for peace and an end to war, but they cannot understand that the only true peace that man can know comes through a personal relationship with Jesus Christ. He was not a hippie do-gooder, but rather the Son of the Living God who came to earth to pave the one way to heaven for mankind. To present Him as anything less is an outrage.

Dr. Ed Hindson, renowned theologian and Liberty University professor, writing in the August issue of National Liberty Journal, stated: “If liberals want to debate these issues on biblical grounds, let them go right ahead. Because they will lose, not only the debate, but also any influence they might hope to have among spiritually minded people.

. . .

Id.

And it will be crucial for Christians to remain vigilant so that their religion not be mixed too liberally with partisan principles. But I still believe that a robust debate, even an adversarial and emotional one, is better than a single, unanswered “Christian” voice in our politics.

I have faith that a public debate on even the most divisive and difficult issues will eventually produce benefits. If political Christians on both sides of our politics are forced to look across at the other and defend their religiously based argument on theological grounds, many will moderate. No one would be asked to compromise on “God’s Will,” but merely to accept that as a human they may be mistaken about its content.²⁷¹

While I believe that such a debate on this first question is healthy (and indeed necessary to avoid the distortion already visited on the content of Christianity), the divisiveness of this substantive question underscores the importance of the second question in the debate about Christianity’s role in our politics. This second question asks whether and when the teachings of Christianity (whatever they may be) should be embodied in our law. As professor Beck explains, there is a difference between believing that certain conduct is immoral, and believing that such conduct must be dealt with by our earthly government.

II. When is the government the proper earthly vehicle for achieving the goals of Christianity?

While there is much debate about where Christians should stand on many issues, this second prong of the necessary analysis is perhaps more important to the current debate, in part, because there is more space for common ground. Ambassador Danforth uses two traits to characterize the Christian Right: they “approach politics with a certainty [1] that they know God’s truth, and [2] that they can advance the kingdom of God through governmental action.”²⁷² While it will require much in the way of painful discussion to gain any consensus on the content of God’s truth, there is more room for compromise on the value of governmental action. In fact, Danforth defines moderate Christians as those “less certain about when and how our beliefs can be translated into statutory form, not because of a lack of faith in God but because of a healthy acknowledgement of the limitations of human beings.”²⁷³

A fertile ground for discussing the value of governmental action is Professor Beck’s treatment of cultural issues. Let me first point out that, while he states that his concerns about our culture of sexuality are grounded in the traditional Christian teachings on the subject, his argument also would satisfy

²⁷¹ Of course, some Christians do not share orthodox Christian views of morality or “God’s will” in the first place. Their voice also will be valuable.

²⁷² Danforth, *supra* n. __.

²⁷³ *Id.*

Rawls's request that political discourse have a basis in objective reason. The rules that govern sexuality in our culture, the mores and morals of our college students (and our middle school students) are of concern to many people. Few secular liberals would argue with the proposition that the glorification of sex and violence can have negative consequences. Indeed, Professor Beck's analysis of these issues from a Christian perspective leads him to the crucial question: what role should the government play?

Professor Beck hints that a limited role for the government in this area is appropriate, and I agree. Simply put, even if one shares Professor Beck's self-described "Puritan" ideals, it is almost impossible for an earthly government to achieve many of the goals that Christians have. Paul tells Christians to fix their eyes upon things that they can not see, for these are eternal.²⁷⁴ But our government has a very hard time with the unseen. Our government cannot "enforce righteousness"²⁷⁵ any more than it can enforce love or compassion or faith or reconciliation. These things are of the spirit and must grow from within. As a young black South African leader once told me when discussing the slow-going post-Apartheid struggle, "Eventually, the people must stand up themselves and demand dignity. As much as we would like to, we cannot just give it to them."

As professor Beck points out, the focus on governmental action can distract Christians from acting in more productive ways. Thus, this question is essentially an issue of institutional competence. There are certain goals important to Christians that our laws and our government can achieve, but many that it can not. As Ambassador Danforth said, "even our most passionate ventures into politics are efforts to carry the treasure of religion in the earthen vessels of government."

In our nation's current debate, the role of the government in achieving the goals of Christians is an area awash in confusion. The complexity of Christians' views on governmental intervention is illustrated by the case of Terri Schiavo, the brain-damaged woman whose husband elected to remove her from artificial life support over the objections of her parents. Many leaders of the Christian Right called for the Federal government to intervene in the case "on the side of life" after numerous state courts ruled that her husband was properly making decisions on Mrs. Schiavo's behalf.²⁷⁶ After Congress passed a law that applied only to Terri Schiavo and provided jurisdiction in federal court for her parents to challenge the state court rulings, polls showed that 82% of Americans, and 68% of

²⁷⁴ 2 Corinthinans 4:18.

²⁷⁵ See n. __ supra and accompanying text.

²⁷⁶ See, e.g., Press Release, Christian Coalition, Christian Coalition Commends U.S. Congress for passing the 'Terri Schiavo Law' (March 21, 2005) [available at http://www.cc.org/pressrelease.cfm](http://www.cc.org/pressrelease.cfm)

self-described evangelical Christians, disapproved of the government's intervention.²⁷⁷

The consensus among the American people revealed a substantial disconnect on the issue of when the government should intervene in such a highly personal situation. This is particularly true because Congress acted in near unanimity and the President signaled the importance of the bill by cutting short a trip, returning to the White House, and signing the Bill just before midnight. This disconnect belies a complexity that deserves fuller debate.

Professor Beck points out that the role of the government is not obvious even as to issues like abortion, perhaps the most important issue to the Christian right.²⁷⁸ With respect to the issue of gay marriage, Professor Beck essentially argues that the government's role should be determined by the normal Democratic process of majority rule.

For my part, I offer to the debate two brief arguments about when governmental action can serve the ends of Christianity. First, I believe, the touchstone must be unity. As Desmond Tutu said in the dark days of Apartheid, Christians must be involved in politics "so that we might become fully human . . . [and] completely one with a unity that transcends all sorts of barriers."²⁷⁹ Paul's letter to the Galatians supports the view that earthly forces dividing one from the other are the enemy of Christians on earth.²⁸⁰

There are times when the government is the source of degradation and in those situations, government action is required to remove that degradation. Such was the case with slavery and segregation in this country, and with Apartheid in South Africa.²⁸¹ Christians should seek out other opportunities for using governmental action to help bring down the barriers between us. At worst, Christians should avoid using the government to divide.

²⁷⁷Fox News, "Fox Special Report with Brit Hume," March 24, 2005 available at 2005 WLNR 4664047.

²⁷⁸ As one pro-choice advocate framed the issue (with some overstatement), "Where is the morality in forcing a teenage girl into a back alley abortion?" Banerjee, *supra* n. ___. See also n. __ *supra* and accompanying text.

²⁷⁹ Desmond Tutu, *Rainbow People of God*, 38.

²⁸⁰ See Galatians 3:26-28; see also Jimmy Carter, Address at the Baptist World Alliance in Birmingham England (July 30, 2005) (on file with the author).

²⁸¹ I personally have a difficult time reconciling the orthodox Christian views on slavery and homosexuality. Despite the numerous biblical references to slavery, and commandments that slaves should obey their masters, virtually all orthodox Christians now believe that Slavery is a sin. Indeed, even the most conservative Christians argue (correctly) that the abolitionist movement was grounded at least in part in Christian teachings. However, with respect to homosexuality, despite the fact that the Bible refers to it far fewer times, its condemnation is taken as a given. This is an argument for a different time. Suffice it to say that in the debate about governmental action, I cannot believe that it is loving, or Christian, for the government to have a policy that forbids a person in a hospital, on his or her death bed, from being visited by his or her life partner and best friend.

Second, I believe that government action can bring people together when pursuing the many teachings of Christianity that require non-religious results. As professor Beck points out, the “obsession” with religious symbols, as by putting the Ten Commandments on courthouse walls, is a distraction. In my mind, such a focus on religiosity is not only divisive,²⁸² but if it comes at the expense of other earthly tasks then it is contrary to the teachings of Jesus. Jesus “was heir to the prophetic tradition. . . . [The major prophets] all condemned as worthless religiosity a concern with offering God worship when we were unmindful of the socio-political implications of our religion.”²⁸³ The parable of the last judgment describes “what will determine whether we are fit or not fit for heaven. And the criteria have nothing that you could call religious or other-worldly in the narrow sense about them. We qualify ourselves for heaven by whether we have fed the hungry, clothed the naked, or visited the sick and those imprisoned.”²⁸⁴

How we treat “the least of these” is result-oriented, and focused on our life in the earthly city. These are clear goals of our religion, not based upon saving the souls of the poor, or enforcing righteousness, but on caring for them, clothing them and treating them with respect. This strikes me as an area in which Christians can call on the government to assist.²⁸⁵

In any event, the complexities and difficulties of using government to reach Christian ends would benefit from a much broader discussion among Christians in the political sphere. Examples of successful Christian ventures outside of organized politics, such as the ones cited by Professor Beck, would be a most valuable voice in that discussion.

At its most fundamental, Christianity is a religion of forgiveness, reconciliation and love. That the content of this religion is so divisive is a sad testament to the quality of the earthen vessels that carry it. But as we debate our role as Christians in this world, I believe that the divisiveness that comes from the heated rhetoric of religion in government can be overcome. I believe that a balanced public debate about the content of Christianity, and a fair assessment of the role of the government in achieving its goals can soften the harsh divisions among Christians, and assuage the fears that so polarize our nation’s politics.

²⁸² See Danforth, *supra* n. ____.

²⁸³ Tutu, *supra* n. __ at 30; see also Matthew 6:5; Luke 6:46.

²⁸⁴ Tutu, *supra* n. __ at 29; Matthew 25: 31-46.

²⁸⁵ This is not to say that particular types of welfare policies are necessarily Christian. I merely mean that such earthly goals can perhaps be pursued through governmental action without losing their meaning to Christians. It may be, as Professor Beck states, that the models requiring work are much better at providing for the poor than any handout.