

DeVane Lecture Discussion – April 12, 2001

Good afternoon and welcome. I am here with my Law School colleague, Professor Stephen Carter, to discuss the themes raised in his fascinating lecture Tuesday, “Can Democracy Tolerate Religion (and Vice Versa)?” I have to begin by noting that, in addition to being Law School colleagues and friends, Steve and I are also both teachers of contract law. And I was struck, listening to the lecture on Tuesday, Steve, by the large role that contract imagery played in your account of the relation between the state on the one side and the religions -- various religious communities of faith -- on the other. At various points, you described this relationship as a truce, a contract with implied terms and conditions, and of course, being such, liable to breach by one party or the other or both. And toward the end of your lecture, you, in fact, suggested that breaches on one side very often are a provocation to reciprocal breaching activity on the other—all of which made eminently good sense to me as a contracts teaching. But I was wondering if you could fill that out a little bit. In particular, here are two questions that I would like you to say more about. First, you said in the lecture that the state and the religions are in a kind of competition with one another—a competition to explain the meaning of the world. And I think it’s easy enough for all of us to understand how the various religions attempt to do this, one way or another. But in what sense is the state, the political apparatus of our democracy, in the business of explaining the world at all, as opposed to simply assuring conditions of peace and stability and leaving the issue of ultimate meaning to each of us as individuals?

SC Actually, I would like to go back and start with what you started with—that is, the contract image itself, because, while it’s just a metaphor, just the way the wall is, one thing that you and I know as contract teachers is that, while a breach of a contract might lead someone else to decide to breach also, that’s not always justified, that’s not always the proper legal result. Many times there are things short of a full breach by the other side that are the appropriate behavior and I think that could often be true here. One of the ideas I’ve flirted with but didn’t include in the lecture, for example, is one could envision the request or demand or whatever one wants to put it, for public funds to go to, say, religious schools as a kind of seeking damages for breach in the sense the public schools are not doing whatever it was they were expected to do. Which leads to the second point about meaning. The state teaches meaning in a lot of ways. It can’t help doing it. No matter how much into the background we try to thrust the state, there will always be some minimum vision of the good that the state is pursuing. You know, if the good is no more than the good of saying each of must pursue the truth for ourselves. But actually, there’s a little richer vision, whether we like it or not. Think of two fairly simple examples. Example number one is the fact that in most of our high schools around the country, and many junior high schools and middle schools, we still elect the student government and the fact that the state models election, even for young people, as the proper means of selecting leaders and representatives is a very important teaching tool. It teaches a value about voting, it teaches a value about representation, it teaches a lot of things just through that one little model. That’s an example of a small way, but a very important way, in which we transmit an important democratic value through the actions of the state.

Another example (and I’m choosing these examples advisedly because, of course, the fact that the state teaches meaning doesn’t mean that the state teaches meaning wrong) is something like racial desegregation. I’m not here speaking about the racial desegregation of our public

life—public schools and so on. I'm speaking about the racial desegregation of private life or deciding that we're going to have not only a constitutional rule that applies to government, but statutory rules that apply to lawyers, private colleges and universities, public accommodations, and so on. And that's also the state being involved in the world in a way that's doing more than simply sitting in the background letting people pursue. It's saying that, maybe, in order to accomplish that goal, we're going to rearrange what has been taken as the status quo and we're going to do that as a matter of law.

AK That's an interesting response because, in the formulation in your lecture, you said, "The state and the religions are in competition to explain the meaning of the world." And "the world" suggests the totality of things, all of the social relations in which people engage with one another, the whole shebang. It's easy enough to see how the state is in the business of attempting to secure the primacy of a certain set of meanings for a range of activities limited to a particular sphere or domain. But, of course, you're absolutely right, those ideas which begin in the public square have a certain expansiveness and may, indeed, need to be developed and carried beyond the circle of their origin and original formulation if they are to be finally secured. Do you think . . . is the state an imperialist of meaning?

SC I wouldn't say the state *qua* state is an imperialist of meaning. At least not through some intention or conspiracy or something like that. It's simply, I think, that people who are deeply committed to a vision of truth tend to have very little patience with persuading people over time that this is a better vision through, say, the way they live their lives or something like that, and tend to be more comfortable—for whatever reason—maybe it's a sign of our age—beating down doors, perhaps, than knocking. Let me give you a couple examples of this. Example #1—take something the state does and then I'll give something that isn't so much state. Take the battle I talked about briefly Tuesday over the teaching of evolution in the public schools. I guess I should backtrack and say—because some people have asked me this in the past—the way I first came to the topics I talked about Tuesday was, in my first years at Yale Law School, back in the early 1980s when I used to teach Law and Science, and it was through extended reflection on the cases about evolution and creationism that I began to think seriously about religion as a topic of scholarly study. But if you think about the evolution case, what's really striking there is you do see a very direct clash of world views. This is not simply a clash that's about fundamental democratic values. This is a clash about two sharply different ways of looking at the world. And the state is asserting, for all sorts of reasons which may be persuasive, that its way of looking at the world is the better way of looking at the world. So much better that it's willing to take children whose families want them to learn to look at the world a different way and say, "No, no, your children must learn to look at the world this way as opposed to that way." And the state might say, "in addition to," but it really means as a practical matter "as opposed to" that way. You see this sometimes. There are some interesting situations that arise when you have students, say, taking biology and instead of writing on their exams, "So and so evolved from so and so," they want to write, "Scientists believe that so and so evolved from so and so," and things like that, which is one of the situations where you may sacrifice clarity in a search for accuracy.

AK If I could just interrupt for a second . . . In that debate are so many of these points of conflict or struggle. Each side claims for itself the virtue of humility. Those on the side of the state say, “The religionists believe they have the absolute, final truth and want to pass that on in a doctrinaire way to their children and followers and so on. We believe in enlightenment and freedom of choice and spreading the full menu of alternatives before the enlightened individual and letting him or her make up his or her mind. And that’s the pathway of humility. And the alternative is arrogance and pride.” And, of course, then you flip it around and, from the standpoint of the religionists, it looks as if the state in its know- it- all superiority is trying to force on the humble and devout people of God its own prideful and arrogant conception.

SC I think you’ve captured the views exactly right, and that’s one of the reasons that these battles are so hard fought, is the very strong commitment on both sides to truth. This isn’t an area you can compromise. There’s not, for the people who are certain on these matters, a lot of middle ground. There are other areas where you can find middle ground and those battles go away, but there are some areas where you can’t. And either somebody is going to win, or you’re going to end up with a more decentralized model of their education or modes of living or something else, where people live more separate lives, trying to create their own communities of meaning. That’s a lovely dream. You see it in a lot of the communitarian literature. Technology’s communication makes that a little bit unlikely, which is really the second point I wanted to make—that a lot of times, our discussions of church and state are carried on without the additional layer of culture, which both affects and is affected by both of them. I know, Daniel Patrick Moynihan, in a book he wrote a couple of years ago, said that liberals and conservatives each have a great idea. He says the great idea of conservatism is that culture matters more than government. The great idea of liberals is that government can affect culture. And I think he’s right to identify those both as true ideas. They’re not inconsistent. When you think of separation of church and state, what’s striking is that, for the people on the church side of the wall—at least those who are dissenting—it’s not merely, and I would say not mostly, the state they’re dissenting from. It’s mostly the culture they’re dissenting from. Of course, no one guaranteed them a wall of separation of the church and culture and that, in a way, is where a lot of the problem arises because a lot of meaning is fed by and feeds into and feeds through culture, which then, of course, affects both government and religion. It’s easy, I think, for people on the church side of the wall, dissenters, to see government as the enemy where, really, it’s government affected by or affecting culture.

AK Perhaps the failure of government to come to the aid of the communities of faith in their effort to resist certain cultural tendencies looks like an act of aggression.

SC And that’s where the tension with democracy comes in because, a lot of times, the religious will say, “This art or this music is destructive to our faith. Therefore, you should ban it. You should do something to contain it . . .” But in a democracy, there are these other groups out there who say, “But for us, it’s something we embrace. For us, it’s something we want.” Put aside the issue of rights. Just think of the balancing you have to do in a pluralist democracy and, for the religionist who feels threatened, like anyone else who feels threatened, the easiest thing to do is to say, “When I look at what’s threatening me, I feel so frightened of it, the best thing to do is to get rid of it altogether.” Part of the tension comes exactly because of the need the state has to strike that uneasy balance.

AK Let me ask you one more question. Then we'll open it up to our friends in the audience. I had the sense, especially toward the end of the lecture—now you didn't say this is as many words but it was, I thought, at least tonally implicit in several of your remarks -- that in recent years, at least, if there has been some breaching activity going on, it's been mostly breaching on the state's part and, to the extent that communities of faith are pushing back, they are doing just that, pushing back and responding in kind to a situation of discontent for which the state is primarily to blame. Am I wrong to think that, in some way and to some degree, you would locate a heavier burden of blame—if blame is the right word—for the tension in the state?

SC I don't know if I would say "heavier," Tony. I think one of the reasons that I pressed so hard on that point is that, as a general proposition, we tend not to think of the state as being to blame at all. It's easy to see outbreaks of religionists crossing that sacred line. But I think we pay insufficient attention to the sorts of things they're responding to. So I'm not trying to suggest that the state is more to blame, but that we do have to take account of the extent to which things that look like breaches to some dissenting religionist—and also some things I think we could identify as breaches in theory—may provoke some of the activity on the other side of the wall—or crossing the wall—that we might see. So I'll make very clear that, if I didn't clarify it enough Tuesday—that when, for example, pastors and other religious leaders are out there endorsing candidates in particular, or working for the election of one side, I think this is a very clear breach of the wall. This is a clear example, I think, of the church trying to do the state's work, trying to do the work in the wilderness. As you know, I don't feel that way about general advocacy about moral issues. But on the particular issue of endorsing candidates, I think that's a very big difference.

AK Well, this is a subject that's filled with puzzles and tensions and interesting questions, some or many of which I assume are on your minds, so I invite you to join in the conversation, come to the microphone, and interrogate us, or enlighten us.

Q I'll give the question a try. I don't know how enlightening it will be. I wonder if I could ask sort of a comparative question because, although your lecture is entitled, "Can Democracy Tolerate Religion and Vice Versa," you really talked about American democracy, with our own constitutional tradition. I can think of at least two western democracies that have established churches—that is, Great Britain and Israel. Maybe there are some others that I don't know about.

SC There are quite a few.

Q And for those democracies, the wall between church and state would be differently defined, but is there something that you can say about the tension between religion and democracy that transcends just America with our own peculiar constitutional tradition and say to what extent religion can become so powerful or, I suppose, so insignificant that there is no longer an appropriate co-existence between democracy and religion?

SC I want to make clear that what I was trying to suggest in my lecture was that the separation of church and state, which we think of as a fundamental principle of democracy,

probably is not. It's an artifact of American history, American culture and the American experience. I happen to think it's a very desirable artifact, but I think it's an artifact. I think it's very hard to make the claim, for the reasons you suggest. Now, there are a lot of countries in the world that we would recognize as democracies, that have established churches, although some of them have recently disestablished them, but the Scandinavian countries, for example. And there are others that, while they don't have formally established churches, do a lot of things that we would consider establishment. So the crucifixes in the classrooms in Germany are an example of that. Or the aid to religious schools in France and India and Holland and Scandinavia and Great Britain and Israel and so on—a lot of things like that. Those, I think, are fairly low level questions. That is not a big issue of oppression, I think, one way or the other. What's interesting is the established church question and the question of religious law becoming the law of the state. There's an article in this morning's paper—this morning's *Times*—I looked at.— maybe some of you saw it—about the first effort, apparently, in Israel, to enforce a 1986 law that bars the display of leavened bread in commercial establishments during Passover. It was passed in 1986, plainly passed as a kind of political payoff to religious parties at that time, but never enforced. Now, suddenly, the new Interior Minister wants to enforce the law. I don't know what's going to happen with that law. Israel is an interesting and unusual case, in part because it's not clear that Israel has an established religion. In the Israeli constitution, for lack of a better word, it's fuzzy on the point of whether Judaism is an established religion or a supported and protected and specially nurtured and cherished religion, which may be different. Go back to the example of England. The experience we've seen in the countries with established churches that are democracies is that, for the most part, the establishment has, in the democratic period, weakened the church. It hasn't, that we can see, taken away a lot of fundamental freedoms of people or anything like that. But what it has done is done a lot of harm to the church. Church attendance has fallen off, people have stopped taking the preaching as seriously. There are a lot of things that have happened. It's really quite striking that religion, despite many predictions to the contrary, has remained enormously robust and enormously diverse in America and one of the standard explanations in the literature is that it's exactly the non-establishment that has enabled that to come about. It's that religions must actually compete for people's hearts and minds. Nobody has to go anywhere. It's funny. C.S. Lewis, in one of his books, celebrates the parochial and derides the congregational system. The parochial system, as some of you may still be aware, is the idea that you live under a national church that's divided into parishes—whether it's established or not doesn't matter. It's a national church that's divided into parishes, and you go to the parish church nearest your home and that's how you know where you're going. C.S. Lewis says, "This is real church." The congregational idea that you can choose the place where you feel you're being called to be is very antithetical to that. The established church is more like the parochial idea. And what's striking is that, except for the Roman Catholic Church in the United States, churches that are established on the parochial model are dying. The Roman Catholic Church is going great guns in terms of membership. The other ones that are established on the parochial model—like the Episcopal Church—are really dying. And they certainly stopped being parochial as well.

One last point, kind of a summary point, generalizing about religion and democracy. As a general point, I would not say everyone needs separation of church and state in the American sense to be a democracy. I do think that in every democracy, establishment is going to be a bad deal for religion. It may sometimes be a bad deal for the democracy, but it will always be a bad deal for religion. It's not clear that establishment is a bad deal for religions in countries that are

not democracies, but that wasn't the subject. These, then, have more cores of power and they may think they're doing well. But I also think that, in a democracy—especially a pluralist democracy—the more that you adopt religious law in the sense of observance, whether it's the Passover law we were just talking about in Israel or the Sunday closing laws they used to have in the United States—I don't think that's oppressive, really, in the grand scheme of things but it is irritating and annoying to the extent that it ultimately creates a backlash, I think, against other things that whatever the religion is might be trying to do.

Q I heard two different themes on the state and religion Tuesday—at least two. One that you and Dean Kronman have been speaking about now, which is the possible conflict between religion and the state. But, equally, a very strong part of your lecture was on the way in which the state requires religion as a fertile ground for the formation of character and the production of dissenters who have this other view of truth. I wonder whether there wasn't—to sort of borrow Daniel Bell's "Cultural Contradictions of Capitalism" thesis and put it in a different light—a kind of religious contradiction of the state.

SC Could you come a little closer to the microphone?

Q Sure. Whether there isn't, following Daniel Bell's "Cultural Contradictions of Capitalism" thesis, a religious contradiction of the state whereby the religion is required in the state for all the reasons that you brought up Tuesday. And yet, simultaneously, the state always needs to be putting religion in its place as a method of affirming the centrality of certain public virtues. And I wonder, if there is that contradiction—necessary contradiction—how you thought that played out in American society?

SC My answer would be, basically, yes with minor exceptions I'll explain in a minute. At their best, it's the nature, I think, of religion and the state to be in conflict, to be in tension, to be pushing back and forth, to be pushing against each other. I do think that a democratic state with a rich plurality of religions is going to be a richer, more thoughtful, more dynamic state than one without that. It's not that other people can't reach right reasons. I think that's a different kind of conversation. But what makes the conversation so dynamic, in part, is the pushing back and forth and the argument. Now, I said, with certain exceptions. The trouble with the contradiction model: Charles Black, almost a half century ago—the great legal scholar—made a very important point about constitutional law that's often overlooked—that those of us who teach constitutional law often fall into the trap of describing the Supreme Court as a check on the other branches of government. It's the easy, conversational way to describe what the Court does. But what Charles Black pointed out is the Court often does its most important work when it upholds the actions of the other branches of government, assuring us that the Constitution has not been violated. So similarly, while I think this tension is important, I don't want to suggest in any sense that that could be the only role that the church and state can play. Otherwise, they're just constantly whining and carping at each other in some sense. And so we take something like the Civil Rights movement, which involved a lot of different people—some of them very religious, from a variety of religions, some of them non-religious—there was a large religious component, so large, in fact, that it was debated on the floor of the Congress by some people in religious terms. I think that when that movement had its greatest successes (I'm here speaking of the mass protest wing—so we're talking about the Civil Rights Act of 1964, the Voting Rights Act of

1965 and the Fair Housing Act of 1968—those are the great successes of the movement) I think it would be fair to say, at that point, that the religionist who pushed for those can step back and say, “The state did the right thing,” as opposed to saying, “Well, I have to complain about those because the state did them.” This tension is really a kind of dialectic because there comes a point at which, in a democracy, you’re going to see some shifting of ground on both sides and they’re going to agree on some things, I think, and move on.

Q I wanted to get your opinion on President Bush’s new Office of Faith Based Initiatives—whether you think that presents another opportunity for religion and politics to degrade each other and, if so, in what way?

SC As I was once described, I am both for and against this program. My constitutional scholar side says that, if you’re going to have a public trough at which organizations are allowed to feed—that is, if we’re going to have a welfare state—that you cannot discriminate on the basis of religion in saying who can feed there. So as a practical, constitutional matter, I don’t think there’s a constitutional problem with it. But that’s my constitutional self. My self that thinks about religion, my Christian self or my more sociology-of-religion self is quite worried about initiatives like this because what I just described is not, I think, the ideal model of religion. To say that religions ought to be able to feed at the public trough, like everybody else, is not to the same as saying that they ought to feed at the public trough, like everybody else. Reducing religions and congregations to people fighting for some pieces of public money is not a very attractive vision to me. Having said that, for me, that doesn’t mean they should not be allowed to do it. It means they should be prayerful about thinking about it but it doesn’t mean they should not be allowed to do it. So in that sense, I think the initiative is fine.

It’s really quite striking—you may have read in recent days that to the surprise, I think, of a lot of Republicans, a lot of white evangelicals have come out against or at least have been skeptical of it. They should not have been surprised that they came out against it because there are very deep separationist currents in the evangelical community that would leave even a lot of very conservative evangelicals uneasy. Now, the stated ground of the uneasiness is a different problem. The stated ground of some evangelicals was, “Well, we give money to all these bad religions,” but, of course, that’s the only constitutional defense of the program—you’re going to be non-discriminatory. So they seem to be saying they’re against it because it’s non-discriminatory. I think that’s a very weak ground of opposition. But the notion is kind of, if you give them money, you acknowledge them officially, in some way. What’s striking is that the conservative evangelicals against the program are arguing exactly the grounds that other people argue against other aspects of religion in public life. My feeling is that the deeper concern is that -- the traditional Baptist separationist concern, for example -- has been a concern about all connections between religion and centers of power, whether they be centers of hierarchical religious power, centers of government power, centers of money influence. That’s all been viewed as the things of the world and an object of skepticism and so it should be actually very natural—whatever the stated reason—that there would be some evangelical skepticism of the program.

AK Let me just develop this one step further. Here’s a very familiar view—ancient view, really: the world of politics is a world of corruption, of vice, of power, of brutality. And it must be, to some extent. The great politician is the one who is able to be brutal for goodness’s sake.

But brutality comes into it very much and it's corruptive, or at least it has a corruptive potential. So someone who wanders out of the garden and into the wilderness of politics, for the very best of motives, risks the contaminating effect and influence of living and working and operating in this scheming, manipulative realm of human action. And so, if one is to venture forth from the garden of faith into the wilderness of politics, it has to be for the sake of a clearly defined cause motivated by the sharpest and keenest of moral sentiments and as a temporary foray rather than a lasting venture. So the Abolitionist Movement, the Civil Rights Movement, you could think of them as one-time correctives for a terrible injustice, each characterized by the extraordinary purity, clarity of the moral claims which were being advanced by those who, in the name of righteousness, came out of the garden and carried the torch. And it comes back, in a way, a bit to the question that was asked before. You suggested, I thought quite interestingly and reasonably, towards the end of the lecture, that the state depends upon the voices of dissent that come from time to time, that it needs its Jeremiahs and Isaiahs who come to preach redemption from the debasement and corruption into which the political world has fallen. But that you don't want that involvement to become institutionalized. With every institution comes the risk of sinking down into the ordinary field of political brutality.

SC I agree with that and, while I didn't come here today to sell my book, I published a book in the fall about religion and politics. And one of the things I talk about in there is that, if you look historically, what's quite striking—even if you just look at the late years of the 20th century—what you see is that there are two large, significant, powerful movements of religious people into public life. You see them successively. You see that with the black clergy in the '50s and '60s in the Civil Rights Movement. And you see it with the conservative evangelical clergy in the '80s and '90s with their various conservative religious organizations. What I suggest in the book is that each of these groups began with a sense of what you described: "We have a pure issue out there for which we're fighting. That's why we're there." And each of these groups, in its different way, ends up liking it there so much that it became, in effect, a stable, reliable building block of an electoral coalition. So the black clergy is viewed by the Democratic Party as something it owns. The white evangelical clergy is viewed by the Republican Party as something it owns. And one of the things that happens in that situation is that you like being an insider, you think you have what Jesse Jackson called "a seat at the big table." It isn't anything. You've lost the purity of the message, spent too much time in the wilderness and away from the garden, and you're nothing but another political insider, softening the word, altering the purity of your teachings while you scabble for every day electoral advantage. And it's interesting: C.S. Lewis predicted this. He wrote an essay—40, 50 years ago—in England, in opposition to the formation of a Christian Party in England. And the essay which is called, "A Meditation on the Third Commandment," says that a Christian Party is a contradiction in terms because either, he says, it will be a political party, which means it will win elections and it will twist its religious message in order to win—therefore, he said, it wouldn't be Christian. Or it will preach the whole gospel and everybody will despise it and it won't win any elections. So it can't be a Christian Party. The point he was making there as he went on in the essay was that that's what politics is. Politics involves compromise and muting and spinning, as we would now say, and those are not bad things in and of themselves. But those are not the right things to do with a pure, clear religious mission. And that's always been a bad thing. One last point about this: If you read through, say, a collection of Martin Luther King's speeches, it's really quite striking, the drop-off in quality between 1963-64 and 1964-65—and then the rising

quality after that. What was different? Well, from the 1950s to 1963, King was the outsider, raising a dissenting voice against all the odds. '64-'65, he's an insider of the Democratic Party and you can read in his speeches and sermons, basically saying, "Go out and vote Democratic," in a lot of them. Then after his break with Johnson over the war, then you see the great soaring power of the last two years of his ministry—'67 and '68—really beginning in late '66. If you read it all through, you can feel the difference in the eras when he's an insider thinking about electoral victories, and he's an outsider, simply calling the nation to redemption.

Q. One of the main breaches that you spoke about in terms of the state breaching the wall involved science—just as you were talking about earlier. And we had a lecture earlier in this series about how American democracy helped create the rise of biotechnology, the rise of certain new sciences. And I'm wondering if that rise of science, in terms of prestige and in terms of results in some way has been a part of the added breaches in the sense that it lends credibility, whether it's culturally or academically or however that is—and if you see that as a continuing trend as things like the human genome project produce further possible results or understandings?

SC I agree with about 80% of it—that is to say, it is certainly correct, I think, to say that there's a deep connection between American democracy and the rapid progress of both science and technology. I think it's also fair to say that Americans, generally—when people think of Americanism in the sense of what people actually value about living here—I think one thing that a lot of people value, even people who pretend not to value it in many cases, is a certain level of science and technology, including science and technological progress. Vanover Bush, who was Eisenhower's science adviser wrote this book, *Science, the Endless Frontier*, in the 1950s, which talked about this very point—the connection that he saw between Americanism and scientific progress. But there are some problems, there are some weaknesses. The most obvious problem, the challenge—or the conversation, the dialectic between science and religion -- might run something like this: if you're thinking about what's most important to teach young children, it's not obvious at all that it's more important that we have a lot of adults who know how to do gene splitting than that we have a lot of adults who know whether to do gene splitting. One of the problems, of course, is with science conceived as Americans tend to conceive it—very pragmatically, the answer to concrete problems, "Fix this for me." Conceived that way, we don't look at science as something about which we should engage in and sustain reflection. We look at it as the solution to problems and if a problem arises with the science itself, you will just fix it with more science later on. So if pollutants in the environment cause cancers, it's OK—we will find a cure for those particular cancers at some point, and so on. That's kind of the mindset one gets into. We see ourselves piling technology on technology. Progress may be a good thing—I wouldn't suggest that change is bad. But change by itself, change in our abilities without change in or at least opportunities for more reflection—that's a very different matter. And at the very least, it seems to me, religious communities with their eyes on transcendence ought to try to keep alive, at minimum, some level of moral debate about how we use our rapidly spreading technology.

AK But have you put your finger on the source of the tension between science and religion? What you've just described is the distinction between means and ends, between instrumental rationality and deliberation about the aims or objectives of what you're making and using these

instruments for. And, of course, it's terribly important that we think about ends and that children be taught to think about ends at a very early point in their lives. But the ends that we embrace and to which we appeal in deciding what forms of instrumental knowledge are appropriate and useful and desirable can have many different sources—religious and otherwise. A died in the wool secular humanist might say, “Well, I believe deeply in what you’ve just said and moral education must be a necessary complement to science training, but it ought to be the morality of a disenchanted liberal humanism, which rejects the claims of the transcendent,” and so on and so forth. The tension between science and religion is very real and very deep, very profound. But say some more about it...

SC Fair enough. There are a couple of different ways of looking at the tension between science and religion—if there is one, and I want to emphasize if there is one. And let me say a word about it historically and a word about it, if you will, epistemologically. Historically: one of the things that leads to the rise of fundamentalism in Christianity, as well as to some interesting fundamentalist movements that developed in other traditions around the same time, is, of course, the dawn of the scientific centuries—the end of the Industrial Revolution of the late 19th century, the sudden new excitement about scientific discovery—excitement that’s dampened only slightly when the Head of the U.S. Patent Office, in around 1896, proposes closing the Patent Office on the grounds that all the inventions have already been made. But you have this tension arising and a lot of the tension, of course, centers around Darwin. It centers around Darwin in three different senses. One is just on the facts of the matter. The literalist who says that the earth is, maybe, 35,000 years old is suddenly with a theory of evolution that requires millions of years. At this point, Darwin wasn’t dating rocks. Darwin was figuring out how much time it would take to do these things. So the first problem is that it would take a lot of time—that’s one problem. So the time is a battle for the fundamentalist Christian already. The second problem is that you have the notion of humans evolving from lower forms—another problem. And a third and most interesting problem . . . Really, the heart of the challenge that Darwin sent down to traditional religions in many different places wasn’t on evolution itself, wasn’t on the time. It was that human beings were not an act of special creation, that human beings came along the same way every other creature did. That was the challenge. There wasn’t any special mechanism, any need for any special interference in a process, that it was just like everything else. That battle, between religion and science, just on that subject, continues to be fought in interesting ways to this day. A lot of the battle over the teaching of evolution in the schools actually still centers on this point, on whether human beings are just like everything else. So a lot of the opposition you see to certain lines in textbooks has to do, not with how old the rocks are, but with comparisons between human beings and other animals. Now, why does that matter? It matters because the religions in the western tradition—here, I’m speaking of Christianity, Judaism and Islam—have had two ideas that have been closely linked. One is that human beings are special in God’s creation. Another is that one of the ways in which human beings are special is their ability to, in some sense, master their impulses. And so a lot of traditional religion in the western practice has been, until the mid-years of the 20th century, about living a certain kind of disciplined life, mastering one’s other less desirable, less attractive—animal, if you will—self. Now, of course, Darwin comes along and says, “But that’s who we are,” and then Freud comes along and says, it’s not only who we are, but trying to master our impulses can be enormously dangerous and cause enormous problems. And these two rifts, of

course, traditional religion is still reeling from when it really never quite got over not being unique in the cosmos 400 years earlier. So there's the historical problem.

But there's the epistemological problem also and I think that is of some importance, although, I think, in the long run, religions mostly will have to make their peace with this, although some will not. On the epistemological problem about the ultimate source of knowledge—now that gets very tricky. The revealed religions teach that God has revealed himself, his plan, whatever it might be, to the world. Now, they may differ about the source of revelation. But they have a view that God has taught something. Now, a lot of revealed religions, traditionally, have relied on some special revelation, like a book, or the preaching of a sage, or something like that, to find out where this plan comes from. And then, early on, some of them also developed some varied notions of natural law so you can also study the world and discover God's plan that way. What's happening though, now, epistemologically, is the world study is outweighing, of course, the other form of revelation study, and traditional religions find the ground constantly shifting under their feet. Now, that creates an interesting challenge. That is, do you just go along with the times and say, "Well, maybe our doctrine is wrong. We misunderstood it. We've got to do it better because there are always other revelations in the world." That's one response and a lot of religions have coped with it that way. Roman Catholicism, for example, which is quite hierarchical in its understanding of the transmission of knowledge, nevertheless has been very clear for some long time that modern science is not a threat to divine revelation. I don't remember the phrase... "God's revelation cannot be contravened by the hand of mortal man," or something like that. But a lot of other traditional religions have been more uneasy about that, less willing to give up on, say, a literal interpretation of Genesis or something like that. If one grew up on the belief in 35,000 years. And some of that is symbolic because that's not all that's symbolized. Because if you give up on that, then you have to give up on the rules of conduct, on the other aspects of moral life that you see governed by God's word. What is really striking about traditional religion and its attitude about morality, the notion that morality is God given, which competes with the modern notion that morality is not only humanly constructed. It's also individual. There's no broad morality. There's not a right morality. There are right moralities. And that conversation, side by side with the conversation about science, raises much of the same problem. The problem is the problem of source. Last point, and then I'll stop this confusing answer. When I spoke Tuesday about the creation science cases, I talked about those as an epistemological dispute, which I think they are. They're a dispute, fundamentally, about both what counts as a source of knowledge and how you reason from that source, once you get there. But when I say it's an epistemological battle, the battle is running in one direction because what's quite striking about creationism is the felt need, even of creationists, to remake it as creation science, pointing to evidence in the physical world to try to win the point, quite understanding that it will no longer suffice to just say -- if you look at the creationist literature from 75 years ago, it's really quite striking-- "If you find evidence to the contrary in the rocks, in the soil, in the cosmos, those are just traps set by the devil for the unwary." And, of course, that could be true. You can't disprove that. But what's striking is, even though you can't disprove that, by and large, even creationists have abandoned that argument.

Q That question about source in almost your final line—"the question is one of source," goes right to what I've been hoping to ask. I took your thesis on Tuesday to be, more or less, this: that the tendency in our public culture to dismiss religious positions because they have a

religious origin or religious source is unfounded. That's what I took to be the unifying theme. But it occurred to me after the argument was done that much of the hostility and dismissal of religion is not because of its source at all, but because of, rather, the content of the religious positions. That is, it doesn't go this way. Let me speak in the voice of, say, a very secular, hostile-to-religion kind of guy. He doesn't say: "Religion is improper in the public sphere, so their arguments about homosexuality and abortion and evolution and so on should be dismissed." Instead, such a person says, "I find this family of arguments are related, all coming from the same people, which I abhor in the public sphere. One is anti-homosexual, one is anti-abortion, one is anti-evolution, and so on and so forth. And then I just notice that they all have the same source—religion. So I become, naturally, hostile to religion." The pattern is different. It's not, "Content is wrong because of source," but "Source is wrong because of content." I wonder if your arguments have, or could, address that?

SC It's interesting. There are a couple of ways to look at that. As you know, my view very strongly is that it's wrong to dismiss source because you're trying to get around the argument with content. But let's take the content for a minute. What's striking about that is, once you take the wall of separation in the way I described it Tuesday, then I can imagine an evangelical dissenter on the other side of the wall who says, "Gee, I see all these arguments in public about the same things—homosexuality, abortion, evolution—and, you know what? The people who press those arguments are always non-evangelicals. Therefore, I think non-evangelicals should be dismissed on that ground alone. I don't need to listen to them anymore." And they'd be making the same mistake. The mistake is the mistake of saying "my disagreement with you is so strong that there is nothing I can learn from our dialogue, either from listening or from talking." One of the things I talked about in the lecture—I didn't emphasize it for lack of time, but I mentioned it—was the importance in democracy and in religion of the virtue of charity. And charity, here, I have in mind not so much as giving money to the poor although that's good, too. I mean charity in our everyday dealings with human beings, the ability to look at a human being and say, "Whatever our disagreements about anything, you and I are people of equal worth. We're of equal worth—If I'm religious, we have equal worth in God's eyes. If I'm not religious, we have equal worth because of our shared humanity. But for whatever reason, we have equal worth and that, already, demands of me a certain attitude with which I will then approach those with whom I have disagreements." That's a really hard thing to do. I don't claim to always do it particularly well. It's not a matter, so much, of religious or non-religious or what religion or philosophy they happen to be. Everybody seems to have trouble with this one. But if we don't work in that direction—I know it sounds a little bit Pollyannaish but I really do believe it. I do think democracy is doomed. If we become simply a nation of people who look for the commonalities in the arguments we don't like and, therefore, dismiss those people, whoever they are, from public life, I think we're doomed. Whatever we end up with, it will not be identifiable as democracy, except for the happenstance that we'll vote.

AK I wonder how well defined the distinction between source and content is. Take the abortion debate, for example. There are people who support a free right to abortion and people who oppose it strongly. And in a debate, each side will muster arguments for and against. But each set of arguments is backed up by often unstated, but frequently quite well thought out and articulate beliefs, moral and spiritual convictions of one sort or another, and these provide, you might say, the source of the origin. They provide the intellectual and moral motive for the

position and for the arguments that are offered in the political or social debate. If the debate becomes a serious and long lasting one, as it has, certainly, in this country, there is no reason in the world that I can think of for those background, motivating beliefs not to come into the argument and to be fully disclosed and offered up and examined and challenged and contested and defended and so on and so forth. In other words, the whole underlying machinery of belief ought, I think properly, to be brought into the debate itself and if it is, then, I'm not sure where one would draw the line between what's mere content and what's source. If, at the end of the day, you say, "These are my beliefs and I've sketched them out as fully as I can and tried to make them as persuasive as I'm able, and I want to add one further fact, which is that these all have their origin, for me, in my membership in a particular community of faith." Or, "my upbringing as an individual, my family life, whatever." That autobiographical declaration may add a certain emphasis or oomph, but it's not a further argument. All of the arguments that could be made have been made at that point. It's simply a confession or a statement of how it is that one came to have the beliefs, to hold the views, and to be convinced by the arguments that have now been advanced in toto—the whole apparatus of which has been put before the . . .

Q I don't want to be stubborn but I do keep thinking, let's turn your argument around, Professor Carter, and say . . . It's not dismissing the person exactly. It's dismissing the source of that person's views. Not the religious person that's being dismissed but the religion. So imagine that you knew a person who was terribly bigoted against all sorts of things—against people from other nations, against people of other ethnicities, just somebody who you felt really—there's something wrong with this guy. And then you met another one, and you met another one, and you met another one, and you started thinking, what's going on here? I mean, this is bad. I can argue with them. I can have the first argument that Chinese people aren't inferior to whatever this person's ethnicity is—say he's white. Chinese people aren't inferior to whites. And then the next argument—Mexican people aren't inferior to whites, and so on and so forth. But eventually, you start saying, "Why is this guy so bigoted?" And you notice, well, he comes from this particular area where they have this kind of culture, and the problem is the culture. And very naturally—it's not illogical—you start to oppose the culture. That seems to me what makes the religion debate so hard. And, of course, it's not condemning this person—not necessarily. It's condemning what made this person.

SC Without disputing any of that, there are two interesting points about it. One of the points is that, of course, it still works the other way and we're in the same hopeless situation. Because then the evangelical is going to say, "Gee, if that person had been raised with Jesus, they'd have a whole different set of views. We've really got to do something about this guy not being raised in Jesus. Let's go out there and force them to pray in school and that will take care of this cultural problem." But there's another point. It's too easy a response, in a democracy, to take a view of that kind—much too easy. And it's too easy in a couple of different senses. One is that it's a categorization based on insufficient evidence, as a lot of characterizations are. Now, it's true, in our other dealings in the world, we use over-simplified categorizations all the time. We try a new brand of toothpaste once, we don't like it, we never try it again. Maybe we got the one bad tube. Maybe if we tried it ten times, we'd like it better. We don't try it again. But it's different, I think, when we do it with people than when we do it with toothpaste. One of the examples I mentioned to you Tuesday night when we were talking about this—the cab driver who was interviewed in the *New York Times*—this is probably 15 years ago now—who was

explaining why he does not pick up black passengers. He said he's been mugged by six black passengers and no white passengers, and after a while, he said, there's a pattern developing and he's going to go with the pattern. And it strikes me it's a version of the same problem, that again, it's a categorization based on a deeply over-simplified view of the world. Sometimes we have to simplify the world a lot to deal with it, but it doesn't strike me that dealing with people as individuals is the right way to do it. I said there were two points. The second point is that one of the reasons it's over-simple is because it all suggests that, well, gee, Martin Luther King was an evangelical who came out of a certain kind of evangelical culture who had a certain triumphal view of the world, and maybe he shouldn't have been there either. You run into all of these problems historically, over and over again. I will say this much, though—and this goes back to something that Tony mentioned before. Let's go back to the Abolitionists for a moment. What the Abolitionists did right was that, having kept the issue of slavery alive in the white community for about 80 years (we have the first Abolitionist society being formed in New England about 1770, something like that), they stuck to consciousness raising, they stuck to preaching the evils of slavery. Once enough people's consciousness had been raised, this became an issue to which politicians would sign on. The preachers, for the most part, faded in history. And that seems to me entirely appropriate. They had done the work of moving the nation's conscience. It's now for the political branch to figure out how in the world to fix this thing once the commitment arises to fixing it. And I believe that, with a lot of these issues, a lot of the problems that arise with some of the political preaching by some Christian conservatives today are precisely from that unwillingness to step back. That is, there's a sense that I think a lot of people have, rightly or wrongly, of people so determined to stay at the table, or so tempted by the levers of power, they don't want to step back. That's a different problem than the problem of their religious motivation, but it is certainly a place where those two things being combined can cause further problems.

Q Professor Carter, some of the earlier lectures have been about the question of redistribution and democracy as approached from different perspectives. I guess my question is, do you think that the alliance between social conservatives in general, Christian conservatives in particular, and more libertarian free marketers—I mean, the Republican, aside from its social conservative wing—do you think that's a historical accident resulting from the dynamics of political party development in the south in the late 20th century and so on, or do you think that there's something deeper, a connection between evangelical Christianity and social conservatism in general on the one hand and a hostility to redistribution—at least the extension of redistribution any further-- on the other?

SC That's a very important question. I hope it's a historical accident because this has been a very bad bargain, I think, for socially conservative religionists. Before I go any further, just on an empirical point, evangelicals have a much higher rate of support in surveys for redistributive policies than members of various mainline faiths who are identified as more liberal—Presbyterians, Episcopalians, and so on have very low rates of support for redistribution—probably because they've got money. That's the reason. But this is a very bad bargain and it's reflected in preaching in the following sense: I mentioned the traditional evangelical hostility toward all centers of power. If you go back to the days of someone like William Jennings Bryan, it's very clear, this is a hostility, among other things, towards business. Big business is bad. Rockefeller is the enemy. There's a lot of that tradition, especially in the southern, more populist

forms of evangelical Christianity. There's a lot of this hostility toward rich people and toward big business. And of course, some of that is theological and some of it is experiential. A lot of it comes out of the fact that these are people working in the mills. That's what the people were doing. What's striking is how much of that preaching against big business, which you could still find a lot in evangelical preaching, even as late as the '60s, you just don't find it as much. Now, I haven't studied white evangelical preachers as much as I've studied black preachers in recent years, but there are some people who have looked at this who say...In fact, I was talking to a preacher a few months ago, a white preacher who says, this is anecdotally—he and his friends—he's an evangelical preacher in Delaware, I think—a pretty conservative guy, but he acknowledged that he and his friends, many other pastors, find themselves having a lot of trouble articulating today that side of the evangelical tradition that has worried not about government power but about the power of business. And I wonder how much of that difficulty he is having is like a lot of the black preachers today who have trouble articulating the traditionally socially conservative theology in the black community. I think it's part of the same trouble—there's the “who your new friends are,” that you've got to fit in with, which can work some changes. So in that sense, I think it's been a pretty bad bargain for evangelicals. And I continue to be surprised that many seem not to notice, although some do. There was Cal Thomas, who was in on the founding of both Moral Majority and Christian Coalition and Ed Dobson, a pretty conservative preacher out in the Midwest, wrote this book two years ago—I think—called *Blinded by Might*, or something like that, which was basically a call for conservative Christians to get out of this electoral politics mess, to stop being involved with “we're a building block of the Republican Party.” As I said, this has been very bad. But it's not something that a lot of the people who are activists in the parties have paid attention to.

Q Professor Kronman mentioned secular humanists and Professor Carter mentioned people who were raised in an evangelical environment. I happen to represent both of those groups. There are many ironies here because I was violently saved not once but twice in my youth at religious revivals, and I spent much of my formative years—until I was practically old enough to serve in the armed forces—trying to understand the bases of the Christian and Judaistic traditions that I was brought up in. And it was that very intense study that made me into a secular humanist. I would say that we have a cultural problem in this country, but it's the other way around. The religions are in bed with the state. We had a meeting of humanist faculty—the Humanist Institute—last week in Minneapolis where we, curiously enough, pondered preliminarily having a colloquium next year on the subject, “Can Humanism Tolerate the State and Vice Versa.” I would say, having grown up in Kansas and having gone out there last year at the height of the evolution debate, that the major problem we're talking about here, which hasn't been addressed explicitly, is one of massive, incredible ignorance. I wrote a paper a few years ago called “The Dilemma of Democratic Education.” And when you have ignorant people in charge of the education of young people, what you have is a vicious circle. In this country, we have a scientifically illiterate culture. And Scientific Creationism, so called, is an attack on all branches of science—physics, astronomy, chemistry, geology—you name it. And what is called the teaching of religion is an attack on history, language studies, archeology, sociology, anthropology, and so on and so on. These sciences, if properly taught, would be greatly welcomed by humanists. But the community that we live in—the state, if you will—will not allow it because scientific study of these subjects would be too painful to those who are massively ignorant.

SC I'll make two small comments about that. One is autobiographical. I grew up in a secular humanist household and ended up an evangelical as a result of extended study. So we all have our stories to tell. I think that your point raises exactly the problem, exactly the question that I'm talking about, and from one side of the divide, that's exactly the way that it looks. That's exactly right, that there are these people out there and they don't know anything and they don't want to know anything. They don't want their kids to know anything, and that's the threat to the future of democracy. From the other side of the divide, however, it may look like something different. It may look like a morally illiterate culture that doesn't want people to think in a serious way about createdness and its implications. To them, that may look like that's the problem, that's the threat to future democracy. My point, and Tuesday, isn't that you're wrong and the other argument is right or that the other argument is wrong and that your argument is right. It's that the separation of church and state is a peace treaty that says, "We're not going to address that. We are going to find a way to let people live their lives on either side of the wall." And the problems arise because, of course, the wall is not a hermetic seal, there's constantly some slopping over from one side to the other and whenever one side slops over, people who want to live on the other side say, "Get back on your side of the wall." And you see that from both sides of the wall. My only point is that the wall is our metaphor, which I embrace. The wall is our peace treaty, which I embrace. But we've got to recognize, it's just a metaphor and it's just a peace treaty. It's not a fundamental principle. It's a way of resolving the problem of how we're going to live in the place we actually have to live.

AK That's a note on which to end. Please join me in thanking Steve Carter for this fabulously interesting discussion.