

Theocracy Alert

A church-state 'solution' that is anything but

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July 13, 2005—Talk about throwing gasoline on the fires of the church-state wars!

In a recent article in The New York Times Magazine section, "A Church-State Solution," Noah Feldman, proposes a "solution" for the church-state battles that is anything but a solution. Mr. Feldman's "solution" would only stimulate increased antagonism between those who agree with Christ that we should, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's"—and those who don't.

Feldman starts off well enough as he explains the troubled history of church and state struggles for primacy and supremacy. But, then "the wheels go off the track" when he proposes a solution that overturns decades of Supreme Court decisions.

Mr. Feldman's "solution"—that more symbols be allowed on government property—underestimates the power of symbols. Symbols are not benign—or as Chief Justice Rehnquist labeled the Texas Ten Commandments monument: "passive." They are bold assertions that *this* is what the government values and supports.

Feldman seeks to minimize the impact of symbols, monuments, paintings, artifacts and statues by suggesting that if they are donated by the various religious groups, their symbolism will be unimportant. He could not be more wrong. Imagine a statehouse or federal building, the walls of which are covered with religious paintings of the Immaculate Conception, the stable scene following the birth of Christ, the visit of the Three Wise Men, the Crucifixion—all bought and donated by wealthy religious groups. How could less-wealthy religious groups or sects compete with the unending supply the Vatican, for instance, could provide?

Conversely, imagine those same statehouse or federal building walls covered with images of Mohammed, Buddha, or even paintings provided by those who would ridicule religious belief—or would Mr. Feldman recommend that beliefs of American citizens who happen to be atheists not be allowed expression on the walls of statehouses and federal buildings?

Which religious group or anti-religious group would win pride of placement on those walls?

Would the skeletal remains of religious saints also be allowed in government buildings? If not, on what legal grounds would Mr. Feldman exclude them?

Then, there would be a need to provide for the many statues and monuments in and around government buildings. How many would each group or sect be allowed to donate, and who would have the authority to decide which group's statues and monuments would garner the best locations?

Noah Feldman further thinks allowing prayers to be said in public schools is no big deal as long as the school or state does not provide the prayers. Does he seriously think children would come to school unprepared for the prayer time? Does he truly believe—even if the prayers accorded equal respect to the religious affiliation of each child in the room (and how would one determine that?)—that no child would be

offended or confused or made to feel like a second-class citizen if there were the most prayers from the majority group? And what about the child who, outnumbered in the class, would get to hear his religion's prayer only once a month? What if the child of a non-Christian family stood up in class and said a prayer that asserted Christ was not a deity, and that the majority's God was not the True God?

Do the people on the religious right think that once this Pandora's Box is opened, all will live in perfect harmony and acceptance that the religious right's religion is the true religion, and all others will convert? Sometimes it seems that way.

Noah Feldman goes on to counterbalance his "solution" by recommending that the government deprive religious groups of all government funding. With that I agree. I don't know how such governmental donations to religious entities had their beginnings but we have gone down a very slippery slope funding religious groups with tax dollars, even when the funds are used for non-religious purposes. Who, in the government, holds the power to decide which religion is the favorite, which religion is "real," which religious group gets what amount and which religion, religious group or sect gets nothing? That is a power that has been misused more often than it has been fairly used.

Our Founders were well aware of the long and sorry history, in Europe, of monarchs using religion to gain and hold onto power, and of religious leaders making deals with monarchs, tsars, kings and queens, enabling both church and state to keep the people down, use tax revenues to enrich the coffers of government and church alike, pay for their armies, furnish their palaces, conquer other countries, suppress religious dissidents (such as the Puritans who first landed here in 1620), subdue dissent and retain all the rights and power to themselves.

The Founders sought a better way—they strove to keep the government out of religion and religion out of the government.

We know that James Madison, frequently referred to as the Father of our Constitution, was at the 1787 Constitutional Convention every day, participating in the debates and recording in longhand the endless discussions, debates and votes that took place there. His notes are widely credited by historians as being the fullest and most accurate record of the proceedings.

When the Founders met, two years later, to set down a Bill of Rights, Madison was again front and center in the debates and discussions, and wrote down the first ten amendments to the Constitution. His influence in framing the Bill of Rights was major.

So when, many years later, James Madison wrote in his 1823 Detached Memorandum:

"Strongly guarded as is the separation between Religion and Government in the Constitution of the United States, the danger of encroachment by Ecclesiastical Bodies may be illustrated by precedents already furnished in their short history."

We need to understand Madison believed the framers *had* created a separation between government and religion, and that that was their "original intent."

Most of the Founders believed in God, but they believed religious faith was a matter of personal conscience and that civil government had no proper role in aiding, monitoring or harming it—or in judging whose religion was primary, and whose was not.

Further, in an 1822 letter to another of the Founders, Madison wrote, "religion and Government will both exist in greater purity the less they are mixed together."

Exactly.