

RELIGION & PUBLIC LIFE

BY JAMES Q. WILSON

MOVING PRIVATE FUNDS TO FAITH-BASED SOCIAL SERVICE PROVIDERS



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



Religion makes a large difference in the lives of millions of Americans despite the fact that American government is indifferent to it and hostile to its support. This may only appear to be a paradox. In fact, religion may be important in the United States in part because governmental indifference allows so many religions to prosper. Voltaire foresaw as much when he observed that a nation with one religion has oppression, a nation with two has civil war, and a nation with a hundred has peace. Much the same argument was made by Adam Smith.

Though the United States is a nation inhabited by people from other countries where religious observance is less important than it is here, the law and culture that sustain multiple sects have worked their effect on many who have arrived here, giving them a chance to form and organize around their own beliefs, to create and sustain their own churches, and to proclaim and defend their own visions. America enjoys religious freedom, and accordingly many religions have prospered. Freedom of religious expression has not stunted religion, it has encouraged it.

It has especially encouraged the kind of religion that is often called fundamentalist. Churches that, by their own beliefs, feel it necessary to reach out and organize others—churches, that is, in which the missionary impulse is particularly strong—are the ones that most benefit from religious freedom. Missionary churches depend for their survival on the people whom they can convert, and so they are the ones most likely to reflect the wants and needs of ordinary people. More traditional churches, with little missionary impulse, are at a disadvantage. They will often find their numbers dwindling because they have no serious impulse to increase these numbers. Put simplistically, a traditional church is one to which its nominal members repair when getting married or buried but to which they rarely give their regular attention. A fundamentalist church, by contrast, is one that can exist only if it succeeds in drawing to it people for whom religion makes a daily difference.

Fundamentalist churches not only benefit from religious liberty, they contribute to it. David Hume explained why. Those religions that rely on what he called “enthusiasm”—that is, on a belief in direct and divine illumination—lead to more furious passions but in time to greater civil liberty. The reason, Hume observed in his essay “On Superstition and Enthusiasm,” is that enthusiasm is both the enemy of hierarchical churches and an expression of animated people who cherish liberty. What we now call a fundamentalist church—one that believes that people can acquire a direct knowledge of God without priestly intervention—depends on the religious equivalent of the entrepreneurial spirit, just as a small

business person, unlike the politically more powerful large corporation, depends on economic freedom.

For these reasons, and for others I do not yet understand, religious observance is more common in the United States than in many other industrialized nations even though this country was settled by people from the very nations where such observances are less customary.

This great force in American life makes a difference in human life. This is a matter to which scholars have given relatively little attention because scholars, especially in the humanities and the social sciences, are disproportionately drawn from the ranks of people who are indifferent—or even hostile—to religion. But if a creed did not make some difference, far fewer people would embrace it.

Religion and Morality

Religion affects morality, but not in the way many people suppose. Let me repeat here an argument made more fully by Michael Oakeshott in *Religion, Politics, and the Moral Life*. Religion, I think, can neither be the source of morality nor provide the support for morality. It cannot be the source because it is obvious that there are highly moral people who are not religious and fanatical extremists who are deeply religious. In every nation there are many moral people who have few or weak religious views and act morally without reference to a religious doctrine. Occasionally, an entire nation seems unreligiously moral. Japan is often held up, rightly, as a nation remarkably free of the worse excesses of crime, drug abuse, and political violence, yet Japan has achieved this record, one that cannot be duplicated by any other advanced industrial nation, without much that resembles religious commitment. Religion is rarely, even in its sermons and writings, a true source of morality. When Jesus told us of the Golden Rule, he was not telling us anything we had not

James Q. Wilson is emeritus professor of management and public policy at the University of California at Los Angeles and the author, most recently, of The Moral Sense.

known before; he was only reminding us that, though we knew this rule, we were often violating it. As Samuel Johnson was later to put it, people need to be reminded more often that they need to be instructed.

Nor is it the case that religion provides the main sanction for a moral code. Many people believe that the natural life of humans cannot supply a guide to human action. If we think that by contemplating who we are and how society is organized we can find a principle of right conduct, we commit what some have called the naturalistic fallacy. This problem leads many to believe that human nature is so devoid of moral sentiments that any moral code of action must require divine revelation. We are then induced to obey that code either out of a desire to please the God that supplied it or out of a desire to avoid the threat of eternal damnation or to acquire otherworldly pleasures.

The desire to please God is a worthy one, but it is not clear that pleasing the commands of a superior force is sufficient to define an act as moral. It would be equivalent to acting morally because we wish to please a friend. That is not an unworthy motive and is indeed the source of much moral behavior, but it does raise a question: does moral action require subordination to another party? Perhaps to some extent, but not to every extent. Morality entirely defined as obedience to a superior being becomes identical to blind obedience. It suggests that morality depends on obedience even though many people make moral choices without such obedience. They make those choices because the so-called naturalistic fallacy is itself a fallacy: there are aspects of human nature and of the social order that generate moral sentiments.

A clearer argument against the view that religion enforces morality arises when we consider people who follow a rule to avoid threats or acquire pleasures. Can we be called moral if we avoid stealing only when a police officer is watching or contribute to charity only when we are applauded at a banquet? I think not.

Religion's chief contribution to morality is to enable people to transform their lives. This is not an easy process and requires of people an act of faith that many persons cannot supply and few will sustain. A profound act of faith does not necessarily make us better, it only makes us more knowledgeable. We come to know God and through Him to know our-

selves. And what we learn about ourselves is, I suspect, quite unsettling. We are weak, greedy, impassioned, ill-tempered, and contradictory; we can barely be good any of the time, much less most of the time. As Christopher Lasch put it in *The Revolt of the Elites and the Betrayal of Democracy*, religion, far from putting doubts and anxieties to rest, tends to intensify them.

The people for whom a religious experience heightens doubts and sharpens anxieties are people who are leading wasted or immoral lives. Religion does not solve their problems; it heightens them to the point that people finally feel they ought to do something about them. It creates an opportunity for personal transformation.

Consider the single most important organized example of personal transformation we have. It was created by neither churches nor businesses nor government, but by a few people whose lives had become unlivable. It is called Alcoholics Anonymous. Started in 1935, it does not impart a religion but uses faith in a supreme being as a motivation for transforming the lives of drunkards. We are not quite certain why it works so well. We have no data, in part because AA has no interest in generating data (and a good thing, too). But whatever makes it work for many (but far from all) of its members, it signifies the importance of self-discovery and personal transformation in human life.

Despite the general indifference of social science to religion, we can clutch at other bits of evidence. The Harvard economist, Richard Freeman, found that among black urban youth, other things being equal, those who were religious were less likely to be criminal than those who were irreligious. Byron Johnson, a sociologist, has looked at the data and come to much the same conclusion. There is even some sketchy evidence that faith-based prison programs are more likely to improve the lives of inmates after they are released than are rehabilitative programs that do not involve religion. And in every big city and many small cities in America, church-based groups are working at reducing delinquency, drug abuse, gang wars, teenage pregnancy, and single-parent homes. We have no systematic evidence as to whether these programs are working in any large sense—that is, for lots of people—but ample testimony that they do work in a small sense—that is, by changing the lives of identifiable individuals.



Lloyd Wolf

Government and Religion

The evidence, though not conclusive, does suggest rather strongly that religion can make a difference in the lives of people about whom we worry—and ought to worry—the most. Can the government take advantage of the transforming power of religion without corrupting its use through heavy-handed regulations and endless litigation? To answer that question, we must acknowledge the great importance of the First Amendment to the Constitution and then deplore the sorry state of law that has emerged about its implications.

The second part of that amendment is the “free exercise” clause that denies the federal government the power to prohibit or require religious practices. It guarantees, in short, freedom of religious conscience. Not only does that rule keep the government’s hands out of our religious—or irreligious—beliefs, it also facilitates the growth of religion by permitting new faiths and churches to spring up as people respond to them. Enforcing the free exercise clause offers some problems, in particular that of regulating behavior that may have a religious motivation. The courts have said we are free to believe but not necessarily free to act. Thus the courts will not always permit what a religion commends. In consequence, they have allowed the government to ban Mormon polygamy and have not allowed the Amish to exempt themselves from paying Social Security taxes; they have upheld a ban on Indian use of peyote for religious reasons but have allowed religiously justified animal sacrifice.

Though the free exercise clause is a fount of continual litigation, its general purpose remains clear. It was well understood when first put into the Bill of Rights: no one, so far as anyone can tell, disagreed with the view that everyone should have religious freedom to worship or not as each saw fit. Nothing of the sort can be said about the preceding part of the amendment, the so-called establishment clause. No one, including whoever wrote it, has ever provided a clear understanding of it. James Madison proposed to the First Congress language specifying that no “national religion” shall be established. Once it got to the floor of the House, it was changed to read “Congress shall make no law establishing religion.” In the Senate, the language was still different: “Congress shall make no law establishing articles of faith, or a mode of worship...” Though different, all these versions had two things in common: they were restrictions on what the federal government, not state governments,

could do, and they were aimed at preventing Congress from creating a church or telling people how to worship in one. What emerged from the conference committee was the ambiguous language we now have: “Congress shall make no law respecting an establishment of religion.”

What in the world does “respecting” mean? No one has any idea. The members of Congress who voted for it left no commentary, nor did anyone else. The Supreme Court, however, has created its own commentary. The decisive case, *Everson v. Board of Education of Ewing Township*, was decided in 1947. In it, the Court allowed New Jersey to reimburse parents for bus fare to school, including to parochial schools. But

in the same ruling, it announced that the “respecting” clause erected a “wall of separation” between church and state. That phrase was written by Thomas Jefferson in 1802 in a letter to a group of Baptists in Danbury, Connecticut. Jefferson, recall, was not at the constitutional convention and was not a member of the Congress that wrote the First Amendment. He was in no position at all to explain what “respecting” meant. Moreover, he was a religious radical who had worked hard to separate church and state in ways that most politicians disliked. But the Supreme Court liked his phrase and decided that is what the clause meant.

Incoherent Case Law

Today it requires a lengthy textbook to describe the ways in which the Court has enforced the wall or permitted (as it did in the 1947 case) governments to dig under, crawl over, or run around the so-called wall. Consider how often the wall is breached: “In God We Trust” is printed on our dollar bills and “One

nation, under God” is part of the Pledge of Allegiance, but we cannot permit a nativity scene to appear in a court house. The House and the Senate begin each meeting with a prayer and the government pays ministers of various faiths to be chaplains for the armed services, but we cannot allow a nonsectarian prayer to begin a high school graduation. The federal government can use the G.I. bill to pay the tuition costs of veterans attending religious as well as sectarian colleges, but states cannot supply financial aid to students attending parochial schools.

It is pointless to belabor the obvious: the Supreme Court has created case law about the establishment clause that is to some significant degree incoherent. Incoherent, but not uncodified. In 1972, the Court, in the case of *Lemon v. Kurtz-*

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man, set forth three rules for deciding when a statute could involve religion. First, the statute must have a secular purpose; second, its primary effect must be one that neither advances nor inhibits religion; and third, it must not foster an excessive entanglement with religion. But as Professor Henry Abraham has noted, on the very day that *Lemon* was announced, the Court decided that it was constitutional for the federal government to spend a quarter of a billion dollars for constructing buildings on private, including religious, college campuses. Among the reasons given by the author of this opinion, Chief Justice William Burger, was his claim that parochial colleges are less involved in religious indoctrination than are parochial high schools. May I enter a mild dissent? I attended a relentlessly Baptist college where chapel was compulsory and I (a Catholic student) was given as my academic adviser a Baptist professor who asked me why I did not become a Protestant.

The case law that has tumbled forward since the 1947 *Everson* decision cannot be reconciled by any set of rules. In 1947 New Jersey could reimburse parents for the bus fare they spent sending their children to parochial schools, but in 1972 the Court struck down an Ohio plan to give \$90-per-year tuition rebates to children attending parochial school. In 1980 the Court allowed New York to reimburse parochial schools for certain state-mandated expenses even though in 1977 it had overturned New York's effort to reimburse parochial schools for certain kinds of record-keeping. In 1992 the Court said that a rabbi could not give a nonsectarian invocation at a public school graduation, but a year later allowed a student-led graduation prayer.

The central problem that the Supreme Court has never faced is this: the First Amendment clearly prevents the government from requiring or imposing religious practices (such as a mandatory school prayer or paying tax money to a specific religious institution), but there is no substantial evidence that the framers of the First Amendment ever meant for it to ban nondiscriminatory government aid to all religions generally. The *Lemon* test is an error, because it forbids any government aid that might advance religion generally or that might "entangle" the government in religion, no matter how nondiscriminatory the aid or the entanglement.

Unwanted Government Pressure

But there is another side to the problem of government aid to religious institutions. Federal money brings federal rules, and federal rules can harm, distort, or even crush religious experiences and greatly burden the small ministries of most churches and synagogues. Getting and accounting for government

money is a task for a trained lawyer and accountant; most churches lack the services of such professionals. Though Congress might have the sense to modify the regulations now governing institutions it funds, left unchecked one can imagine a church grant being subject to a minority group set-aside, church leadership being reshaped by equal employment opportunity criteria, and church membership falling under the Americans with Disabilities Act. Government aid tends to turn aid recipients into the organizational equivalent of the bureaucracy that supplies the aid. The essence of the religious experience is, I think, not one that could be supplied under the aegis of the *Federal Register* and the United States Code.

Imagine what would have happened to Alcoholics Anonymous if it had taken federal money. Its mission would have been shaped by government advisers and its appropriation defended by an AA pressure group.

I suspect many, probably most, Americans want to have the government—though not necessarily government aid—held at arm's length from religious institutions. Though there seems to be widespread support for allowing school prayer (a mistake, in my view), there is also widespread aversion to making religious activity mandatory. Americans are, more than the people of almost any other industrialized nation, religious, but as Alan Wolfe has pointed out in his new book *One Nation After All*, Americans are reluctant to impose religious views on other people. His data suggest to me that though Americans are opposed to a constitutional wall of separation between church and state, they tend to support a cultural wall. That cultural wall seems to reflect the growing American recognition that we are, indeed,

a multicultural society in which every group owes every other one a substantial degree of respect. Wolfe suggests that Americans are loyal to "the essential truths of transcendental moral principles" but they are also willing to apply them flexibly. By flexibly, Wolfe means with reasonable deference to the personal and cultural circumstances in which ordinary people find themselves.

What Is to Be Done?

If religion is an important source of possible personal transformation but any direct involvement between the government and religion will be denied by the Court, corrupted by Congress, and opposed by the public, what is to be done? I suggest that we must facilitate the movement of private funds into church-connected enterprises that have as their goal the kind of personal transformation that is required if we are to rescue people from social pathology.

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A great deal of money—in 1993, as much as \$57 billion—now goes from individual Americans to religious groups. Most of this money is to support churches and synagogues; not much, I suspect, is for important forms of religious outreach. And however the money is used, very little comes from corporations or foundations. Yet corporations contribute large amounts to secular establishments—schools, hospitals, and cultural entities.

We need a faith-based equivalent of the United Way. Not exactly the United Way, of course, but rather an independent organization that identifies useful faith-based outreach programs aimed at the kinds of personal misconduct—alcoholism, crime, delinquency, drug abuse, and single-mom pregnancies—about which Americans are so deeply, and so rightly, concerned. There are countless such church-based efforts. Professor John DiIulio and his associates have catalogued them in several cities. We now need to move beyond a catalogue and toward a switchboard that will direct private giving toward useful programs.

By “useful” a scholar usually means “empirically tested,” but empirical tests are hard to arrange for small, understaffed, and underfunded activities. It would be better to limit the word useful to mean having passed a few simple tests: the program is aimed at reaching people at risk for harmful behavior, is financially honest and intellectually serious, and has won the esteem of knowledgeable observers. In time, perhaps we shall know more about such efforts; some might even be evaluated. But initially, evaluation is much less important than effort.

The amount of money that could be raised by a United Way for Religious Outreach is not trivial. Corporations almost never give their charitable dollars to religious

groups, in part because they believe, rightly, that supporting churches is a task for church members and in part because they fear, understandably, criticism from people skeptical of religious activity. But the employees of corporations can make contributions to a variety of enterprises in ways that lead to their donations being matched by corporate funds up to some annual limit. Rarely, however, are faith-based outreach programs on the list of charities approved for such matches. If in each large city there was a United Way for Religious Outreach, it could provide guidance for corporations willing to look for church-based outreach programs and for corporate employees eager to contribute to a particular kind of church outreach. Both corporations and individuals now give money to programs designed to help the needy, but only the largest ones attract support. The Salvation Army, for example, deservedly gets such support, but smaller versions of the same religious effort—small churches with one or two ministers and a handful of volunteers—get nothing.

Helping the kind of personal transformation that is the core function of religion requires that we expect no broad changes, little in the way of a mass movement, and not much in the form of verifiable data. Faith can only transform one person at a time, and then only as the result of the personal attention of one other person. This is not an activity of which research foundations or schools of public policy know much. Or care much. But it is, over the course of human history, a powerful force that has shaped nations and cultures. We ought not let constitutional scruples or personal reservations impede what may be the last best hope of the utterly disadvantaged. ■