



CHURCH-STATE RELATIONS in the USA

a statement of The American
Lutheran Church (1966)

A statement adopted by the Third General Convention (October 19-25, 1966) of The American Lutheran Church by the following action:

WHEREAS, The statement on "Church-State Relations in the USA," commended by the General Convention of 1964 (Reports and Actions, page 439), has been widely circulated and favorably received; therefore be it

RESOLVED, That the 1966 General Convention accept this statement as an expression of the policy and conviction of The American Lutheran Church on the issues treated therein.

Introduction

1. Numerous issues affecting church-state relations, the place of religion in public life, and the recognition of deity by government, have entered the arena of public debate. The issues have arisen in large part because of the increased heterogeneity of the American population, the acceptance of religious pluralism, the extension of governmental influence into nearly every phase of life, the need for additional tax revenues, and the difficulties for the churches in meeting the growing demands and complexities of their programs of health, education, and welfare.

2. We recognize that Scripture gives only guidelines, not blueprints for determining church-state relations. The charge given the church to make

disciples of all men (Matt. 28:16-20), the power given government to support good and to curb evil (Rom. 13:1-7), the separation between that which is owed to God and to government (Matt. 22:15-22), and the direction of the Christian's influence in society (Mark 12:28-34) remain basic for all generations. The specific ways of fostering and protecting these essentials, however, may and do differ from age to age and from nation to nation.

3. Speaking as American Christians to the members of The American Lutheran Church who live in the United States, we express the following views in order to stimulate their thinking, and to promote their discussion of the issues.

4. In referring to the *church* we include those legal corporate entities which seek to accomplish the specific religious purposes to which they are committed. By the *state* we mean all units of government which exercise political authority, whether at the local, state, or national levels.

A Heritage of Religious Pluralism

5. Included in the American heritage is a recognition that man and the nation live under God. As a nation our highest appeal traditionally, as in the Declaration of Independence, is to "the Laws of Nature and of Nature's God." The phrase "this nation, under God," spoken by President Lincoln at Gettysburg in 1863, expresses the loyalty of millions of his countrymen, both those who preceded and those who followed him. The phrase "In God We Trust" on our coins, and the presidential proclamation of a day of Thanksgiving, we believe fall within this heritage of voluntary religious expression.

6. While we confess our loyalty to the Triune God, made known to us through Jesus Christ, we acknowledge that a practical level of civic righteousness may be achieved by rational men without conscious reference to deity. We hold, however, that man's way of life and man's highest good are best protected when seen in the perspective of eternally true moral values or divine purposes, as when the people of a nation affirm "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

7. Religious pluralism has developed under and is protected in the American heritage. The Constitution denies to government the right to interfere with the person's exercise of his religion, provided that he does not offend public decency or tread upon the rights of others. The Constitution prohibits making any religion an established religion. It forbids setting up a religious test as a qualification for public office. The Constitution favors no one religion over another.

8. It follows, therefore, that government must steer a difficult course of benevolent neutrality. It should not, in its policies, discriminate against the

institutions of religion, nor should it impose obstacles and burdens which hinder persons in the responsible exercise of their religion. It must protect the freedoms alike of the religious citizens and those who practice no religion. Government has an obligation to foster a climate conducive to the free exercise of religion, to give equal protection to all religious views, and to express its neutrality in terms of actions the probable consequences of which it has carefully weighed.

The Separation of Church and State

9. Both church and state, each in its own way and using methods appropriate to its own function, are to be instruments for accomplishing God's purposes. Our concern is that the church be free to be the church, the state to be the state, each true to its own God-ordained functions. The state, in the performance of its God-given mandate, may not recognize its authority as coming from God but Christians in any event will so see the authority of government.

10. Essentially the church is God's avenue for reconciling man to Himself and for bearing living witness to His divine truth for man's life in community. The state is His instrument for maintaining peace, order, and justice in the community, for protecting the individual's rights, for enhancing his possibilities for personal development, and thus for promoting the general welfare.

11. The church makes its presence effective through changes wrought in persons by the Holy Spirit, working through the Word and the Sacraments, to effect the dynamics of spiritual growth. The state makes its presence effective through its authority, under law, to pre-empt property and goods, labor, even life, into its service and through the response of identification and loyalty of its citizens.

12. The church looks to the state to maintain the kind of civil order that assures peace, justice, and responsible freedom. As a corporate body the church operates under the laws of the state. Nevertheless, the church retains the right and the duty to proclaim the prophetic Word of God even in opposition to policies of government which are in conflict with the Word. The church counsels its members under every circumstance to obey the laws enacted by the governing authorities except in the rare event that the demands of men's laws conflict with the Christian's higher loyalty to God.

Interrelation of Church and State

13. Both church and state, under God, serve genuine needs of human beings. In so doing, they mutually affect one another. Neither should surrender its independence to the other, nor perform functions exclusively appropriate to the other. Church and state complement one another as they devote themselves to the best interests and well-being of persons.

14. Toward this end churches motivate interest in and respect for laws basic to civic righteousness and beneficial to the wholeness of the community. Christian churches derive the authority for and the principles of their witness on proposed legislation from God's Word with its teachings, for example, on sin, justice, love, and truth and its counsel to rulers. In any testimony they give to the governing authorities churches ought not leave the impression that they seek to exercise legislative powers over the community or that they possess particular political wisdom. Rather, they ought to stress in their public witness the effects of proposed courses of action both upon persons and upon such values of a free society as

- impartial justice and equity,
- honesty and integrity,
- respect for person, property, and authority,
- the exercise of responsible freedom,
- a balancing of the needs of the person with the claims of the community, and
- a recognition that government exercises a positive role in human affairs.

15. In its practical operation the American heritage generally has embodied a flexible pattern of cooperation between church and state in providing for persons such services as are deemed to be in the public interest and for the good of the community. Neither indifference, nor hostility, nor a wall of separation but a flexible friendly cooperation to achieve what is agreed as being for the common good has marked church-state relationships in America. This has been especially true in the areas of education, welfare services, and ministries to persons in institutions and the armed forces.

16. Danger exists for both church and state in too-close an identification with the programs of each. Governmental grants, loans, and other forms of assistance to religious institutions indeed may enable the church the more effectively to serve the needs of an expanding society. Such governmental assistance may also, on the other side, compromise the religious character of the institution and jeopardize its essential integrity. What may be good for government may be harmful to the church, or vice versa. One or a few religious groups may be strengthened to the disadvantage of others. Governmental policies may be determined by one or another strong religious group to its own temporal advantage.

17. The state should not by its actions or inaction show preference for any religious viewpoint. Otherwise, community divisiveness may be intensified, religious animosities may be created, and anti-religious attitudes may be fostered. On the other hand, the state, while not directly supporting or compelling religious teachings or practices, should be free to condition the

exercise of its coercive powers and be ready to adjust its programs in deference to the religious freedom and the religious expression of the people.

Neutrality and Equal Protection

18. It is unwise to establish blanket endorsements or blanket repudiations of particular forms of cooperative endeavors between church and state. Each must be evaluated in terms of its own merits and demerits, the precedents it sets, the probable consequences which will follow either acceptance or refusal of cooperative endeavor, and whether the action jeopardizes the freedom of either church or state to fulfill its God-given functions.

19. It may be questioned whether in a country as large and as diverse culturally as is the United States it is wise to attempt to impose by judicial decision uniform rules and tests applicable to every governmental unit at all levels, respecting all practices that may be seen to involve some aspect of church-state relations. It should be a matter of central concern that basic constitutional freedoms of race, religion, and conscience are protected, but short of this the solution to the many specific problems involving church-state relations is better left to the states and localities. Many such practical problems can be resolved locally by discussion and compromise by the various interested groups without resort to the courts and the processes of litigation.

20. We respect, nevertheless, the conscientious convictions of those who believe it necessary to appeal to the courts to protect their basic rights, and we affirm the duty of the courts to decide such issues in protection of fundamental human liberties.

Applications to Some Specifics

21. For government to give place and support to the chaplaincy ministry in the armed forces, in correctional institutions, and in governmental hospitals for the long-term care and treatment of patients is both a valid exercise of governmental interest in the whole person and an example of the religious neutrality of the state. Government for its purposes has removed these persons from the normal freedoms of community life and from the normal congregational ministry of the church. It witnesses to its concern for religious liberty and the free exercise of religion when it provides opportunity for a spiritual ministry to persons totally in its care. The state properly should exercise reasonable administrative controls over those who provide this spiritual ministry, while protecting their right to minister according to the dogma and practices of their ecclesiastical tradition.

22. Benefits to which the person is entitled through statute by reason of citizenship, residence, need, special service, or unusual ability should not

be denied or limited because he chooses to use the services of agencies and institutions of the church rather than those of government. Old age assistance grants, medical payments, hot lunches, grants for dependent children, higher educational benefits, and health and safety education are examples of such benefits to persons.

23. Any form of direct public support for educational institutions under religious auspices jeopardizes the religious freedom of persons who are not members of that religious body. It compels them to support the indoctrination of religious views which they do not share. We believe that to provide bus transportation or school textbooks at public expense for children enrolled in parochial schools is fraught with such divisive consequences that it is contrary to good public policy. We urge, however, that debate on the effects of public policy in these sensitive areas upon the respective interests of religious bodies should not cause Christian people to neglect their proper concern for the well-being of children, regardless of their religious affiliation.

Policies Respecting Taxation

24. Tax policies should encourage personal contributions to voluntary, not-for-profit, organizations of a charitable, health, educational or religious character. The community needs strong organizations of this type, alike for their positive values, to avoid total reliance upon governmental agencies, and for the mutually healthy and corrective influence between governmental and voluntary agencies. The freedom of the individual citizen to exercise his personal philanthropy and generously to support constructive voluntary enterprises of his own choice ought to be protected in the public interest.

25. Tax exemption of church buildings owned and used directly and solely for worship, educational, and eleemosynary purposes is a sound exercise of public policy. It recognizes the contributions the church and its institutions make to community life. To levy upon churches non-discriminatory charges for municipal services such as water, sewage, police, and fire protection we believe is an action consistent with sound public policy. We believe that the churches should be willing to accept equitable taxation of parsonages and other dwellings owned by churches, associations of churches, or religious orders in which their staff members reside.

26. Churches owning properties and conducting business not exclusively and solely essential to their religious, charitable, or educational ministry ought to be subject to tax laws and policies equally applicable to those governing profit-seeking individuals, partnerships, and corporations.

Religion in the Schools

27. Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises

as essential parts of the public school program, however, is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. We believe that freedom of religion is best preserved when Scripture reading and prayer are centered in home and church, their effects in the changed lives of devout persons radiating into the schools and into every area of community life. It is as wrong for the public schools to become agents for atheism, godless secularism, scoffing irreligion, or a vague "religion in general" as it is for them to make religious rites and ceremonies an integral part of their programs.

28. It is a distortion of the constitutional principle of neutrality of the state toward religion to insist that public schools ignore the influence of religion upon culture and persons. A rounded education ought to include knowledge of major religious groups and their emphases, the influence of religion upon the lives of people, and the contributions of religion to society, taught in history, literature, social science, and other courses at levels consistent with the maturity and comprehension of the pupils. The objective for the public schools in this direction is understanding rather than commitment, a teaching *about* religion rather than a teaching *of* religion. Churches ought to offer their assistance to the public schools in preparing for and in supporting the teaching of such courses.

29. Whether and how distinctive religious holidays should be recognized in the public schools, and whether public property may be used for religious displays and ceremonies, we believe are matters best decided by the responsible authorities in each community in light of (a) the interests and desires of the people of that community, (b) government's obligation to benevolent neutrality in religious matters, (c) the protections and opportunities for redress guaranteed any minorities, and (d) the possibility that the religious significance of the holiday will be lost as it becomes simply a seasonal rite or ceremony.

30. Released time, dismissed time, and shared time are means deserving of greater exploration so that the churches can give religious education, competently and in accord with their distinctive doctrinal emphases, to pupils enrolled in the public schools. Such programs would require rejection of the dogmatic and inflexible approach fostered by the slogan "separation of church and state." Such study might result in encouraging genuinely benevolent neutrality on the part of government and a fresh approach to the free exercise of religion in education not otherwise attainable.

Further Lutheran Action

31. Lutheran congregations should guide and support their members in their participation as citizens in shaping governmental decisions. They should encourage, help, and strengthen their members to exert an effective influ-

ence as Christians in the political life of the nation. All of life lived under God possesses for the Christian a unity, spirituality, and sacredness. It is this conviction which Lutheran congregations and their members need to re-emphasize in discussion of the proper relations between church and state.

32. While we dare not surrender our prophetic office, as a Lutheran church we normally do not seek to tell governing authorities how they should govern, or to prescribe the specific details of the laws they should pass. This task we leave to the enlightened, sensitive consciences of citizens and public officials, many of them our brethren in the faith. Our task as a church is to speak the whole counsel of God to our members, helping them thereby, with the power of the Holy Spirit, to be better informed, sensitively Christian citizens actively working for a better community, nation, and world. Respect for law and authority . . . the reign of impartial justice and equity . . . acceptance of the blessings and obligations of citizenship . . . vigilance to preserve for all men their inalienable human freedoms and liberties . . . opportunities for the free exercise of religion . . . recognition of man's responsibilities both to himself and to his neighbors . . . these are among the elements essential to this better community, nation, and world.

33. A particularly valuable, carefully prepared, currently relevant booklet meriting widespread study is *Church and State: A Lutheran Perspective*, issued in 1963 by the Board of Social Ministry of the Lutheran Church in America, reporting the conclusions of a special Commission on Church and State Relations in a Pluralistic Society, which included in its membership two members of The American Lutheran Church.

Other ALC convention-adopted statements on church-state questions include "Manifesto for Our Nation's Third Century" (1976), "The Nature of the Church and Its Relationship with Government" (1980), "Toward Fairness in Public Taxing and Spending" (1982), "Human Law and the Conscience of Believers" (1984), and "Religion in the Public Schools" (1984).

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