

Foreword: Church and State - Partners in Freedom

Anthony J. Bevilacqua

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

Anthony J. Bevilacqua, *Foreword: Church and State - Partners in Freedom*, 39 DePaul L. Rev. 989 (1990)
Available at: <https://via.library.depaul.edu/law-review/vol39/iss4/2>

This Front Matter is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact wsulliv6@depaul.edu, c.mcclure@depaul.edu.

FOREWORD: CHURCH AND STATE—PARTNERS IN FREEDOM*

*Anthony J. Bevilacqua***

The theme of the partnership of church and state, embodiments of religion and law, became particularly compelling last year in 1989. That year, both the church and state, the foundational pillars of our American enterprise celebrated historic bicentennials. Two hundred years earlier in 1789, the American nation began a journey along a new path under the Constitution. In that same year, the Catholic Church in the United States also began a journey along a new road. For the first time, it began to walk under the leadership of its own hierarchical Shepherd when John Carroll was appointed as its first Bishop.

At this point, I wish to alert the reader that, though I write as a Roman Catholic Archbishop and, at times, as a civil lawyer, I will use the reality of the Catholic Church in the United States primarily as a metaphor for religion in general, as an image of all religious faiths.

The new road that the church and this nation began to walk together in 1789 was primitive and perilous, with mystery always ahead. But the journey was filled with hope, illumined by law and God's word, protected by His Angels. For the most part, it has been an odyssey in which both travelers, church and state, have survived and flourished, largely because of mutual trust and friendship. In spite of attempts to separate one from the other, to put an impenetrable barrier between them, the two knew from the beginning that they needed each other, and along the way they became even more convinced of this truth.

From the very first step, it was the intent of both the state and the church that they would walk the path not as strangers, and certainly not as enemies, but as friends in mutual support of each other. The situation was such that George Washington unabashedly stated that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."¹ James Madison, often called the Father of the Constitution, once said that we cannot govern without God and the Ten Commandments.² Similarly, Thomas Jefferson, never labelled as a full-fledged Christian,

* The Foreword to the Symposium on Politics, Religion, and the Relationship Between Church and State is based upon the Red Mass Homily, delivered by the Most Rev. Anthony J. Bevilacqua at Saint Matthew Cathedral, Washington, D.C., on October 1, 1989.

** Archbishop of Philadelphia.

1. G. Washington, *Farewell Address*, 1 MESSAGES AND PAPERS OF THE PRESIDENTS 205 (Bureau of National Literature, N.Y.).

2. *Quoted in* D.J. Kennedy, *Religious Freedom and the First Amendment* (unpublished speech).

nevertheless recognized the pragmatic necessity of religion when he asked: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that those liberties are the gift of God?"³ Furthermore, John Adams echoed the sentiments of the writers of our fundamental law when he said: "Our Constitution was made only for a religious and moral people. It is wholly inadequate for the government of any other."⁴

The French political sociologist, De Tocqueville, recognized during his voyage to Jacksonian America in 1831 the intimate fellowship of church and state demonstrated above. He called religion "the first of America's political institutions" mainly because he saw religion as the leading defender of freedom.⁵ The affirmation of the Church, on its part, for the fundamental values, rights and freedoms secured in the Constitution is echoed by the voice of the Psalmist, "*Legem tuam dilexi*"—"I have loved your Law."

While the relationship between the companions traveling together, church and state, has for the most part been one of mutual support and a true blessing for both, the conversation and attitude between them have not always been the most amicable. More recently, there have been times of misunderstanding and dispute. These in turn have led to exchanges of accusations and periods of chilled silence. Especially in the last four decades, it is the perception of many that church and state, religion and law, are adversaries instead of companions, enemies instead of friends, antagonists instead of partners. In their quest for their respective kingdoms, church and state are seen as walking with an inviolable, impenetrable, and towering wall between them. The two pilgrims are further portrayed as shouting at each other over the wall in a cacophony of irate disagreements. Some have even suggested that the clash has become a babel of conflicting postures so that neither can any longer understand the other.

This opposition, this impregnable wall between two friends traveling the road of our American experiment cannot endure much longer. If it does, both will suffer and crisis will be upon us. If there is discord between church and state, the consequence will be a wall between religion and society which can only lead to moral decay in our nation.

A noted weekly news magazine three years ago judged the 1980's, "a time of moral disarray."⁶ I am no prophet of doom, but even a casual observer of the American scene must admit that there is an undue obsession with self-interests and self-pleasures, that the trend is to eliminate from society and law those religiously-based moral values which were formerly co-natural to them. The clear direction today is toward a secular, anti-religious, humanistic consensus in society and law.

3. Quoted in J. Higgins, *The Constitution and Religion*, LIGUORIAN 4 (Sept. 1987).

4. 9 THE WORKS OF JOHN ADAMS 229 (C. Adams, ed. 1850-56 & reprint 1971).

5. A. DETOCQUEVILLE, *DEMOCRACY IN AMERICA* 269 (translation by G. Lawrence) (J.P. Mayer & M. Lerner, eds., 1966).

6. TIME, May 25, 1987, at 26.

Symptoms of this moral crisis are evident in the high rates of child abuse, in the 1.5 million abortions performed per year, the increase in the divorce rate, teenage promiscuity and pregnancy, racism, drug and alcohol abuse, scandals in the world of finance, business, politics and even religion. And this is far from an exhaustive list.

Still relevant today are the words that Will Durant uttered fifty years ago: "We move into an age of spiritual exhaustion like that which hungered for the birth of Christ. The great question of our time . . . is whether men can bear to live without God." The answer is that neither you nor I, nor society, nor the state, nor this democracy can bear to live without God. Not if we want to remain a people of "life, liberty, and the pursuit of happiness." As De Tocqueville observed: "Despotism may be able to do without faith but freedom cannot. . . . How could society escape destruction . . . if it is not subject to God."⁸

How long will it take us to learn this truth? The time has come to restore the vital relationship between the church and state, between religion and law. We must all read the signs of the times and recognize that more and more people are questioning the secularistic, relativist response to the issues that touch our very life. In education, science, politics, the press, medicine, law, business, family relations, and the world of entertainment, there is an increasing recognition of the need for ethical and moral values based on religion. In fact, our nation is still predominantly a religious people. A poll conducted in 1987 reported that 61% of adults over 18 have high confidence in religion. Religion ranked significantly higher than banks, public schools, newspapers, television, unions, and even, with all due respect, the Supreme Court of the United States—though it did come in second. We must realize, as Peter Berger, the religious sociologist, put it, that we live "under a sacred canopy."

Has the time not come for the church and state, the two travelers along the path of our republic, to stop shouting at each other and start conversing again in a language both can understand? Should we not engage anew in a dialogue to rediscover those basic values found especially in the Judeo-Christian tradition and in the natural law? I am referring to those religious values that defend the sacred dignity and inviolable value of every human being. I am referring to those values which inspired our Founding Fathers to begin the American odyssey, "*Sub Deo et Lege*", under God and the law. I am referring to those religious values embodied in the fundamental law of our nation.

If church and state journeying together are to engage in friendly conversation, there cannot be a towering, impregnable wall between them. Although a clear line of demarcation between church and state is always needed, it should be one which will still allow their supporting hands to reach out to

7. U.S. DECLARATION OF INDEPENDENCE.

8. DE TOCQUEVILLE, *supra* note 5, at 271.

each other in times of need, which will still allow them to look at each other's faces, and see friendship and love in each other's eyes. The total effect of such a synergetic friendship could very well be greater than the sum of what each could do separately.

The words of the Jesuit philosopher and scientist, Teilhard de Chardin, resonate the benefit that will flow from this fellowship of church and state, religion and law: "Someday after mastering the winds, the waves, the tides and gravity, we shall harness for God the energies of love. And then, for the second time in the history of the world, man will have discovered fire."⁹

9. P. DE CHARDIN, *TOWARD THE FUTURE* 86-87 (R. Hague trans., 1975).