

CHURCH AND STATE¹ RELATIONS: A FRESH LOOK AT A CLASSIC ISSUE

A Statement by Protestant Religious Leaders
in the Massachusetts Council of Churches

The following paper has been prepared by Protestant religious leaders in the Massachusetts Council of Churches (MCC) in consultation with the Council's Ethics Advisory Board for use by churches, political officials, and the public. The MCC Board of Directors commends it to local congregations. We hope it will stimulate dialogue and resolve some common misperceptions about the proper roles of and relationships between church and state; the responsibilities of elected officials who are members of churches; and the rights and duties of Christian citizens.

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"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...."

First Amendment, The Bill of Rights

INTRODUCTION - DEFINITION OF TERMS

In the United States the relation of church and state is commonly called the "separation of church and state," and is popularly regarded as an American principle which should be universally adopted. In fact, the phrase regarding "separation" does not appear in our Constitution, but comes from a letter written by Thomas Jefferson to a friend in 1802 in which he refers to a "desirable wall of separation" between the realms of church and state.

Both of these realms are concerned with the common good, and therefore have overlapping interests and values. Their claims, however, differ in important respects.

SOME SOURCES OF CONFLICT AND CONFUSION

By guaranteeing its "free exercise," the Constitution recognizes that religion belongs to the common good but limits the implementation of its powers by rejecting any "establishment" of religion. The American experiment, once quite unique and rooted in minority Protestant traditions, is now variously dealt with in more than 140 constitutions world-wide.²

The issues raised by the phrases **"no establishment"** and **"free exercise"** must be distinguished from religious piety and Christian ethics, on the one hand, and the practice of politics on the other. **Since the citizen often is affiliated religiously and the church member often also is an active citizen, religion and politics constantly impinge on each other. The church expects loyalty from its members on ethical matters, and the state expects obedience to its laws. These expectations sometimes conflict.**

The demands of religion on its members are often to act as a witness - an ambassador, and sometimes only to be a personal example. They are sometimes embodied in doctrine, in authoritative teaching. The power of religious influence in politics sometimes is greatest in the modern world when it is not established, particularly in a pluralistic society.

For its part, the state often wraps its patriotic demands in religious expressions. It is noteworthy that the litigious character of American church-state relations has increased with the awareness that the U.S.A. is a religiously pluralistic society. Conflicts often are over trivial or ceremonial matters, though these may involve basic issues.

THE NATURE OF THE CHURCH

From the perspective of Christian churches, God is the source of justice in the state, and of freedom in both church and state. Freedom of religion is the basic political liberty and entails the others. To be faithful to its calling the church must be free to obey the commands of God and to worship and serve God as revealed in Jesus Christ. This freedom also involves proclamation, teaching, forming religious organizations, performing works of mercy, publishing, and assembling - all without state control.

Freedom of religion means freedom of conscience to affirm or reject political policies. The state has the obligation to respect this basic freedom since the state is the guarantor of human dignity in the political realm. The citizen has the right to exercise choices which express fundamental human dignity, a dignity which is prior to the state. The church is called to be the spiritual champion of free political choices and of inherent religious liberty for all. The state, too, has its appropriate dignity. It has an interest in protecting the rights of its citizens, when elected to public office; to represent their constituencies freely; and not to be harassed by the church.

IMPLICATIONS FOR TAX EXEMPTION OF CHURCHES

This claim to religious liberty justifies tax exemption for churches. Since the **power to tax is the power to destroy**, as Justice Marshall pointed out, the churches find this exemption

indispensable. Other claims, like exemptions for reasons of social service and character building of citizens, are important also, but **derive from** the religious liberty required for churches to fulfill their vocations under God. **Efforts on the part of taxing agencies of the state to define or restrict the social and political expression of religious ethics, and hence to control the inherent freedom of religion's self-definition, are threats to the fundamental freedom guaranteed by the Constitution.**

IMPLICATIONS FOR POLITICAL VOCATION

It belongs to the vocation of politics that an official stands at the intersection of moral convictions and the expectations of constituencies. Both church and state must respect the integrity of the political vocation of its members. Still, the church may discipline its members when they violate fundamental doctrines and moral teachings, and the citizens may reject politicians who fail to represent them. It belongs to the dilemma of church-state relations in a democratic society for a citizen to enter the vocation of politics with its tensions and compromises.

IMPLICATIONS FOR CHRISTIAN CITIZENS IN A DEMOCRACY

In tolerating and nurturing freedom of expression in society, the church serves to undergird freedom and justice in the state. **Free and full participation by all citizens is an essential ingredient of political life, for it is built on respect for person-in-community and not on the powers of special interests.** Political institutions are parts of a larger social context whose ethos needs constant spiritual renewal, for "law floats on a sea of ethics." **A public opinion that is genuinely tolerant, that values differences in point of view and customs, that appreciates pluralism, that does not demand excessive agreement, and that welcomes new ideas in the quest for truth and objective values undergirds a healthy democracy.**

PURPOSES OF THE STATE

Having spoken of the church in the light of "no establishment" and "free exercise," it is necessary to speak of the **state as the ultimate legal association in a nation or commonwealth.** Within the larger community, the state exists to **maintain order, to preserve justice, and to promote the common good.**

The State's tasks are **both protective and promotional,** such as:

- (1) protecting the property of persons and groups from violence and theft;
- (2) defining legal relations among persons, spouses, and generations;
- (3) regulating how property is acquired, transmitted, interchanged, and determining liabilities for debt and crime;
- (4) determining the contract rights of persons and institutions;
- (5) defining crime and the treatment of offenders;
- (6) administering justice in civil cases;
- (7) determining political duties, privileges, and relations of citizens; and
- (8) dealing with foreign powers and establishing security.

These protective functions are supplemented by promotional ones which are enlarged as the moral vision of what is the "common good" develops from physical welfare and education to full participation in economic and social life with equal opportunity for all. The social vision of the state includes its promotion of culture, the arts, science, and economic well-being.

DUTIES OF THE CHURCH

As the state respects pluralism through its "no establishment" and "free exercise" clauses, so the church is called to respect the vocation of the state as the guarantor of justice and promoter of the common good. Accordingly, the church has the following duties with respect to the state:

- (1) to pray for the state and persons with political authority;
- (2) to educate the people on moral and political questions and to respect the representatives of the people in their official capacities;
- (3) to provide a free forum for the discussion of public issues;
- (4) to petition and advocate in the public interest and to respect the lobbying rights of other groups;
- (5) to seek to raise social conflict to the level of peaceful debate and decision-making;
- (6) to criticize and correct the state when its policies and practices are ill-advised;
- (7) to foster hope among the citizens when they are tempted to despair and violence;
- (8) to practice, when necessary, responsible nonviolent civil disobedience;
- (9) to raise the consciousness of people with respect to insufficiently recognized rights and freedoms; and
- (10) to suffer the abuse of the state when no other recourse is available.

CONCLUSION

The state provides the legal framework for communal life, and education for sound citizenship. The church is concerned for spiritual well-being, moral quality, and an inclusive understanding of personal and social responsibility. As the world ecumenical movement stated at its Oxford conference in 1937, the state is the highest authority in its own realm. "It has the God-given aim in that sphere to uphold law and order and to minister to the life of the people. But as all authority is from God, the state stands under [God's] judgment. God is the source of justice, of which the state is not lord but servant." In its universal aspects the state is international, but the church is ecumenical. Each in its own way is obliged to seek the realization of a "just, participatory, and sustainable society."

¹ "State" here is understood as all levels of government with authority to exert coercion.

² In almost half of these constitutions freedom of religion is guaranteed along with the right of persons to be religiously affiliated. Indeed, provisions for freedom of religion are much more common than provisions for freedom of thought and political freedom. Moreover, the First Amendment's prohibition of an "establishment" of religion is more

unusual in other constitutions than its guarantee of "free exercise."