

REDISCOVERING  
AMERICA'S  
SACRED GROUND



*Public Religion and Pursuit of the Good  
in a Pluralistic America*

Barbara A. McGraw

State University of New York Press

# Contents

Acknowledgments	xi
PROLOGUE	xv
CHAPTER 1: TOWARD A DEBATE ON COMMON GROUND	1
At the Crossroads of the Twenty-First Century	1
Roots of the Conflict	3
Original Intent and the Religion Clauses: At the Core of the Debate	5
Entering the Fray	10
On Looking Back to Rediscover America's Moral Foundations	15
A Few Definitions	19

## Part I Looking Back to Rediscover America's Sacred Ground

CHAPTER 2 REDISCOVERING THE ROOTS OF AMERICA'S SACRED GROUND IN JOHN LOCKE	23
John Locke: Prophet of America	23
Locke's Political Theology: Locating the Sacred Center in Each Individual's Relationship with God	25
The Social Contract as Society's Sacred Ground	34
Aiming for the Kingdom of God Requires "Just Bounds" between Civil Government and Churches	41
Rediscovering the Individual as the Sole Authority over Conscience and the Authentic Religious Community as a Free and Voluntary Call to Conscience	45
Setting the "Just Bounds" between Individual Conscience's Moral Choice and the State	47

Rethinking the Private/Public Dichotomy in Locke's Political Theology and the "Public" Role of Religion	50
Rediscovering the Moral Ground of Locke's Political Theology	54
Distinguishing Locke's Reasonable Christianity from His Political Theology	57
Creating the Political Context for the Realization of the True and the Good	59
CHAPTER 3 THE UNITED STATES CONSTITUTION: ESTABLISHING AMERICA'S SACRED GROUND	61
Rediscovering John Locke in the Revolutionary Spirit	61
Rediscovering the Religious Roots of the American Political System	66
The States: Toward Government that Ensures Freedom of Conscience and Seeks to Promote a Good Society	73
The United States: Toward Government that Ensures Freedom of Conscience and Creates the Context for the Search for the True and the Good	80
Exploring the Theological Terrain of America's Sacred Ground	88
Comparing the Moral Terrain of America's Sacred Ground with the Moral Order of Overarching Worldview Approaches to Government	91
The Civic and Conscientious Morality of the Two-Tiered Public Forum	94
The Role of Religion in the Public Forum and in the Pursuit of the Good	99
America's Sacred Ground: The Foundation for Pluralism and Multiculturalism that Refutes the Claims of Moral Relativity	102
America's Sacred Ground as the Common Good: Where Religious Voices are Prominent and Truth Can Shift for Herself	105

## Part II

### Rooting the Contemporary Debate in Sacred Ground

CHAPTER 4	TAKING SIDES AND LOOKING LEFT	109
	Unraveling the Contemporary Debate	109
	Embracing the Fears at the Extremes: Left and Right	110
	Reconsidering the Secular Left from the Perspective of America's Sacred Ground	119
	John Rawls: Compromising America's Sacred Ground with Public Reasons	128
CHAPTER 5	LOOKING RIGHT	137
	Reconsidering the Religious Right from the Perspective of America's Sacred Ground	137
	Accommodation: Compromising America's Sacred Ground by Mediating the Extremes	152
CHAPTER 6	GROUNDING THE DEBATE	167
	Sifting through the Confusion in the Contemporary Debate	167
	Reorienting the Debate to Aim for the Good	173
CONCLUSION	AMERICA'S SACRED GROUND: OUR CIVIC FAITH	175
Appendix A	A Few Definitions	185
Appendix B	Freedom of Conscience in Revolutionary Period Constitutions and Declarations of Rights	193
Appendix C	Drafts of the Religion Clauses Proposed in the Debates of the First Congress	199
Notes		203
Suggested Readings		231
Index		235

## Prologue

I had long been interested and involved in debates about the United States Constitution's First Amendment Religion Clauses, and had been a strong advocate of the "separation of church and state" doctrine, when I began to look more deeply into church/states issues in the mid-1990s. As I did so, however, I became disconcerted by those who advocated lowering the "wall of separation" when they cited the American founding fathers in support of their positions. I had understood the wall of separation between church and state to derive directly from the ideologies that had inspired the American Revolutionaries in their quest for liberty, including religious liberty. And, despite the fact that I had thought of myself then, as I do now, as "religious," I had understood that ideology to include the idea that religion is a threat to liberty in the public arena and that "secular" society is the bulwark against it. Yet, again and again, the founders were invoked in support of religion's participation in public life by those holding positions on church/state issues that were wholly contrary to those I had been taught and had held so strongly. I could not make sense of this. I decided to go back and look for myself.

As others have done, I looked back to the works of John Locke and recognized the Lockean fundamentals that shaped the conscience of the American founders. And I looked back to the words of the founders, themselves, to find out how those Lockean fundamentals

were put into practice by the American founders in original ways. But, in my effort to understand the discrepancies in the discourse of the past couple of decades in America in light of all of this, I found something more. I found that the ground of the American system was conceived by the founders as America's sacred foundation, reflected in a simple theology. I rediscovered "America's Sacred Ground."

Of course, many scholars and others have argued that a return to the founders' original intentions or to any other "grounding" claim is unwarranted. They hold that a society ought to change, drawing from many sources in resolving its problems, rather than being restricted to any particular absolutist foundational claim. And there is a whole literature discussing the relative merits of foundationalism and what is thought to be a more open-ended relativistic give-and-take approach. What I found, however, is that America's Sacred Ground provides a justification for itself. That justification is found in the realization that all of those participating in the debate assume the context for the debate created by America's Sacred Ground. That is, while some may disagree with the underlying basis of the founders' original intentions as I present them, that underlying basis—that is America's Sacred Ground itself—nevertheless is the starting point for argumentation about it. This is so even for those who have the view that a return to anyone's idea of the founders' original intentions, or other ground, is unfounded.

But this is getting somewhat ahead of myself. Instead of merely alluding to the substance of my thesis, let me say something about my method, style, and purpose and then turn to the body of the work.

Of course it is no surprise to find a variety of nuanced views in an important and well-covered field such as this one. And one could survey those views in depth. However, I have decided not to take that approach here. Rather, I have chosen to set out my thesis and the arguments to support it, and not to compare and contrast it with the numerous ideas of others and, consequently, risk producing an unwieldy work, inaccessible to those interested in the field who may not be familiar with all such views. Moreover, the

exploration of an issue often can be accomplished well by choosing representatives of particular views who then serve as “dialogue partners” for one’s own position. This is the method I have chosen here.

After introducing the issues in chapter 1, I explore the roots of America’s Sacred Ground in the history of ideas leading to the American founding in Part I, specifically the roots in John Locke, whose ideas are then reflected and expanded in the views of the American founders. Then, in Part II, I explore the implications of America’s Sacred Ground for American debates about public policy and moral values by contrasting America’s Sacred Ground with representatives of three factions in the popular, political, and academic debate: (1) the secular left, which seeks to “neutralize” religion in public life; (2) the Christian right, which seeks to promote greater acceptance of the Judeo-Christian tradition in public life; and (3) those who argue for an accommodation of religion in public life—the “accommodationists.”

This “dialogue partner” method reveals the ways in which America’s Sacred Ground provides a perspective for the contemporary popular and political discourse about public religion and its role in shaping American values, which might not be as easily grasped without the presentation of such clear distinctions. At the same time, as the reader will see, this method makes sense of what have appeared in the contemporary debate to be inconsistencies in the views of the American founders, and it reveals significant aspects of their views that previously have been obscured by all sides.

In addition, because the debate about America’s moral ground has been occurring in several overlapping discourses (all of which I hope to enter with this work), I decided that, rather than presenting my ideas about America’s Sacred Ground only in the ivory towers of the academic world, I would present them so that they would be accessible to those participating in all of these discourses—in politics, in the media, in social institutions, or even at home, as well as in the academy. I especially wanted to make sure that this work would not be a ponderous tome that no one but the academically hearty would be interested in exploring. That is why this work is written for the educated reader with a previous interest in this

important subject, while, at the same time, this work is relatively brief, does not explore the views of every author writing in the field, does not pursue every tangent that may be impacted by the ideas expressed here, and uses examples from popular media and political commentary to illustrate points.

Still, it is important that a work like this be academically sound so that it is credible to those participating in the debate as something more than an unfounded opinion. That is why Part I, in which we rediscover America's Sacred Ground, is rich with material from relevant primary sources. It is also why considerable space is given in Part II to the in-depth "dialogue" with the popular, political, and scholarly "partners" I have chosen, which illustrates precisely the ways in which the reframing of the debate in light of America's Sacred Ground contributes to the debate. I have also provided a selected bibliography in "Suggested Readings" at the end of this work for those who wish to pursue this important area in more depth.

Most important, I have attempted to open the boundaries between disciplines and discourse communities in order to reach those whose views are likely to shape public policy in this important field as America moves forward in this new century. I hope that this work can be a resource for those who participate in these most important conversations for the future of the United States—and the world.

Barbara A. McGraw  
November 2002  
Moraga, California



# CHAPTER 1



## Toward a Debate on Common Ground

Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. . . . To secure the public good and private rights against the danger of faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.

—James Madison, *Federalist Paper No. 10*



### AT THE CROSSROADS OF THE TWENTY-FIRST CENTURY

Economic prosperity fostered a renewed optimism at the turn of twenty-first century. Yet there remained an underlying turmoil and confusion in America. Obviously, this was not due to disruptive military battles, economic upheavals, or other things that are generally associated with great societal and political turmoil. Rather, the turmoil and confusion was about matters that were believed by many to be more fundamental. It involved battles over American sociopolitical identity, more specifically, the American moral character on which that identity is built. Then, with the horrific events of

September 11th and their aftermath, the questions raised in that turmoil and confusion came powerfully to the fore: Who are we as a people and what do we stand for? What is the moral basis of our political system and law? Where do we go to find what certain politicians have referred to as America's "moral consciousness?" Can religion provide us with guidance? Or, are secular sources more neutral?

The "war of words" about such questions is what was referred to in the last decade as the American "culture war." This was a war in which various factions attempted to gain the necessary political and legal clout to determine, or at least influence, the answers to these questions by those who count—the Justices of the United States Supreme Court and those who make the laws of the land. Significantly, with few exceptions, this was not merely a vying for power by such factions. Generally, it was derived from a sincere, and in some cases urgently felt, need to assert what each believed are fundamental American moral values in the face of a perceived moral decline and an increasing pluralism at home, as well as the strain of demands placed on America from sources abroad as the economy continued to globalize.

Today, some claim that the culture war is over. Others argue that what was termed the "culture war" of the late twentieth century was in actuality nothing new—only a continuation of battles that had begun only a few decades after the American Revolution. Even if those views are true, however, what is important to recognize is that the questions raised in the debate still loom large, even larger than ever before.

As American economic concerns globalize and become part of an economy that is in the process of eclipsing national boundaries, and American security interests reach all across the globe, there is new urgency to the old questions about American moral identity. American moral ideals grounded in the concept of human rights have run headlong into very different cultural conceptions of the good society outside of the West. This clash of cultures has resulted in increased tensions at home about the moral dilemmas of the culture war of the 1980s and 1990s as they now become global

concerns for America as it asserts its interests around the world. In the face of this, many Americans are trying to come together as we reassess ourselves in light of September 11th and related events—as we try to grasp what it is that joins all of the multifarious beauty of the diversity of our people and the plurality of our beliefs to something we call America. And as we Americans spread our influence politically, economically, and militarily around the world, it is even more clear that we must know who we are.

And so the battles about the foundations of American liberty and conceptions of the good that are won and lost at home will give shape to the American moral character that we take with us into the twenty-first century's evermore pluralistic, globally interdependent economic, and increasingly uncertain political environment. We are at the crossroads. What is the right direction?



## ROOTS OF THE CONFLICT

In the last decades of the twentieth century, America's pluralistic society became increasingly more diverse, placing what many considered to be American traditions, settled customs, and core American beliefs under strain. Of course America has always experienced the strain of new cultural input as waves of immigrants have entered American life. Perhaps this was no more true than in the nineteenth century when America opened her borders to massive numbers of immigrants from many diverse nations.

Yet something different was occurring in late-twentieth-century America. Previously, the dominant ideology insisted on the assimilation of the new into the old, the traditional, American society. This was the American "melting pot"—melting, that is "Americanizing," recent immigrants into the American way of life, however defined by those in power and however successful such "Americanizing" actually was. In contrast, the late twentieth century saw the newly emerging dominant ideology moving toward "multiculturalism"—an

embracing of all cultural expressions as equally valid. This, in turn, resulted in a resistance to the idea of the “melting away” of cultural differences, and instead the encouragement of a greater acceptance, and even celebration, of religious and cultural diversity.

Moreover, as dominant popular culture adopted multiculturalism, there was strong prompting from media and others to embrace (in the public sphere at least) moral relativism as well—the idea that no moral claim has any greater validity or foundation than another—as an element of tolerance and in promotion of greater liberty. If all cultural expressions are equally valid including their moral implications, one simplified version of the argument goes, then there is no particularly valid foundational moral core to America either. American cultural expressions in all their diversity, including their moral implications, whatever they are, are merely some among many. To think otherwise, is cultural imperialism, it was said.

On the other hand, some began to question the wisdom of assimilating everything and everyone brought to America or brought up in America into an amalgamation that is constantly changing as the new is mixed with the old. They argued that there must be a moral foundation that provides America with its sociopolitical identity. With no such identity, there is nothing on which America can make a moral claim about anything. Still, others claimed that it is the American way to take in new ideas and ways of thinking about society and assimilate the best of them as we move forward into our future. But this view really begged the question: How do we determine just what is “best” for America; what leads to a “good” society?

And so the debate on these issues became polarized, leaving many to ponder whether there is or can be any common ground on which to build a consensus. Yet nearly everyone perceived that the American political system and the laws that preserve liberty were at stake in the outcome of the debate. And because our ultimate understanding of ourselves as Americans is at the core of the issue, it is no wonder that the debate became a very contentious one.



## ORIGINAL INTENT AND THE RELIGION CLAUSES: AT THE CORE OF THE DEBATE

What made the discourse—particularly the popular political discourse—most combative in the late twentieth century was the reentry of religious voices into the debate. These voices had been marginalized midcentury as “secular” society took hold, bolstered by several United States Supreme Court decisions, in particular *Everson v. Board of Education* (1947), which made the “wall of separation” between church and state the law of the land.<sup>1</sup>

Most vocal among these religious voices in the 1980s was an assortment of groups that became known as the “Christian right,” who claimed that the American political system evolved out of the Western “Judeo-Christian” religious and moral tradition, which they held serves as its “traditional” moral foundation. The Christian right found, however, that its contribution to the debate was not welcomed because it was perceived by the secular left (whose views held sway at the time) as promoting the conflation of religion with the state in contravention of the “wall of separation” views expressed in the *Everson* decision and other Supreme Court decisions. In order to “have a place at the table” in the conversation about America’s moral character, the Christian right had to find a way to undercut the strongly held view of the secular left—the *Everson* court view—that the “wall of separation” between church and state was firmly grounded in the original intent of the American founders.

This required reinterpretation of the Constitutional provisions known as the “Religion Clauses” of the First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . .” Since the 1940s, the Religion Clauses generally have been interpreted by the United States Supreme Court as providing for two things: (1) the separation of church and state (the “Anti-Establishment Clause” or “Establishment Clause”) and (2) freedom of religion (the “Free Exercise Clause”). It was the former clause that proved to be problematic for

the Christian right, and other religious groups who held views similar to the Christian right and who sought to promote those views in American public life.

It was not surprising, then, that in 1984, Richard Neuhaus's treatise, *The Naked Public Square: Religion and Democracy in America*, touched a nerve when it questioned the validity of a secularized public discourse devoid of religion and morality.<sup>2</sup> The American founders never intended to neutralize the public square of religious influence, he argued. Yet strict separation of church and state requires the "public square" to be "naked" of any moral or religious symbols that serve as beacons for the "good." The result is that the "public square" never remains entirely "naked" and so it becomes filled with other things, as symbols of the good life, which threaten the goals at which the founders had aimed when they devised the American system.

In no small part because Neuhaus positioned himself as a moderate voice on the issue of religion in public life, the debate became even more vigorous with many works arguing for a greater place for religion in the debate about the moral foundations of America and the shape of freedom. Such works provided credible and well-researched evidence in this vein and, therefore, supported popular, political, and scholarly arguments. Legal and political analyses—popular, political, and scholarly—followed in an effort to shift, not only public opinion, but law, in particular, the views of the United States Supreme Court Justices. One representative work, John Eidsmore's *Christianity and the Constitution: The Faith of Our Founding Fathers*, argued that, contrary to the prevailing view reflected in *Everson*, history shows that the founders intended for there to be a relationship between Christianity, God, and the Constitution, which, the author contended, is grounded in biblical principles.<sup>3</sup>

The right was now armed with scholarly evidence and so was quick to point out in popular and political debates that history shows us that the founders were religious people, not the Enlightenment secular philosophers of the then prevailing secular myth of the American founding. Direct quotations from prominent founders called the left's "secularist" views into question. For example, in

1798, John Adams said: “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”<sup>4</sup> And George Washington proclaimed in his “First Inaugural Address” (1789):

In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States.<sup>5</sup>

In the late 1980s and early 1990s, the religious right continued to promote greater recognition of the important role religion should play in public life, and began to make some inroads, sometimes relying on the First Amendment’s Free Speech Clause, as well. This bolstered a further trend. Arguing for a greater role for religion in the “public square,” but with some limits, those taking up this trend presented themselves as moderating influences in the debate.

Stephen L. Carter’s *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion*, published in 1993, was, and continues to be, a tremendously influential work in this vein.<sup>6</sup> Carter argued for greater respect for and deference to people of faith in law and politics—in effect, an “accommodation” of religion in America. Works such as Carter’s were very appealing to those, probably a majority, who had become weary of the combative tone of the debate and were uncomfortable with either extreme on the left and right. They welcomed what they perceived to be a sort of middle ground.

The accommodationists draw from the arguments on the right about the great role religion has played in American public life from before the Revolution to the present. At the same time, they generally do not limit their focus to “Judeo-Christian” traditions. Rather, they perceive themselves as mediating the left/right extremes

with greater tolerance for both. This is echoed in the popular political discourse of the news media as well, where the founders' references to religion are now acknowledged in spite of the secular left, but are presented as being more "careful" and "moderate" than the interpretations of the religious right.

This accommodationist trend proved to have appeal in important places. Certain Justices of the United States Supreme Court (in particular, Kennedy and Scalia) had been indicating a willingness to adopt an accommodationist approach to religion in American life. And public opinion began to shift in this new direction as well. Articles appeared in popular magazines that discussed the tremendous religiosity of Americans as compared with their counterparts in Europe, and cited surveys indicating, for example, that 90 percent of Americans claim a belief in God.

Influenced by the shift in popular opinion and works such as Carter's, in 1995 and 1997, respectively, President Clinton issued guidelines on "Religious Expression in the Public Schools" and "Religious Exercise and Religious Expression in the Federal Workplace." These were designed to promote a greater understanding of the latitude provided by the Religion Clauses and the Free Speech Clause for the practice and promotion of religious faiths in those contexts. In addition, in 1996 Congress passed, and President Clinton signed, a Welfare Reform Bill that included "charitable choice" provisions that made faith-based groups, along with nonreligious groups, eligible for federal funds. And, more recently, believing faith-based organizations to be more effective than government sponsored secular institutions in carrying out social programs, President Bush has been promoting "faith-based initiatives," which substantially extend "charitable choice," including the "Charity Aid, Recovery and Empowerment Act," known as the "CARE Act," which has been passed in the House, as well as grants to faith-based organizations awarded through the Department of Health and Human Services and the Department of Labor. In the words of Jim Towey, Director of the White House Office on Faith-Based and Community Initiatives, this is being done to further "the partnership between faith-based and community groups and



the federal government in delivering social services to those in need.”<sup>7</sup>

Along with this accommodating trend in government, there has been a greater acceptance of religion as a contributor to public discourse about morality in America on issues ranging from legal recognition of homosexual marriage, to private matters, such as those having to do with a husband’s authoritative role in the home and the appropriateness of a woman with children working outside the home—“private” issues that often have public policy implications as well. And religious leaders are now frequent contributors on television issues programs, providing political opinions from their religious perspectives. Even politicians—from both the left and right—proclaim their religious affiliations as indicators of their having the character to lead.

But the secular left has decried this accommodationist trend, declaring the “wall of separation” between church and state to be in danger of tumbling with a pending opening of the floodgates, permitting unlimited religious influence on public policy decisions with the potential for religious domination. From the perspective of members of the secular left any encroachment by religion on secular society bodes poorly for the nation’s future. Religion is a particularly dangerous entry in the public discourse, they contend. Its dogma promotes oppressive restrictions on liberty, they argue, and this is precisely what the founders sought to avoid when they drafted the Religion Clauses into the Bill of Rights. After all, Thomas Jefferson was the one who proclaimed that there should be a “wall of separation” between church and state, and he meant that the Establishment Clause was designed to protect the public sphere from the potentially oppressive views of the religious, they caution.

The secular left argues that the expansion of American freedoms mid-twentieth century was due in large part to the loosening of the hold of religion on society since *Everson*. And so the secular left contends that strict separation of church and state is necessary in order to accommodate America’s ever-expanding pluralism, particularly religious pluralism. If we base the American political system on the right’s religious views, through accommodation or otherwise,

this will not occur, the left warns. In fact, it could lead to religious strife—something America has been fortunate enough to avoid, unlike many other nations of the world.

Thus, the secular left is the harbinger of the doom that it contends would result if religion were to become entangled with the coercive powers of government. Consequently, the secular left eschews arguments that support the view that America is fundamentally a religious nation founded on Judeo-Christian principles that inform the meaning of freedom and form the foundation for fundamental American moral values. Sounding the alarm, they warn that this “Christian nation view” surely will lead to religious oppression. As a result, they argue forcefully against rolling back what they hold are the protections afforded by the *Everson* Court’s “wall of separation” interpretation of the Establishment Clause.



## ENTERING THE FRAY

Such disputes involve much more than technical legal arguments about where to draw the line between church and state, however. Fundamentally, the entire debate is centered around the perceived conflict between liberty and morality—the pursuit of the good. On the one hand, the left reasons that if one is to be “free,” then one must not be fettered by moral constraints not freely chosen. Therefore, the governments of the United States and the states must not impose moral foundational claims on the people. On the other hand, the right contends that there must be a moral order that will hold American society together—the Christian or “Judeo-Christian” moral tradition. Otherwise, American society will become evermore fragmented and chaotic as factions exercising liberty rights conflict with others, causing American society to falter and fail. To confuse matters more, all sides cite the American founders’ views regarding the extents and limits of the role of religion in public life to support their very different views. As a consequence,

there does not appear to be any real resolution of the important—even critical—questions raised by the clash of the extremes of the late-twentieth-century culture war debate. Each new encounter leaves us with more unanswered questions:



In a special edition of *Time* reporting on the September 11th attacks on the World Trade Center and the Pentagon, Nancy Gibbs wrote:

The Twin Towers of the World Trade Center, planted at the base of Manhattan island with the Statue of Liberty as their sentry, and the Pentagon, a squat, concrete fort on the banks of the Potomac, are the sanctuaries of money and power that our enemies may imagine define us. But that assumes our faith rests on what we can buy and build, and that has never been America's true God.<sup>8</sup>

What does the author mean when she refers to “America’s true God” and “our faith?” Does America have a faith? a God? If so, is this a faith and a God in the “religious” sense? Is this a faith and a God for all of the American people? Can that be possible in the face of American pluralism?



During the 2000 presidential campaign, a September issue of *Time* argued:

“While no one doubts the sincerity of his beliefs, Lieberman seems to be dodging their implications on the campaign trail. He calls for ‘a constitutional place for faith in our public life,’ and yet he is against prayer in school and

defends church-state separation. So what, specifically does he mean? . . . And though many Orthodox Jews argue that abortion is immoral, Lieberman is pro-choice because, as he said in 1990, ‘while I might personally argue against abortion, as a lawmaker I cannot impose my personal judgment on others.’ ”<sup>9</sup>

Was Senator Lieberman being inconsistent in his positions on these church-state issues, as the writer of the *Time* article seems to imply, or is there a basis on which Lieberman’s views can be reconciled?



On an evening in October 1997, the topic on CNN’s *Crossfire* was the “Promise Keepers.” One of the guests was Patricia Ireland, the president of the National Organization of Women. She and Pat Buchanan were engaged in a contentious exchange. Pat Buchanan stated that he could understand that Patricia Ireland may not like the fact that the Promise Keepers wanted to return to a patriarchal family structure where women are subordinated to men. However, he questioned her as to what is wrong with the Promise Keepers advocating that: “Now, you might not like that . . . but what is wrong if they [the wives] like that and Promise Keepers like that?”

Patricia Ireland replied: “Well, let me just say that I do disagree with the patriarchal model of the family and the society, but . . . [i]f that’s what they choose, that’s their decision.” She went on to say, however: “I would also urge you to remember that Bill McCartney [the founder of the Promise Keepers] has said ‘wherever the truth is at risk, in schools, in legislatures, we will contend for it, we will win.’ ” She argued: “They are going to impose their views through public policy.”

Pat Buchanan responded: “Patricia, you’ve been fighting to impose your views on public policy for forty years!” Patricia Ireland emphatically said: “I’m not hiding behind a facade of religiosity. . . . I’m not saying I’m a ministry.” Buchanan shot back: “Well, Martin

Luther King imposed his philosophy on the country and he was a minister and it was civil rights. What is wrong with Bill McCartney saying ‘these are my deeply held beliefs? They’re rooted in the Bible and we hope to remake society along these lines [much the same way] as [Patricia Ireland] hopes to remake them along the lines of [feminism].’ ” He later pointedly said: “I mean, you are knocking the traditional marriage, the patriarchal marriage, love, honor and obey . . . that bugs you and you want to change that. What’s the matter with these folks having their philosophy?”

Is there any difference between the work of the Promise Keepers and the National Organization of Women when they try to make their views law? Are all moral views equally valid in a values debate where any group can claim victory if it gets enough votes? If a group’s views are religiously based, are they inherently suspect under the American system? How can that be when someone like Dr. Martin Luther King, Jr., has nearly been claimed as a secular saint by those who eschew religion in the public square?



On another night, in January 1998, one of the guests on ABC’s *Politically Incorrect* was Marilyn Manson, a popular, but controversial male rock star who is known to perform lewd sex acts on stage during live performances, among other things offensive to many, but that delight others. During the course of the program he was asked what he is trying to accomplish with his act. He told the participants that his goal is to challenge people’s values. Another guest responded that she had a lot of respect for him for doing what he believes in, although she also stated that she did not like what he was doing.

Why does the guest in the *Politically Incorrect* segment think that Marilyn Manson deserves her respect for views she finds repugnant? Is the free expression of all views on moral values something to be admired no matter the content? Is the expression of a strong point of view on morals in opposition to someone else’s free expression contrary to the American goal to preserve liberty?



When Texas Governor George W. Bush was asked during a presidential candidate debate what political philosopher had influenced him most, he answered, “Jesus Christ—because he changed my heart.” When asked what he meant by this, he said that if one had not experienced it, it would be difficult to explain.

Why did (then) Governor Bush think it was important for voters to know this about him? Does it tell us something about whether he would make an especially good or qualified president? Does it indicate that he is more or less likely to uphold the American values of liberty and equality?



In general, what does accommodation of religion in public life mean in the context of religious pluralism with varied moral perspectives in a multicultural context? Are there core values and a fundamental moral base that America should preserve for its future? If not, on what do we base law and public policy decisions? If so, do such core values have any moral authority in a world of many views about how society should be organized? Is there a fundamental American identity that we should take with us as we assert our interests in the global community? Do the founders’ original intentions regarding the role of religion in American public life help us to answer these questions?

As the most combative participants in the debate have clearly recognized all along, the answers to all of these questions by the United States Supreme Court, other courts, the executives and the legislatures of the land will determine the meaning and extent of freedom and the ways in which we Americans can pursue the good—good government, good international relations, good communities, good families, good relations between individuals, and good individuals. The answers will shape the moral fabric of the nation—the very

terms on which the debate itself will be conducted—and will have a tremendous impact on our national identity as we interface with other nations in an increasingly globalized world. Consequently, it is not an overstatement to say that these are some of the most critical questions of our time.

Yet every attempt to answer such questions only results in greater confusion about them—in no small part because the various interpretations of the original intentions of the founders do not appear to provide the common ground one might expect to find. Still, one has the sense that the answers might be found there.



## ON LOOKING BACK TO REDISCOVER AMERICA'S MORAL FOUNDATIONS

How is it possible that all sides in the debate on these important issues are able to cite the American founders to support their very different views? Is this merely because there were many different people speaking from many different perspectives at the time of the founding of the nation and, therefore, there was no consistent view, as some have claimed? It certainly is the case that the founders' views appear fragmented, disjointed, and contradictory when one listens to accounts of them from the various sides in the debate about the wall of separation of church and state. Still, it is difficult to believe that the founders could have achieved the founding of the United States in the context of such a confused rhetoric. Perhaps something has been missed by those in the contemporary discourse that might make more sense of all of this?

Relying on bits and pieces of rationale based on fragments of American history at the time of the founding of the United States that can be gleaned from our popular and political contemporary debate itself, or from the evolution of ideas since the founding (as some do), is not helpful. Instead, we must go back to the American Revolutionary period and review the primary sources with a sincere

desire to understand the moral grounding of the Religion Clauses. As we do so in the chapters that follow, we will discover—or rather rediscover—that the views of the founders were grounded in fundamental ideas and beliefs that differ from the ideas of the participants in the popular and political contemporary debate, although the founders' views may appear similar to this side or that in the contemporary debate when taken out of context.

Reinvestigating strongly held assumptions (our own and others'), we will begin to see the ways in which all sides in the contemporary debate have been relying on meanings of terms that have shifted over the centuries (e.g., "religion" and "secular"), inapt dichotomies (e.g., public/private), and misunderstood concepts (e.g., separation of church and state). At the same time, we will see that the various sides have been harvesting statements from the past in a piecemeal fashion that support a presently held view, all the while obscuring the "original intentions" of the founders.\* As a result, the contemporary debate has become confounded and confused.

But when we look back to rediscover America's moral foundations, we will gain several insights that together provide a perspective in the contemporary debate that draws from existing perspectives, but shifts their emphases. Consequently, those who embrace the religious right and those who embrace the secular left, as well as those who identify with the accommodationists, may recognize elements of their views of America's moral foundations in the following pages. But we will see that the ideas expressed here diverge from all those views in many ways as well. And it is these divergences that make all the difference—for it is here that we will find our common ground. We will rediscover the sacred foundations of the American system,

---

\* I am not referring to "original intent" regarding the application of the Religion Clauses to any particular issue. Rather, I am addressing the underlying "original intentions," shared by the founders in the establishment of the States and the United States, which, I argue, form the foundations not only of the Religion Clauses, but the entire American System. See Leonard W. Levy, *Original Intent and the Framers' Constitution* (New York: Macmillan Publishing Co., 1988), wherein Levy discusses the difficulty in attempting to glean the "original intent" of the founders for the purpose of determining the meaning of specific constitutional provisions. See also Leonard Levy, *The Establishment Clause: Religion and the First Amendment*, 2nd ed. (Chapel Hill and London: The University of North Carolina Press, 1994), xix.



which are grounded in a simple theology and which imply a basic structure in which participation in public life is to occur. I call this theology and structure “America’s Sacred Ground.”

Several things follow when we place the contemporary debate on what I maintain is its proper footing on America’s Sacred Ground. We will rediscover the difference between, on the one hand, the way to the good (the moral good) as understood by those who seek to impose their will (understood as God’s will) on the people, and, on the other hand, the way to the good through the workings of America’s Sacred Ground. We will find that individual freedom of conscience is the core American civil right, and we will find the founders’ belief that, through the collective speech and action of individuals of conscience, a good society can be built.

Significantly, we will discover that the building of a good society on America’s Sacred Ground requires a two-tiered public forum for debate and action, which grounds the American system in civic and conscientious moral values. This is what makes possible the pursuit of the good without the coercive force of government. Thus, the good society is not something conceived by those in power at the top of a grand societal hierarchy as an “overarching worldview” to be imposed on the people. Rather, the good society is realized through the debate and action of the people pursuing the good according to conscience from the ground up by virtue of the shared expression of the plurality of their perspectives. In this way, America’s Sacred Ground preserves maximum liberty while making possible pursuit of the good. Consequently, the whole idea of freedom was not intended by the founders to be freedom to pursue self-interested happiness, nor was freedom a vacuous concept only to be filled with policy-makers’ ideas of what is to be pursued, but it was *freedom to be and do good according to one’s conscience*.

We also will discover that there are ways in which the contemporary discourse can be reframed based on America’s Sacred Ground. And if the discourse were reframed in this way, it would be possible to begin to unravel the confused rhetoric of the contemporary popular and political debate, which has sent all sides in directions never intended by the American founders. Significantly, we will find that if the debate about the application of the Religion Clauses to particular issues were reframed in light of America’s Sacred

Ground, there would be wide-reaching implications for the discourse about the role of religion in public life, in general, and, specifically, the ways in which religion was and was not intended by the founders to participate in the shaping of American values. And, in turn, America's Sacred Ground would contribute to all debates about the ground of American liberty and the pursuit of the good. That is, America's Sacred Ground would inform contemporary conversations, popular and political, about the moral ground of the American legal/political system, itself, and therefore, the direction it should take as we go forward in the twenty-first century. Most important, we will find that if we fail to take account of America's Sacred Ground, we risk eroding the very foundations of the American system, which have made the debates, themselves, possible in the first place.

Alasdair MacIntyre in his pivotal 1981 work *After Virtue: A Study in Moral Theory*, identified what he viewed as the main problem of the public discourse, which makes understanding and compromise about moral issues so difficult: Americans have no common moral language.<sup>10</sup> I submit that we do. However, the moral discourse in America has become disconnected from that language because we have lost our foothold on what truly grounds the American system. And the only way to become surefooted again is to reclaim our American heritage. We need to reorient the discourse about liberty and the good by reaching back into history and placing ourselves in the shoes of the founders. We need to walk on the ground they walked on. And it is imperative that we do this because, just as those participating in the debate sense, all that makes the American system unique *is* truly at stake.

And when we do reach back into that history to reclaim our American heritage, when we walk in the shoes of the founders, we find that there *is* a moral base that we should hold on to that makes America *America*. We rediscover the heartfelt hope of the founders that America would be fertile enough for the good to take root, grow, and flourish in a lively, free, and open forum for debate about religion and morality—not by force, but by choice. We rediscover America's Sacred Ground.



## A FEW DEFINITIONS

Before we turn to Part I, it is important to note that a few key definitions have been provided in Appendix A. There, the reader will find definitions for and, in some cases, brief discussions about, “religion” and “secular,” and related names, terms and concepts, “God” and the “sacred,” as well as “the good,” “moral relativity,” “overarching worldviews,” “secularization,” and “freedom.” Those readers not concerned, at this point, with such details may refer to these definitions while reading the main text as questions about the terms arise. However, those readers interested in coming to a preliminary understanding may turn to Appendix A now and begin to glean hints of some of the aspects of the theory presented in this work that we will be exploring as we go forward.



Now let us turn to our project. Before turning to the American founders, we must reach farther back into history—to the American founders’ starting point. We must rediscover the roots of America’s Sacred Ground in John Locke.