


1-10-2019

If Separation of Church and State Doesn't Demand Separating Religion from Politics, Does Christian Doctrine Require It?

Samuel W. Calhoun

Washington and Lee University School of Law, calhouns@wlu.edu

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr-online>

 Part of the [Christianity Commons](#), [Constitutional Law Commons](#), [Law and Philosophy Commons](#), [Law and Politics Commons](#), and the [Religion Law Commons](#)

Recommended Citation

Samuel W. Calhoun, *If Separation of Church and State Doesn't Demand Separating Religion from Politics, Does Christian Doctrine Require It?*, 74 WASH. & LEE L. REV. ONLINE 565 (2018), <https://scholarlycommons.law.wlu.edu/wlulr-online/vol74/iss2/15>

This Roundtable: Separation of Church and State is brought to you for free and open access by the Law School Journals at Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review Online by an authorized editor of Washington & Lee University School of Law Scholarly Commons. For more information, please contact lawref@wlu.edu.

If Separation of Church and State Doesn't Demand Separating Religion from Politics, Does Christian Doctrine Require It?

Samuel W. Calhoun*

Abstract

This Essay responds to comments by Wayne Barnes, Ian Huyett, and David Smolin on my prior Article, Separation of Church and State: Jefferson, Lincoln, and the Reverend Martin Luther King, Jr., Show It Was Never Intended to Separate Religion From Politics. Part II, although noting a few disagreements with Huyett and Smolin, principally argues that they strengthen the case for the appropriateness of religious arguments in the public square. Part III evaluates Wayne Barnes's contention that Christian doctrine requires separating religion from politics.

Table of Contents

I. Introduction.....	566
II. Smolin and Huyett Strengthen the Case for the Appropriateness of Religious Arguments in the Public Square.....	567
A. The Weaknesses of Exclusionism	569
1. Exclusionists Seek a Clear Path for Advancing Their Own Policy Objectives.....	569
2. Exclusionists Ask the Impossible of Religious Believers.....	570

* Class of 1960 Professor of Ethics and Law, Washington and Lee University. Thanks to Professor David Eggert for his very helpful comments on earlier drafts of this Article.

3. Exclusionists Ignore Their Own “Faiths”	570
4. Exclusionists Ignore the Societal Threat Their Position Poses	572
5. Fears of Theocracy Are a Red Herring	573
B. Questions/Disagreement	575
1. Huyett.....	575
2. Smolin.....	577
III. Does Christian Doctrine Require Separating Religion from Politics?	582
A. Rawlsian Liberalism Doesn’t Justify Exclusionism	583
B. Christian Doctrine Doesn’t Require Separating Religion From Politics.....	585
IV. Conclusion	594

I. Introduction

In the opening piece of this roundtable, I argue that Jefferson, Lincoln, and the Reverend Martin Luther King, Jr., demonstrate that the concept of separating church and state was never intended to separate religion from politics.¹ I’m very appreciative of the three learned scholars who’ve responded to my argument. I view Professor David Smolin’s and Ian Huyett’s contributions as basically agreeing with, in fact strengthening, my position. Professor Wayne Barnes, on the other hand, while agreeing that the Constitution doesn’t prohibit political activity by Christians, argues that Christianity itself creates constraints on believers’ actions in the public square.

In Part II, I comment on Smolin’s and Huyett’s responses. Part III focuses principally on Barnes’s argument that Christian doctrine, properly understood, restricts political activity by believers. This Part was particularly interesting to write because I

1. Samuel W. Calhoun, *Separation of Church and State: Jefferson, Lincoln, and the Reverend Martin Luther King, Jr., Show It Was Never Intended To Separate Religion From Politics*, 74 WASH. & LEE L. REV. ONLINE 459 (2018).

once held a view similar to the one Barnes now holds.² I thus was faced with refuting arguments that at one time I found convincing.

*II. Smolin and Huyett Strengthen the Case for the
Appropriateness of Religious Arguments in the Public Square*

Professor Smolin has long ably defended “the rights to full and equal political participation by evangelical Christians, traditionalist Roman Catholics, and any others who would be restricted”³ by proffered exclusionary criteria such as “public accessibility, public reason, or secular rationale.”⁴ Ian Huyett’s piece is his debut in this longstanding debate.⁵ He explains his “general agreement” with my position,⁶ persuasively arguing that the Christian worldview, meriting “intellectual regard,” can’t justifiably be barred from “speaking . . . to public policy.”⁷

My argument for the permissibility of religious perspectives in public discourse has three components: (1) the Founders didn’t intend to separate religion from politics;⁸ (2) religion and politics

2. Samuel W. Calhoun, *Conviction Without Imposition: A Response to Professor Greenawalt*, 9 J.L. & RELIGION 289 (1992). My former position actually placed more restrictions on Christians’ political activity than does Barnes’s approach. See *infra* notes 127–129 and accompanying text.

3. See David M. Smolin, *America’s Creed: The Inevitable, Sometimes Dangerous, Mixing of Religion and Politics*, 74 WASH. & LEE L. REV. ONLINE 512, 513 & n.4 (2018).

4. *Id.* at 513. Smolin, an evangelical Christian when he began advocating for inclusion, is now a Roman Catholic. *Id.* at 513 n.3. He is “not yet prepared to take up the mantle of representing Catholic perspectives on politics,” *id.*, but he still refutes the view that “an overarching, purportedly secular theory of politics should be exclusionary toward religion.” *Id.* at 514 n.5.

5. Ian Huyett, *Church History, Liberty, and Political Morality: A Response to Professor Calhoun*, 74 WASH. & LEE L. REV. ONLINE 546 (2018). I know Huyett is a Christian, see *id.* at 546, from our personal interaction at Washington and Lee. He wrote an independent research paper for me during his final year of law school, which in part led to Ian Huyett, “As I Had Mercy on You”: Karla Faye Tucker, Immanuel Kant, and the Impossibility of Christian Retributivism, 1 RELIGIO ET LEX 15 (Summer 2018).

6. Huyett, *supra* note 5, at 546.

7. *Id.* at 564. “[M]y [own] defense of the appropriateness of religious values in public life isn’t limited to one religion.” Calhoun, *supra* note 1, at 462. Huyett, however, narrows his focus to Christianity. Huyett, *supra* note 5, at 546.

8. Calhoun, *supra* note 1, at 465–70.

have been continuously intermixed since the Founding;⁹ and (3) no other reasons justify barring religious arguments from the public square.¹⁰ Neither Smolin nor Huyett addresses my first argument. They do, however, both agree that religion and politics have always been intermixed in American life.¹¹ Using the example of “contemporary presidential politics,” Smolin asserts that “religious influence is ubiquitous” on both the political left and right¹²—indeed, “finding examples of religious motivation and rhetoric in politics is a bit like finding samples of salt water in the Pacific Ocean.”¹³ This “widespread” practice leads Smolin rightly to question the persistence of “academic discourse on the legitimacy of religious rhetoric and reasoning in politics.”¹⁴ “What needs explanation and correction . . . is not religion in politics, but academic theories that claim to speak for democratic liberalism and yet are illiberal in their exclusions of religious motivation and reasoning.”¹⁵ Smolin and Huyett together offer cogent criticism of the exclusionist position. From their numerous arguments, I’ll briefly focus on five: (1) exclusionists seek a clear path for advancing their own policy objectives; (2) exclusionists ask the impossible of religious believers; (3) exclusionists ignore their own “faiths”; (4) exclusionists ignore the societal threat their position poses; and (5) fears of theocracy are a red herring.

9. *Id.* at 471–80.

10. *Id.* at 480–86.

11. Huyett, *supra* note 5, at 546–47; Smolin, *supra* note 3, at 516.

12. Smolin, *supra* note 3, at 517.

13. *Id.*

14. *Id.* at 518. Smolin observes that educational institutions’ commitment to a diverse community generally doesn’t “include political, ideological or religious diversity, even though such forms of viewpoint diversity would seem particularly relevant in an educational context.” *Id.* at 524. “[C]reating a self-reinforcing academic discourse of exclusion [thus] brings . . . [the academy’s] own mission into question.” *Id.* at 545.

15. *Id.*; see also Calhoun, *supra* note 1, at 485–86 (arguing that squelching religious arguments belies a purported commitment to diversity).

A. The Weaknesses of Exclusionism

1. Exclusionists Seek a Clear Path for Advancing Their Own Policy Objectives

Huyett asserts that secularists' own moral premises inform their politics.¹⁶ If those premises clash with some held by religious citizens, what course should our society pursue? In a democracy, one might suppose the answer is public debate. After open discussion, find out which view prevails. But what if you fear losing the debate? Smolin believes this is precisely the posture of academic exclusionists, who fear the political success of religious conservatives "on certain culturally sensitive issues."¹⁷ How then to improve one's chance of winning? What better strategy than gagging your opponents by declaring them illegitimate participants in a policy debate?¹⁸

For those who might discount Huyett's, Smolin's, and my labeling exclusionism as unfair advocacy—the thought being that we're just three Christians grasping at straws to avoid a personally disagreeable outcome—it's instructive to consider Professor Noah Feldman's views. Feldman, not a Christian,¹⁹ observes that secularists, "[b]ecause their own bedrock beliefs tend to be based on nonreligious propositions . . . are in practice suspiciously unaffected by a rule that political argument must not be religious."²⁰ He concludes that our society should "be more tolerant

16. See Huyett, *supra* note 5, at 559–60.

17. Smolin, *supra* note 3, at 542.

18. See Calhoun, *supra* note 1, at 485.

When [evangelicals] try to make religious values the touchstone for debate, legal secularists tend to respond not by disagreeing with their values but by dismissively telling them that those values have no place in the public conversation—in other words, by telling them they are breaking the rules of good citizenship.

NOAH FELDMAN, *DIVIDED BY GOD: AMERICA'S CHURCH-STATE PROBLEM—AND WHAT WE SHOULD DO ABOUT IT* 243–44 (2005).

19. He was "[r]aised and educated in a Modern Orthodox Jewish milieu." FELDMAN, *supra* note 18, at 16. Although disclosing that he hasn't "always remained squarely within the normative grounds of traditional Judaism" and that he has also "studied and written about Islam," *id.* at 17, Feldman apparently still adhered to the Jewish faith when he wrote his book.

20. *Id.* at 225. This quote makes clear that Feldman recognizes that secularists are motivated by their own values. It's therefore unfortunate that he,

of sincere religious people[s] drawing on their beliefs and practices to inform their choices in the public realm.”²¹

2. *Exclusionists Ask the Impossible of Religious Believers*

Huyett argues that asking religious believers not to derive political conclusions from their beliefs is “nonsense. It is not logically possible to sincerely hold a belief while mentally cordoning it off from the rest of one’s mind.”²² To say “that ‘religion has no place in politics’ . . . is [to] demand that religious people adopt a sort of compulsory schizophrenia.”²³ Jon Meacham agrees: “To believe something creates an obligation to make that belief known and to act upon it within the arena.”²⁴

But, as Feldman observes, if believers decide to participate in public policy debate, exclusionists demand that they “leave out the religious basis for their most fundamental beliefs.”²⁵ Feldman asks, though, “[w]hy would anyone wish to debate crucially important subjects without the benefit of his foundational commitments?”²⁶ Exclusionists thus would cut believers “off at the knees, crippling their ability to participate fully.”²⁷

3. *Exclusionists Ignore Their Own “Faiths”*

in explaining his book as an attempt to promote reconciliation between “warring factions” in the church-state debate, *id.* at 16, names the two factions “values evangelicals” and “legal secularists.” *Id.* at 7–8. These two labels misleadingly suggest that only evangelicals are values-driven.

21. *Id.* at 248; *see id.* at 16, 251. Feldman clearly practices what he preaches. *See* Noah Feldman, *The Pope’s Death Penalty Message Is for a Small Audience*, BLOOMBERG, (Aug. 2, 2018, 2:55 PM) <https://www.bloomberg.com/opinion/articles/2018-08-02/pope-francis-s-death-penalty-message-is-for-supreme-court> (last visited Dec. 18, 2018) (commenting favorably on the Pope’s declaring the death penalty immoral under all circumstances) (on file with the Washington and Lee Law Review).

22. Huyett, *supra* note 5, at 558. *See* Calhoun, *supra* note 1, at 485.

23. Huyett, *supra* note 5, at 558.

24. JON MEACHAM, *THE SOUL OF AMERICA: THE BATTLE FOR OUR BETTER ANGELS* 266 (2018).

25. FELDMAN, *supra* note 18, at 225.

26. *Id.*

27. *Id.*

How clearly can secular philosophies be distinguished from religious faith? Smolin argues that the former “increasingly tak[e] the form and function of religion, with their own dogmas, vision of good and evil, and narrative of origins and ends.”²⁸ Marxism, for example, “has been plausibly labeled a secular religion.”²⁹ All “is justified in the name of such [an] ideolog[y] because [it] admits no ethical or religious system or higher power to which [it is] accountable. Any means is permissible under the actual practice of such [an] ideolog[y] because the ends are imperative and must be achieved by human actions.”³⁰

But totalitarian systems perhaps aren’t the only “faith-based” secular ideologies. Lance Morrow argues that “21st century progressivism is also a religion—a militant faith, a true church in nearly all important respects. It is a community of belief and shared values, with dogmas, heresies, sacraments and fanatics; with saints it reveres and devils it abhors”³¹ Jillian Kay

28. Smolin, *supra* note 3, at 521; *see id.* at 532–33. Andrew Sullivan argues that it’s “impossible not to have a religion if you are a human being. It’s in our genes and has expressed itself in every culture, in every age, including our own secularized husk of a society.” Andrew Sullivan, *America’s New Religions*, N.Y. MAG. (Dec. 7, 2018), <http://nymag.com/intelligencer/2018/12/andrew-sullivan-americas-new-religions.html> (last visited Jan. 1, 2019) (on file with the Washington and Lee Law Review). Sullivan defines religion as “a way of life that gives meaning, a meaning that cannot really be defended without recourse to some transcendent value, undying ‘Truth’ or God (or gods).” *Id.* Based on this definition, Sullivan posits that “even today’s atheists are expressing an attenuated form of religion. Their denial of any God is as absolute as others’ faith in God, and entails just as much a set of values to live by—including, for some, daily rituals like meditation, a form of prayer.” *Id.*

29. Smolin, *supra* note 3, at 521. Huyett persuasively refutes the charge that “Marxism is an illegitimate child of the Christian faith.” *See* Huyett, *supra* note 5, at 555–57.

30. Smolin, *supra* note 3, at 533.

31. Lance Morrow, *A Spectral Witness Materializes*, WALL ST. J. (Sept. 17, 2018, 7:04 PM), <https://www.wsj.com/articles/a-spectral-witness-materializes-1537225498> (last visited Dec. 18, 2018) (on file with the Washington and Lee Law Review). According to one scholar, secular humanism is also a religion:

[R]eligion is defined . . . as the beliefs about the source and content of the rules of conduct that govern human behavior Because this definition is not contingent on a continued belief that the source of those rules is divine, it follows that all moral convictions are properly classified as religious convictions Like other religions, secular humanism constitutes a humanly authored system of beliefs about the source of legal authority and the principles that should determine the content of the law.

Melchior suggests the same thing about the “intersectional feminism” of bell hooks.³² If these secular philosophies are indeed “faiths,” logic would require that exclusionism also bar them from public discourse.

4. Exclusionists Ignore the Societal Threat Their Position Poses

Smolin contends that “isolating and marginalizing [religious citizens] outside of the peaceful processes of dialogue, debate, speech, and politics heighten[]” the risk of societal unrest.³³ Those who lose in a spirited, but fair, political fight are more inclined to acquiesce in the outcome than those barred from participating.³⁴ Feldman agrees that exclusionists, by stifling full and open political involvement by religious citizens, could unwittingly motivate them to “demand a change to the rules of the game.”³⁵

Nomi M. Stolzenberg, *From Eternity to Here: Divine Accommodation and the Lost Language of Law*, USC GOULD SCHOOL OF LAW: CTR. FOR L. & SOC. SCI., Legal Studies Research Papers Series No. 18-28 (Sept. 25, 2018).

32. See Jillian Kay Melchior, *A Prophet for the ‘Social Justice’ Movement*, WALL ST. J. (Sept. 20, 2018, 6:10 PM), <https://www.wsj.com/articles/a-prophet-for-the-social-justice-movement-1537481416?mod=searchresults&page=1&pos=1> (last visited Dec. 18, 2018) (on file with the Washington and Lee Law Review). [B]ell hooks was

[b]orn Gloria Jean Watkins in 1952, Ms. Hooks uses a lowercase pen name “to focus attention on her message rather than herself,” That message begins with “intersectionality” theory—the claim that racism, sexism and similar types of oppression compound each other’s effects—and advises social-justice warriors (or SJWs) on how to respond.

Id.

33. Smolin, *supra* note 3, at 542. “It is a part of the genius of American democracy to productively channel political divisions and conflicting interests through inclusion and participation in a societal marketplace of ideas.” *Id.* Smolin, though, also acknowledges that religion itself can stimulate societal unrest if “it becomes intertwined with an ethnic or nationalistic identity, and the accompanying faith, ethics, or teachings are weaker than the merged religious-ethnic/nationalistic identity.” *Id.* at 538.

34. See Calhoun, *supra* note 1, at 486 n.162.

35. FELDMAN, *supra* note 18, at 225. Smolin posits evangelicals’ major support for Donald Trump, whom Smolin didn’t vote for and whose Presidency he finds “destabilizing and offensive,” as another consequence of pushing them “to the margins of society and delegitimiz[ing] their participation in political, public, and economic life.” Smolin, *supra* note 3, at 530. If you so treat a group, “you cannot expect their votes nor control to whom they go for assistance.” *Id.* For an

5. *Fears of Theocracy Are a Red Herring*

Katherine Stewart, a frequent *New York Times* contributor, greatly exaggerates the dangers of what she calls Christian Nationalism. In a 2012 book, she describes Christian Nationalists as those seeking to achieve “Christian control of all the important parts of government and society.”³⁶ If the meaning of “control” is somewhat vague in this quotation, elsewhere she’s clearer—American Christian Nationalists can be equated with fundamentalists “elsewhere in the world” who seek to make “their state a theocracy.”³⁷ Stewart doesn’t claim that all conservative Christians are Christian Nationalists,³⁸ but she nonetheless is very distressed by a movement she believes is trying “to undermine the foundations of modern secular democracy.”³⁹ She calls on Americans to rise up in defense before “it’s too late.”⁴⁰

In this brief Essay, it’s difficult to fully engage Stewart’s alarmist view.⁴¹ Smolin acknowledges the existence of a Christian theocratic position, but states that it’s “a tiny group and hence of little political significance.”⁴² He also makes clear that the future

insightful argument for the importance of distinguishing between political evangelicals, i.e., those whom pollsters emphasize, and the larger group of theological evangelicals, i.e., those defined by “a core set of beliefs,” see Timothy Keller, *Can Evangelicalism Survive Donald Trump and Roy Moore?*, *NEW YORKER* (Dec. 19, 2017) <https://www.newyorker.com/news/news-desk/can-evangelicalism-survive-donald-trump-and-roy-moore> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review).

36. KATHERINE STEWART, *THE GOOD NEWS CLUB: THE RELIGIOUS RIGHT’S STEALTH ASSAULT ON AMERICA’S CHILDREN* 3 (2012).

37. *Id.* at 259.

38. *Id.* at 3. I’m one example of a conservative non-Nationalist Christian. See *infra* notes 121–123 and accompanying text.

39. STEWART, *supra* note 36, at 7.

40. See *id.* at x, 259. For an earlier book on the perceived dangers of Christian Nationalism, see MICHELLE GOLDBERG, *KINGDOM COMING: THE RISE OF CHRISTIAN NATIONALISM* (2006).

41. I believe that Professor Noah Feldman would agree that Stewart overstates the risks of theocracy. He emphasizes the significance of American religious diversity during the Founding Era. See *infra* note 73. Today, the United States is much more religiously diverse due to “the increasing presence of other non-Christian religious minorities.” FELDMAN, *supra* note 18, at 241.

42. Smolin, *supra* note 3, at 540. In particular, Christian Reconstructionism, which Stewart calls “the most austere and intellectually rigorous form of Dominionism [“the idea that Christians should seek to dominate all aspects of secular politics and society until the return of Christ,” STEWART, *supra* note 36, at

for religion he envisions isn't "state-supported religious institutions," but instead competition "for its very survival" in "a marketplace of religious, philosophical, political and social ideas."⁴³ Stewart herself elsewhere uses the term "Christian nationalist" to describe political activity that can't plausibly be labeled "theocratic," e.g., pastors attempting "to mobilize congregations to vote according to what they see as their biblical values."⁴⁴ During the Civil Rights Movement, didn't Martin Luther King seek laws that reflected biblical values?⁴⁵ And what about the evangelical pastors and leaders who recently expressed "support for 'just, compassionate and welcoming policies toward refugees and other immigrants'"?⁴⁶ Were King and the evangelicals Christian Nationalists too? Would Stewart criticize them for seeking a theocracy?

Stewart in fact is yet another exclusionist who doesn't like competing with values differing from hers. She makes this explicit: "It would be a much nicer world if we could simply allow one another to carry on in our personal [religious] beliefs and approach policy questions . . . without regard to that private world."⁴⁷ But

108–09], STEWART, *id.* at 109, Smolin characterizes as "a vanishingly small proportion of Christianity . . . [that] lacks much in the way of denominational or institutional structure." Smolin, *supra* at 540 n.108.

43. Smolin, *supra* note 3, at 545.

44. Katherine Stewart, *The Christian Right Adopts a 50-State Strategy*, N.Y. TIMES (June 20, 2018) <https://www.nytimes.com/2018/06/20/opinion/christian-right-evangelicals-midterms.html> (last updated June 27, 2018) (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review). One wonders if Stewart would also criticize the efforts of Muslim and Jewish religious leaders to encourage voting by their congregations. See Deborah Barfield Berry, *Midterms 2018: Faith leaders try creative steps to urge people to vote. 'It is an act of worship'*, USA TODAY (Nov. 2, 2018, 6:32 AM), <https://www.usatoday.com/story/news/politics/elections/2018/11/02/election-day-2018-faith-leaders-take-pulpit-get-flocks-vote/1823233002/> (last updated Nov. 2, 2018, 1:21 PM) (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review).

45. See Calhoun, *supra* note 1, at 480–81.

46. *Id.* at 487–88. And what would Stewart say about United Methodist Pastor Will Green, who in late October 2018 publicly interrupted then-Attorney General Jeff Sessions with an admonition about immigration policy based on *Matthew 25:42-43*? Shane Ryan, *"I Was Hungry and You Did Not Feed Me": Methodist Pastor Confronts Jeff Sessions*, PASTE (Oct. 30, 2018, 11:05 AM), <https://www.pastemagazine.com/articles/2018/10/i-was-hungry-and-you-did-not-feed-me-methodist-lea.html> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review).

47. STEWART, *supra* note 36, at xi. By this quote, Stewart also demonstrates

policy questions must be approached from some values perspective. Stewart, by stoking fears of theocracy, works zealously to delegitimize religious values, thus clearing the path for her own secular principles.

Although I'm in complete accord with Huyett's and Smolin's anti-exclusionist arguments, some aspects of their papers raise questions for me, and in a few instances, disagreement.

B. Questions/Disagreement

1. Huyett

Huyett argues that because “[n]o secular account of political morality . . . can provide premises which are more tenable than theistic ones,”⁴⁸ “secularists are no more justified in using their own moral premises in policy arguments than are religious believers.”⁴⁹ I believe that Huyett's actual position is stronger than he states. I posit that he, like I, believes that God offers the *only* solid grounding for moral precepts—all secular foundations of morality ultimately fail.⁵⁰ I disagree, however, with Huyett's suggestion that a God-based system resolves all difficulties in grounding moral duties.⁵¹ I also don't understand Huyett's

she's quite willing to subject religious citizens to the “compulsory schizophrenia” that Huyett finds objectionable. *See supra* text accompanying note 23.

48. Huyett, *supra* note 5, at 560.

49. *Id.*

50. For evidence demonstrating that Huyett would agree, see his criticism of both nihilism, *id.* at 560–62, and of Platonic atheism. *Id.* at 562–63; *see also id.* at 564. For my views, see Samuel W. Calhoun, *Grounding Normative Assertions: Arthur Leff's Still Irrefutable, But Incomplete, "Sez Who?" Critique*, 20 J.L. & RELIGION 31 (2004–05).

51. *See* Huyett, *supra* note 5, at 563–64. Although only God can firmly ground normative claims, Calhoun, *supra* note 50, at 34–38, difficulties remain:

All God-grounded truth claims rest upon three critical presuppositions. Each must be valid if God is to be of any help in grounding conceptions of “the right.” The first is that there really is a God. The second is that the God one looks to is the God who actually exists. The third is that this true God communicates knowledge concerning “the right” in incontestable ways.

Id. at 61 (citations omitted). Consequently, no “Christians, or those of any faith, should expect their religious arguments to convince, on religious grounds, even their fellow believers, much less people of other faiths or the non-religious.”

characterizing exclusionism by atheists as “extravagant dishonesty.”⁵² Huyett argues that if atheists believe that all religious beliefs are false, they should say so explicitly instead of “obscur[ing] their true position” by supporting a “wall of separation.”⁵³ But might not an atheist in good faith believe (wrongly, I assert) that religious beliefs, true or not, shouldn’t inform public policy due to existing constitutional constraints? Finally, I’m not sure what Huyett means in saying that because atheism is a false belief, it shouldn’t “inform public policy.”⁵⁴ I expect not, but this language suggests that Huyett would erect his own wall of separation. If so, he could rightly be accused of reverse exclusionism.

Huyett devotes a substantial portion of his response to demonstrating that worldwide, “for thousands of years, Christians have advanced human liberty through the explicit application of their faith to politics and law.”⁵⁵ This history isn’t directly relevant to evaluating whether separation of church and state was meant to separate religion from politics in the United States.⁵⁶ Nonetheless, Huyett’s argument provides extra-territorial support for a sub-theme of my article—that, in the United States, believers’ open reliance upon their faith on public policy questions has been broadly beneficial.⁵⁷ Huyett strengthens this conclusion with his

Samuel W. Calhoun, *May the President Appropriately Invoke God? Evaluating the Embryonic Stem Cell Vetoes*, 10 RUTGERS J.L. & RELIGION ONLINE 1, 5–6 (2009).

52. Huyett, *supra* note 5, at 559.

53. *Id.* at 558–59.

54. *Id.*

55. *Id.* at 547–48. Among his examples are “the Dominicans—who were the foremost critics of Spanish atrocities against American Indians.” *Id.* at 553. Huyett relates that some scholars have attempted to de-Christianize a principal Dominican reformer, Bartolomé de las Casas, by “detach[ing] him from church history and reimagin[ing] him as a secular Enlightenment thinker.” *Id.* at 553–54. This is reminiscent of the effort by some to downplay the Christian faith of the Rev. Martin Luther King, Jr. See Calhoun, *supra* note 1, at 481 n.133.

56. On the other hand, American history showing the continuous mixing of religion and politics is directly relevant to accurately understanding the meaning of separation of church and state.

57. My examples include Lincoln’s opposition to slavery, Calhoun, *supra* note 1, at text accompanying notes 116–19, and Martin Luther King’s leadership of the Civil Rights Movement. *Id.* at notes 127–32 & accompanying text. Christianity’s beneficial impact is much broader. For example, Andrew Sullivan describes its essential role in the development of liberal democracy itself, “as many earlier liberals (Tocqueville, for example) understood.” Sullivan, *supra* note

own contemporary American example of openly Christian political activism, i.e., Charles Colson's efforts to reform criminal justice.⁵⁸ Huyett's ancient and modern examples support his assertion "that Christianity has had a broadly constructive influence on Western politics."⁵⁹ He later makes an even stronger claim: "[No] force in history [has] exercised so beneficial an influence on public policy as Christianity."⁶⁰ Although there is indeed powerful evidence of Christianity's overall positive impact on world affairs,⁶¹ it must not be forgotten that Christians unfortunately have sometimes supported causes that virtually all Christians now agree were morally wrong, e.g., the pro-slavery stance in the Civil War era.

2. Smolin

My Article relies upon the Declaration of Independence as evidence that Thomas Jefferson "never intended to insulate politics from religion."⁶² Smolin relies upon it as the source of "a political creed that creates a specific relationship between religion and politics"—that "[r]eligion . . . defines the proper purposes and limits of politics."⁶³ This particular relationship is established by the Declaration's most famous words,⁶⁴ which proclaim that

28.

It is Christianity that came to champion the individual conscience against the collective, which paved the way for individual rights. It is in Christianity that the seeds of Western religious toleration were first sown. Christianity is the only monotheism that seeks no sway over Caesar, that is content with the ultimate truth over the immediate satisfaction of power. It was Christianity that gave us successive social movements, which enabled more people to be included in the liberal project, thus renewing it. It was on these foundations that liberalism was built, and it is by these foundations it has endured.

Id.

58. Huyett, *supra* note 5, at 554–55.

59. *Id.* at 557.

60. *Id.* at 564.

61. See generally JEREMIAH J. JOHNSTON, UNIMAGINABLE: WHAT OUR WORLD WOULD BE LIKE WITHOUT CHRISTIANITY (2017); D. JAMES KENNEDY & JERRY NEWCOMBE, WHAT IF JESUS HAD NEVER BEEN BORN? (1994).

62. Calhoun, *supra* note 1, at 468–69.

63. Smolin, *supra* note 3, at 543.

64. See THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776) ("We hold these Truths to be self-evident, that all Men are created equal, that they are

“[h]umanity is endowed by our Creator with rights and equality, and the purpose of government is to secure those rights.”⁶⁵

I completely agree with Smolin thus far.⁶⁶ But I disagree with his interpreting the Declaration’s “reference to God as an invitation to include whoever or whatever is understood as highest and holy.”⁶⁷ This view strikes me as unpersuasive both historically and logically. Smolin relies upon Jefferson’s primary authorship.⁶⁸ But Jefferson didn’t have in mind some amorphous notion of the good. Instead, he envisioned an intervening God, whose wrath on account of slavery Jefferson feared.⁶⁹

Smolin’s interpretation is also logically flawed. The “political creed” that the Declaration established is convincing only if what the Declaration declares is actually true, i.e., that a Creator really did endow mankind with inalienable rights.⁷⁰ No firm grounding

endowed by their Creator with certain unalienable Rights That to secure these rights, Governments are instituted among Men . . .”).

65. Smolin, *supra* note 3, at 543.

66. Calhoun, *supra* note 1, at 468.

67. Smolin, *supra* note 3, at 544.

68. *See id.* at 543–44.

69. “Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever” THOMAS JEFFERSON, NOTES ON THE STATE OF VIRGINIA 163 (William Peden ed., 1955) (1787); *see* Calhoun, *supra* note 1, at 470. Jefferson’s concern about God’s possible intervention in itself shows that Smolin is incorrect to characterize Jefferson as a deist, *see* Smolin, *supra* note 3, at 544. In fairness, I should point out that this description of Jefferson is widespread. *See, e.g.*, JOSEPH J. ELLIS, AMERICAN SPHINX: THE CHARACTER OF THOMAS JEFFERSON 259 (1997).

70. Smolin in effect asserts that Jefferson didn’t actually believe this, for he (Smolin) states that God was invoked to signal that the Declaration’s “view of politics” wasn’t “just an expediency in the shifting sands of changing political and social arrangements, but a permanent understanding of the foundations and purpose of politics, rooted in both whatever is highest and in our shared human nature.” Smolin, *supra* note 3, at 543. But Jefferson didn’t choose his language just to send the message Smolin describes. Jefferson chose it because he believed it: The “only firm basis” for “the liberties of a nation” is “a conviction in the minds of the people that these liberties are . . . the gift of God[.]” JEFFERSON, *supra* note 69, at 163. Although this quote doesn’t explicitly declare this to be Jefferson’s own belief, the evidence is compelling that it was. In an 1817 letter, Jefferson stated that evidence of the natural rights of “life, liberty . . . [and the] pursuit of happiness, is not left to the feeble and sophistical investigations of reason but is impressed on the sense of every man. [W]e do not claim these under the Charter of kings or legislators; but under the king of kings.” Thomas Jefferson, *Thomas Jefferson to John Manners, 12 June 1817* (June 12, 1817), NAT’L ARCHIVES: FOUNDERS ONLINE, <https://founders.archives.gov/documents/Jefferson/03-11-02->

for such rights can be found by asking, as Smolin does, “the ‘nones’ of our nation[,] who generally possess some kind of personal spirituality,” to read “their own view of divinity or whatever is of highest spiritual value into the Creator God of the text.”⁷¹ This is not to say that I disagree with Smolin’s ultimate conclusion that the Declaration, because it acknowledges “the rights and equality of all human beings . . . is broad enough to include those who do not accept it as a matter of belief.”⁷² But it was a complex mixture of factors, not the Declaration, that ensured “that politics would not try to enforce on the people a single religious vision.”⁷³

0360 (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review). This perspective isn’t surprising—after all, the final Declaration draft that Jefferson submitted to Congress spoke of Creator-endowed rights. PAULINE MAIER, *AMERICAN SCRIPTURE: MAKING THE DECLARATION OF INDEPENDENCE* 236 (1997) (Congress’s substitution of “certain” for “inherent,” *id.*, leaves God as the exclusive source of rights). Some, in what seems to be an attempt to mask Jefferson’s belief in rights’ divine origin, stress that his rough draft described Declaration-declared truths as “sacred and undeniable,” whereas the final draft presented to Congress substituted “self-evident.” See Casey N. Cep, *True Lies: Jill Lepore excavates the history of America, down to its bedrock values*, *HARV. MAG.*, September–October 2018, at 64, 64–65. This change allegedly shows that “rights were no longer ‘the stuff of religion’ but ‘the stuff of science.’” *Id.* at 65. Allen Jayne, however, persuasively rebuts this interpretation: “The term ‘sacred’ would have been a redundancy if used to mean that rights were God-given; the statement that all men are equally ‘endowed by their Creator’ with ‘unalienable Rights’ carries this meaning of the word.” ALLEN JAYNE, *JEFFERSON’S DECLARATION OF INDEPENDENCE: ORIGINS, PHILOSOPHY AND THEOLOGY* 118–19 (1998).

71. Smolin, *supra* note 3, at 544 (A “none” is someone who reports no religious affiliation. Becca Alper, *Why America’s ‘Nones’ Don’t Identify with a Religion*, *PEW RES. CTR.* (Aug. 8, 2018), <http://www.pewresearch.org/fact-tank/2018/08/08/why-americas-nones-dont-identify-with-a-religion/> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review)). There’s all the difference in the world between liberties grounded in a God who actually exists versus “whoever or whatever is understood as highest and holy.” See *supra* text accompanying note 67.

72. Smolin, *supra* note 3, at 544.

73. *Id.* Noah Feldman argues that “the politics of religious diversity” led the Framers “to agree on enacting the principle of the liberty of conscience by prohibiting a national establishment and protecting free exercise of religion.” FELDMAN, *supra* note 18, at 42; see also *id.* at 46. Feldman explains:

The new form of government under consideration was intended to bind together the states into a union that was more complete—“more perfect”—than under the Articles of Confederation. The resulting bound-together union would contain a degree of religious diversity much greater than existed in any of the several states. Under these conditions, various religious groups worried about the possibility—

Professor Smolin's and my articles reveal a different emphasis. We focus on a different segment of the spectrum of what I've called exclusionists. At one extreme are those who may be deeply religious, but still believe good reasons exist for separating religion from politics.⁷⁴ At the other extreme are those with deep hostility toward religion. My piece is more concerned with the former,⁷⁵ whereas Smolin's article emphasizes the latter.⁷⁶ After memorably abridging the Dawkins-Harris-Hitchens stance—"If religion is a 'delusion' 'that poisons everything,' the best result is 'the end of faith'"⁷⁷—Smolin asserts that for those with this perspective "separating religion from politics is part of a larger agenda of stigmatizing, isolating, and privatizing religion so that it may be safely relegated to the margins and then hopefully die out."⁷⁸ I don't know which type of exclusionism predominates. Smolin, though, makes an important contribution by demonstrating that hostile exclusionists aren't limited to a few virulent secularists like Dawkins, Harris, and Hitchens.⁷⁹ He

unlikely to be sure—of the federal government coming under the control of some other particular denomination. This made them especially eager to prohibit this eventuality in constitutional terms.

Id. at 43–44. But Madison believed that religious diversity itself, not the Bill of Rights, was most important: "[W]ithout religious diversity to ensure nonestablishment from the practical standpoint, a constitutional amendment would do no good, since it would be ignored by the majority." *Id.* at 45.

74. Professor Barnes is one example, as I once was. *See supra* text accompanying note 2.

75. I don't completely ignore those hostile to religion. My article, for example, charges Richard Dawkins, Sam Harris, and the late-Chrisopher Hitchens with launching "a rhetorical war of extermination against God." Calhoun, *supra* note 1, at 465 (quoting Calhoun, *Embryonic Stem Cell Vetoes*, *supra* note 51, at 6). But I also state that my interest in investigating the true meaning of separation of church and state was prompted by religious students who believe the doctrine prevents their using law to implement faith-based public policy goals. *See* Calhoun, *supra* note 1, at 460–61. And it's not just students who feel this constraint on faith-based political action. A Christian professor once told me she refrained from bringing her personal pro-life views into the political realm due to the concept of separation of church and state.

76. Smolin's *present* piece focuses on hostile secularists. In an article published over twenty-five years ago, he responded to a religious exclusionist, i.e., me at that point in time. *See* David M. Smolin, *The Enforcement of Natural Law by the State: A Response to Professor Calhoun*, 16 U. DAYTON L. REV. 381 (1991).

77. Smolin, *supra* note 3, at 519.

78. *Id.*

79. If "virulent" seems an overstatement, consider how Dawkins's, Harris's,

stresses that “a significant number of scholars and academics most likely view certain prevalent religions in the United States as bad and harmful actors, and largely illegitimate participants in public life.”⁸⁰ This belief in part explains “the political and legal theories claiming that political involvement by evangelical Christians, traditionalist Roman Catholics, and other such groups is illegitimate.”⁸¹

Given that hostile exclusionism is widespread,⁸² it’s especially important that its weaknesses be exposed. As previously shown,

and Hitchens’s opinions of God, expressed in their own words, would impact the Declaration of Independence:

A “pernicious delusion,” not our “Creator,” made all men equal and gave them “unalienable Rights.” An “ancient man-made deit[y,]” not “Nature’s God,” is now the source of “the Laws of Nature.” The signatories no longer appeal to the “Supreme Judge of the World,” but to “the offal of the ancient world.” And the signatories, instead of relying upon “divine Providence,” now invoke “our prehistory . . . [failing to] escape the gnarled hands which reach out to drag us back to the catacombs and the reeking altars and the guilty pleasures of subjection and abjection.”

Calhoun, *Embryonic Stem Cell Vetoes*, *supra* note 51, at 7–8 (citations omitted).

80. Smolin, *supra* note 3, at 531.

81. *Id.*

82. Smolin gives other reasons for believers to be alarmed. “[A]cademic theories of political exclusion are part of a much larger set of messengers communicating to evangelicals, conservative Roman Catholics, and others that they will be excluded and marginalized if they adhere to their faith.” *Id.* at 528. One example Smolin mentions is Senator Bernie Sanders’s nomination hearing condemnation of Russell Vought, who nonetheless was confirmed as the Deputy Director of the Office of Management and Budget. *See id.* at 528–29 & 529 n.64. The startling thing about this incident is that Sanders declared Vought unfit for public office not because of his stance on some controversial public policy issue, but due to the unremarkable fact that he, a Christian, professed belief in Christianity’s core doctrine—the Gospel message, i.e., that the only way for sinful mankind to be restored to a relationship with a Holy God is an individual’s accepting by faith that Jesus Christ paid the penalty for one’s sin by dying on the Cross. *See* Emma Green, *Bernie Sanders’s Religious Test for Christians in Public Office*, ATLANTIC (June 8, 2017), <https://www.theatlantic.com/politics/archive/2017/06/bernie-sanders-chris-van-hollen-russell-vought/529614/> (last updated at June 8, 2018, 11:40 AM) (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review). For a powerful refutation of Senator Sanders’s conclusions, see Johnny Rex Buckles, *Unashamed of the Gospel of Jesus Christ: On Public Policy and Public Service by Evangelicals*, 41 HARV. J.L. & PUB. POL’Y 813 (2018). Buckles concludes by offering assurance to “evangelicals and other orthodox Christians considering whether to endure the possible spectacle of subjecting themselves to . . . antagonistic questioning.” *Id.* at 899. “[N]o legitimate public policy rationale disqualifies them from serving their country merely because of

Huyett and Smolin admirably do just that. Professor Barnes, though, an exclusionist principally due to devotion to his Christian faith, offers a different challenge to a critic of exclusionism. It's to Barnes's advocacy for exclusionism that I now turn.

III. Does Christian Doctrine Require Separating Religion From Politics?

Professor Wayne Barnes's response differs dramatically from those of Huyett and Smolin. They basically agree with me that religious citizens should feel free to advocate on public policy issues with explicitly religious arguments.⁸³ Barnes, an evangelical Christian himself,⁸⁴ disagrees with respect to Christians. For theological reasons, he believes Christians shouldn't make explicitly faith-based arguments in the public square.

Barnes's theological argument is his primary response to the third prong of my defense of religious arguments in public policy disputes, i.e., that "no other reasons justify barring faith-based arguments from the public square."⁸⁵ Before evaluating his stance, I'll briefly address his comments on my first two assertions, i.e., (1) "the Founders didn't intend to separate religion from politics;"⁸⁶ and (2) "religion and politics have been continuously intermixed since the Founding."⁸⁷

Regarding the "the Founders' intent with respect to separation of religion and politics,"⁸⁸ Professor Barnes rightly points out that the First Amendment restricts only "*government* behavior."⁸⁹ Thus, he asserts, separation of church and state, even if accepted

their faith-based commitments. Rather, they can face their inquisitors with full confidence in their theology of love and hope for all of humanity . . ." *Id.*

83. Whether actually to use openly religious arguments in a particular situation calls for the exercise of prudent political judgment. *See* Calhoun, *supra* note 1, at 483 n.150.

84. *See e.g.*, Wayne R. Barnes, *Render Unto Rawls: Law, Gospel, and the Evangelical Fallacy*, 24 U. FLA. J.L. & PUB. POL'Y 235, 237, 243–44 (2013).

85. *See supra* text accompanying note 10.

86. *See supra* text accompanying note 8.

87. *See supra* text accompanying note 9.

88. Wayne R. Barnes, *The Paradox of Christian-Based Political Advocacy: A Reply to Professor Calhoun*, 74 WASH. & LEE L. REV. ONLINE 489, 491 (2018).

89. *Id.* at 494.

as capturing the Amendment's meaning, "does not technically apply to *individuals*' political argumentation at all."⁹⁰ I agree, but, based on personal experience, I know that the imagery of separation can constrain individuals' political behavior even though that result is indefensible as a matter of constitutional law.⁹¹ Consequently, what Jefferson meant by his metaphor remains an important question.⁹²

Barnes "fully agree[s]" that religion and politics have been continuously mixed in American life.⁹³ He also provides a useful catalog of contemporary examples from both conservative⁹⁴ and liberal "Christian political activists."⁹⁵ Although embracing "this reality"—"intermixing of religion and politics . . . has happened throughout history, continues to happen, and will likely go on happening, regardless of what is said here"⁹⁶—Barnes opposes such intermingling, in part due to "Rawlsian liberalism," but mainly for Christian theological reasons.⁹⁷ On these two grounds, he thus rejects my assertion that "no other reasons justify barring faith-based arguments from the public square."⁹⁸ I respectfully disagree with Barnes on both points.

A. Rawlsian Liberalism Doesn't Justify Exclusionism

Professor Barnes still adheres to the Rawlsian critique of religious political discourse.⁹⁹ Religious arguments are

90. *Id.*

91. *See* Calhoun, *supra* note 1, at 460–61; *supra* note 75.

92. The evidence demonstrates that Jefferson's "wall was meant to insulate religious belief and practices from legislative interference, not to separate religion from politics." Calhoun, *supra* note 1, at 467 (citations omitted). Professor Noah Feldman agrees. *See* FELDMAN, *supra* note 18, at 38–40.

93. Barnes, *supra* note 88, at 491 ("the evidence is paramount"); *see also id.* at 495 ("How could one argue?"); *id.* at 503 (explicitly religious "political argumentation . . . [has been common] throughout our nation's history").

94. *Id.* at 497–500.

95. *Id.* at 500–03.

96. *Id.* at 491.

97. *See id.* at 492–93; Barnes, *supra* note 84, at 236–37, 243.

98. *Id.* at 491–92.

99. *See id.* at 505.

“inaccessible,”¹⁰⁰ “much of the citizenry does not share [a] common religious viewpoint,”¹⁰¹ and religious worldviews aren’t “readily subject to compromise.”¹⁰² I’m not surprised that Professor Barnes was unmoved by my article’s brief critique of Rawls.¹⁰³ Perhaps Professor Noah Feldman’s observations will be more convincing. Feldman challenges legal secularists who assert “that religion is a ‘conversation stopper.’”¹⁰⁴ He argues “that imagining religion to be the end of the political conversation represents a serious misunderstanding of the nature of religious belief, its capacity to change, and its relation to democratic politics.”¹⁰⁵ Feldman describes many ways of engaging a religious believer in political dialogue.¹⁰⁶ Consequently, “the notion that political debate must be secular in order to keep democratic deliberation going is misplaced.”¹⁰⁷

It’s significant to note that Barnes’s view is substantially more restrictive of Christian public advocacy than Rawls’s ultimate position. Rawls would allow religious arguments as long as they are supplemented within a reasonable time by non-religious ones.¹⁰⁸ Barnes, however, would prohibit all “overt Christian political advocacy.”¹⁰⁹ He thus “out-Rawls” Rawls. But Barnes’s more restrictive view doesn’t reflect disagreement with Rawls regarding what being a good citizen demands. Instead, Barnes emphasizes a theological defense of exclusionism. He asserts problems with explicitly Christian advocacy “from within

100. *Id.* at 491.

101. *Id.* at 492.

102. *Id.* at 505.

103. See Calhoun, *supra* note 1, at 482–83. Rawlsism’s unfairness toward religious believers is also part of my critique. See *supra* notes 16–21 and accompanying text. For Professor Smolin’s criticism of Rawlsian and similar approaches, see Smolin, *supra* note 3, at 512–13 & 513 n.4.

104. FELDMAN, *supra* note 18, at 225.

105. *Id.* at 225–26.

106. See *id.* at 226–27.

107. *Id.* at 227.

108. See Calhoun, *supra* note 1, at 482. I know from personal interaction with Professor Barnes that he’s aware of this facet of Rawlsism. It’s my understanding that Barnes omitted this point from his article due to space limitations.

109. Barnes, *supra* note 88, at 504. “Overtly Christian” means arguments “for law and public policy on the basis of explicit religious and Christian rationales.” *Id.*

Christian orthodoxy itself.”¹¹⁰ I once held a similar view, but I do no longer.

B. Christian Doctrine Doesn't Require Separating Religion From Politics

I begin by expressing my sincere gratitude to Professor Barnes for his theological argument. It forces me to give a theological defense of my changed views, which I've previously explained largely in secular terms.¹¹¹ Mainly, however, I appreciate Barnes's love for and devotion to the Christian Gospel—"For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life."¹¹²

I too love the Gospel because it's "the power of God that brings salvation to everyone who believes."¹¹³ This fact makes it especially difficult for me to read the various ways Barnes describes the Gospel-obscuring impact of my current position: (1) "it *miscommunicates* the central Christian belief of how to obtain favor with God";¹¹⁴ (2) it wrongly communicates "Christian doctrine";¹¹⁵ (3) what I argue is "antithetical to Christian doctrine";¹¹⁶ (4) public Christian political advocacy communicates "a *false message* about the central tenet and hope of Christian doctrine";¹¹⁷ (5) my view presents "a tragically mistaken view of

110. *Id.* at 493.

111. See, e.g., Calhoun, *Embryonic Stem Cell Vetoes*, *supra* note 51. I have, however, previously expressed some religious objections to non-imposition. Calhoun, *supra* note 1, at 462 n.6.

112. *John* 3:16 (NIV); see *supra* note 82.

113. *Romans* 1:16. "Far from carrying any negative implications about God's love for those outside the fold of the Christian faith, evangelical soteriology is founded on God's love for people who have yet to embrace Christ the Savior." Buckles, *supra* note 82, at 896–97.

114. Barnes, *supra* note 88, at 492. Because these theological reasons "are unique to Christianity," they are also "unique to Christians invoking their beliefs for political argumentation." *Id.* at 493. Barnes therefore has "nothing to say about legal arguments from other religious traditions." *Id.*

115. *Id.*

116. *Id.* at 503.

117. *Id.* at 504. Barnes's assertion explains the word, "paradox," in his title: "well-meaning Christians like [Sam Calhoun]" make explicitly Christian political arguments, presumably in part motivated by the desire to advance Christianity, but, by so doing, they actually undermine the core Christian message. See *id.* at

Christianity”;¹¹⁸ (6) “Christian political advocacy is ‘at odds with the Gospel’”;¹¹⁹ and (7) such advocacy gives “the wrong message to the public about what Christianity has to say about obtaining favor with God.”¹²⁰ Wow. Can my present view really be so Gospel-obscuring? If so, I would repudiate it at once. But I’m not convinced.

To begin, it’s important to say that I agree with Professor Barnes that Jesus’ kingdom is not of this world.¹²¹ I therefore also agree that Christians’ “higher calling” is to share the Gospel, not seek “to impose a legislated morality of works via the secular state.”¹²² Rather than seeking political power, Christians’ first priority should be to bear witness to a fallen world of the love of God. We should strive to enhance the attractiveness of the Gospel by demonstrating God’s love ourselves. As we grow in Christ-likeness by applying biblical principles through the power of the Holy Spirit, we’re more and more able to emulate Jesus by loving others through acts of service and mercy.¹²³ This doesn’t mean, however—and I think Barnes would agree—that Christians are prohibited from participating in public policy disputes. Our disagreement concerns the appropriateness of political advocacy that’s explicitly faith-based. He believes Christians should never use overt religious arguments, whereas I think an absolute prohibition is unwarranted.

Professor Barnes’s core argument is that openly Christian political advocacy of godly conduct masks the Gospel truth that

492.

118. *Id.* at 507.

119. *Id.* at 509 (quoting Samuel W. Calhoun, *Misreading the Judeo-Christian Tradition and the Law: A Response to Professor Smolin*, 15 U. DAYTON L. REV. 383, 398 (1990)).

120. *Id.* at 510.

121. Barnes, *supra* note 88, at 510 (citing *John* 18:36 (ESV)).

122. *Id.*

123. Christians won’t benefit society “unless we do believe Jesus died for us, unless we do believe that we live through the self-sacrifice of the great Jesus Christ, and therefore we’re going to live by self-sacrifice.” Tim Keller, *Tim Keller’s Message to the UK Church: Stand Apart from Culture or Risk Being Ineffective*, PREMIER CHRISTIANITY (June 20, 2018), <https://www.premierchristianity.com/Blog/Tim-Keller-s-message-to-the-UK-Church-Stand-apart-from-culture-or-risk-being-ineffective> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review).

trusting Jesus Christ as Savior is the exclusive path for sinful man to be reconciled to a Holy God.¹²⁴ A major obstacle I face in rebutting him is that I once said something very similar:

The heart of the Christian message is that the only way to righteousness before God is through faith in Jesus Christ, who on the Cross paid the penalty for sin. Emphasis upon human law as the road to righteousness perpetuates a cruel delusion, like the story of Scrooge at Christmastime. Both direct people's attention to their own conduct as the avenue to acceptability before God, when in truth acceptability lies only in trusting Jesus Christ as Savior.¹²⁵

Barnes, understandably, isn't about to let me forget my past views. His response twice quotes my earlier position.¹²⁶ He thus squarely (and fairly) confronts me with the unavoidable question—Why do I now believe that openly Christian political advocacy doesn't undermine the Gospel?

I'll start by noting that my prior position imposed a greater constraint on Christians' political activity than Barnes's view. My "non-imposition principle" focused not on the rhetoric of political advocacy,¹²⁷ but instead upon its underlying reasons—Christians should refrain from seeking laws implementing faith-based concepts unless secular reasons, standing alone, justified their support.¹²⁸ Barnes, however, focuses exclusively on rhetoric. He doesn't "advocate that Christians strip God and Christian beliefs from their *private* thinking about political and legal issues, but rather only from their *public* communications and advocacy of such issues."¹²⁹ Barnes is concerned about what's expressed when

124. Barnes, *supra* note 88, at 492–93, 507–08, 509.

125. Calhoun, *supra* note 2, at 306 (in an earlier work, Barnes quoted this language in full. Barnes, *supra* note 84, at 262). To Christians, "[c]onduct is important, not as the avenue to God, but as the response of a grateful heart to God's provision of the only way to Him—Jesus Christ." Calhoun, *supra* at 306; *see also* Barnes, *supra* note 88, at 509 n.72.

126. Barnes, *supra* note 88, at 507, 509; *see supra* note 125.

127. My non-imposition article didn't discuss the issue. Calhoun, *supra* note 2, at 309 n.132.

128. Calhoun, *supra* note 1, at 462 n.6.

129. Barnes, *supra* note 88, at 507 n.64 (This quote makes clear that Barnes advocates only a linguistic separation between Christianity and politics. Given that his view allows Christians to ground their public policy positions in their faith, *see also* Barnes, *supra* note 84, at 168, some might contend that he's not really an exclusionist at all.). I eventually found "abhorrent" that I once urged

Christians argue “that a certain law or public policy is needed because of some Christian principle[.]”¹³⁰ The message “implicitly communicated” is that “*if I behave according to the proposed ‘Christian’ principles being advocated for, I will obtain greater favor with God.*”¹³¹ It’s this message that so undermines the Christian Gospel.¹³²

Barnes’s position permits Christians not to disclose the true motivation for their political advocacy—Christian doctrine might be the real reason for a believer’s public policy positions, but any publicly expressed support for those views is restricted to secular terminology. For three reasons, I would’ve thought it better to be forthright about one’s reasons for taking a public stance. First, simple honesty dictates that one be transparent about one’s motivations.¹³³ Second, in keeping silent about the true source of their moral views, Christians take personal credit for a stance when that credit properly belongs to God. Third, not mentioning Christian doctrine squanders the opportunity “to bear witness to the world of the reality of God.”¹³⁴ Barnes, however, discourages religious terminology because he views it as undermining the

Christians “to strip God from their thoughts” to apply my non-imposition principle. Calhoun, *supra* note 1, at 462 n.6.

130. Barnes, *supra* note 88, at 504; *see also supra* note 109 and accompanying text.

131. Barnes, *supra* note 88, at 506; *see also id.* at 509.

132. *See supra* notes 114–120 and accompanying text.

133. I’ve praised President George W. Bush for his transparency in expressing his faith during the embryonic stem cell veto controversy. Calhoun, *Embryonic Stem Cell Vetoes*, *supra* note 51, at 4 n.16.

134. Calhoun, *supra* note 1, at 463 n.11.

Gospel.¹³⁵ The “central tenet and hope of Christian doctrine” must be preserved.¹³⁶

From past personal experience, I know that protecting the Gospel message is a powerful motivation. I proposed and advocated the non-imposition principle despite counterarguments much like the criticism that I now assert against exclusionism. For example, I defended my principle against assertions that Christians couldn’t distinguish between faith-based and secular reasoning;¹³⁷ that it was wrong to demand that they even try to compartmentalize their lives;¹³⁸ and that it was unfair to ask Christians to justify themselves on purely secular grounds when non-believers are allowed to rely upon their ultimate values in advocating on public policy issues.¹³⁹ These criticisms didn’t sway me because I, like Barnes, believe that for Christians fidelity to the Gospel is a paramount value.¹⁴⁰

135. See *supra* text accompanying notes 130–132. I ask Barnes to consider how his position might impact Christian pastors. Assume a pastor who wants to advocate regarding a public policy controversy. Mindful of Barnes’s concerns, the pastor makes no religious arguments. First, this silence would presumably strike most people as extraordinarily odd—“Surely the pastor must have some thoughts about how Christian teachings relate to the issue in dispute. How strange then that the pastor doesn’t communicate them.” Second, I don’t think the pastor’s total refraining from religious language would satisfy Barnes’s view of what’s needed to protect the Gospel. By definition, everyone knows the pastor is a Christian. If the pastor takes a position on a public dispute implicating justice, right and wrong, etc., everyone would automatically assume that the pastor considered the stance taken as consistent with Christian principles. Consequently, even the pastor’s totally eschewing religious rhetoric still involves the miscommunication that Barnes fears. The only apparent solution would be for the pastor never to take a public position on a controversial policy issue. And why wouldn’t such silence also be necessary for any citizen publicly known to be a Christian? See *infra* notes 162–164 and accompanying text.

136. Barnes, *supra* note 88, at 504. I also wonder how Barnes would handle the Declaration of Independence. I rely on the Declaration—which emphasizes Creator-endowed inalienable rights—as demonstrating that the Founders didn’t intend to separate religion from politics. Calhoun, *supra* note 1, at 468–69. But wouldn’t Barnes have to declare the Declaration’s most famous language off limits to Christians? I say this because, under his view, a Christian’s referring to it would risk peoples’ thinking that promoting life, liberty, and/or the pursuit of happiness would enhance their standing with the Creator.

137. Calhoun, *supra* note 2, at 309–15.

138. *Id.* at 315–16.

139. *Id.* at 317.

140. Keep in mind that my non-imposition principle is more restrictive of Christian advocacy than Barnes’s position. *Supra* notes 127–129 and

This brings me back to the question I posed earlier—Why do I now believe that openly Christian political advocacy doesn't undermine the Gospel? Huyett's response is a good place to start. He relates Archbishop Ambrose's denying communion to the Emperor Theodosius for ordering a brutal massacre.¹⁴¹ In explaining his actions, Ambrose said that “[h]aving heard of the massacre, he could not ‘close [his] ears with wax.’”¹⁴² Had he kept silent, his conscience would've made him “wretched.”¹⁴³ Ambrose also relied upon *Ezekiel* 3:18: “If I [God] say to the wicked, ‘You shall surely die,’ and you give him no warning . . . that wicked person shall die for his iniquity, but his blood I will require at your hand.”¹⁴⁴

The Bible plainly teaches that God punishes both individual and corporate sin through devastating temporal consequences.¹⁴⁵ Jesus explicitly makes this point for individuals.¹⁴⁶ Warning regarding corporate sin is provided by the “great flood in Noah's day and the destruction of Sodom and Gomorrah in Abraham's.”¹⁴⁷

accompanying text. From zeal to protect the Gospel, I nonetheless proposed and defended it.

141. Huyett, *supra* note 5, at 548.

142. *Id.* at 550.

143. *Id.*

144. *Id.* Hundreds of years later, Pope Gregory VII cited the same verse in excommunicating the Holy Roman Emperor Henry IV for resisting “a push to end government control of internal church appointments.” *Id.* at 552. The *Ezekiel* passage speaks to failure to warn. God also holds us responsible for failure to rescue. See *Proverbs* 24: 11-12 (NIV).

145. Terrible circumstances don't always reflect God's punishment for sin. For example, the Scriptures teach that God uses hardship to help Christians mature in their faith. *E.g.*, *Hebrews* 12:7-11 (NIV); *James* 1:2-4 (NIV). The Bible, however, is clear that nothing happens, good or bad, outside the sovereignty of God. *E.g.*, *Ecclesiastes* 7:14 (NIV); *Isaiah* 45:7 (NIV); *Lamentations* 3:38 (NIV).

146. *Luke* 13:1-5. See also *Lamentations* 3:38-39 (NIV) (“Is it not from the mouth of the Most High that both calamities and good things come? Why should the living complain when punished for their sins?”).

147. Calhoun, *supra* note 2, at 306 (citations omitted). Another example is Israel's taking possession of the Promised Land. The displaced nations were driven out “on account of [their] wickedness.” *Deuteronomy* 9:1-4 (NIV). Francis Schaeffer well describes how God's judgment sometimes comes:

I imagine myself holding a cup which has water dripping into it. The water does not come quickly, but I keep holding the cup. Gradually the water rises, and at a certain point it flows over the brim. This is the principle of the judgment of God: Man is in revolt against God, and God waits in longsuffering until every possibility of man's turning back is

Each exemplifies “God’s judgment against mankind based upon conduct which was abhorrent to Him. Each shows that God in His evaluation of human societies does draw distinctions based upon conduct alone.”¹⁴⁸ Jefferson’s fear of God’s wrath due to slavery demonstrates he believed this.¹⁴⁹ And so did Abraham Lincoln, who believed the Civil War to be God’s judgment upon the nation for the sin of slavery. The Second Inaugural powerfully expresses this view,¹⁵⁰ but Lincoln foreshadowed it over a year earlier, in his Proclamation Appointing a National Fast Day. In this March 31, 1863 document, Lincoln acknowledges that Almighty God, “by His divine law,” subjects “nations like individuals . . . to punishments and chastisements in this world.”¹⁵¹ Consequently, “may we not justly fear that the awful calamity of civil war, which now desolates the land, may be but a punishment, inflicted upon us, for our presumptuous sins, to the needful end of our national reformation as a whole People?”¹⁵² Lincoln therefore designated “a day of national humiliation, fasting and prayer.”¹⁵³ He closed by urging

all the People . . . [to] rest humbly in the hope authorized by the Divine teachings, that the united cry of the Nation will be heard on high, and answered with blessings, no less than the pardon of our national sins, and the restoration of our now divided and suffering Country, to its former happy condition of unity and peace.¹⁵⁴

exhausted. When the iniquity is full, when the cup overflows, God’s judgment comes.

FRANCIS A. SCHAEFFER, *JOSHUA AND THE FLOW OF BIBLICAL HISTORY* 66–67 (1976). For the concept of God’s waiting to judge until “iniquity is full,” see *Genesis* 15:16 (NIV).

148. Calhoun, *supra* note 2, at 306 (citations omitted). At the time, this argument didn’t blunt my adherence to the non-imposition principle. *Id.* at 306–07.

149. Calhoun, *supra* note 1, at 470.

150. *See id.* at 476–77.

151. Abraham Lincoln, Proclamation Appointing A National Fast Day (Mar. 31, 1863), in *VI THE COLLECTED WORKS OF ABRAHAM LINCOLN*, 155–56 (Roy P. Basler ed., 1953).

152. *Id.*

153. *Id.*

154. *Id.*

Given that Lincoln spoke of God's "punishments and chastisements in this world,"¹⁵⁵ I don't think anyone would've viewed his proclamation as referring to one's eternal salvation. Rather, the natural interpretation would've been that Lincoln was speaking of God's interaction with humans *in this life*. By declaring the fast day, Lincoln wanted both to turn aside God's negative intervention and to encourage His blessings *right here on earth*.

The impact of Christian public advocacy should be viewed in the same way. Barnes fears a false message—that "*if I behave according to the proposed 'Christian' principles being advocated for, I will obtain greater favor with God.*"¹⁵⁶ But even if this accurately describes peoples' likely reaction, they'd almost certainly associate "greater favor" with earthly conditions, not their eternal destiny.¹⁵⁷ So interpreted, Christian advocacy poses no threat to obscure the Gospel.

I anticipate Barnes's replying that, despite my argument, "greater favor" will most likely be associated with the afterlife. That's, of course, possible.¹⁵⁸ Even if so, however, it's not certain that the message would be the destructive one Barnes fears, i.e., a person's believing that improved behavior will get them into Heaven. The Bible teaches that one purpose of God's moral law is to reveal sin: "Therefore no one will be declared righteous in God's sight by the works of the law; rather, through the law we become conscious of our sin."¹⁵⁹ This verse reveals the error in Barnes's position. The passage begins by endorsing his stance that good behavior won't restore one's relationship with God. If Barnes's

155. *Id.*

156. Barnes, *supra* note 88, at 506.

157. Given Barnes's agreement with Rawls that religious arguments are "inaccessible," *id.* at 491, it's somewhat puzzling that he anticipates secular citizens' giving any theological interpretation to explicitly Christian political advocacy. If, however, they should do so, I believe the interpretation I describe is more likely (although in my non-imposition days I agreed with Barnes).

158. Barnes and I both may be overly optimistic about the degree that secular citizens pay attention to religious arguments. Maybe the non-religious in effect close their ears to religious talk in the public square. This fear is a reason for believers to consider framing their policy arguments in secular terms. Calhoun, *supra* note 1, at 483 n.150. If, however, a secular citizen's interest in Christianity were triggered by religious public arguments, isn't it likely that person would end up talking to Christians and/or going to church? If so, correct information regarding what's needed for personal salvation would hopefully then be conveyed.

159. *Romans* 3:20 (NIV).

view were correct, one would expect the verse next to admonish us to refrain from urging people to obey God's law—from concern they'd be misled into thinking that good behavior was the route to God. Instead, the verse proclaims knowledge of the moral law as vital to making us aware of our sin.¹⁶⁰ God's moral law, then, rather than undermining the Gospel, is an indispensable component of that conviction of sin required for recognizing one's need of a Savior.¹⁶¹

I'd also ask Barnes to consider a final passage that I think casts doubt upon his position: "Live such good lives among the pagans that, though they accuse you of doing wrong, they may see your good deeds and glorify God on the day he visits us."¹⁶² Why would God command us to live good lives before "pagans," i.e., unbelievers, if doing so necessarily undermines the Gospel by miscommunicating the path to a restored relationship with Him? I'm sure that Barnes, like me, strives to live a life honoring to Christ.¹⁶³ Non-Christians hopefully find things to admire in our behavior, perhaps even conduct to emulate. Are we both then miscommunicating the Gospel because our observers may

160. "Nevertheless, I would not have known what sin was had it not been for the law." *Romans* 7:7 (NIV).

161. "So the law was put in charge to lead us to Christ that we might be justified by faith." *Galatians* 3:24 (NIV). I realize there's a major difference between Scriptures describing the role of God's moral law in salvation and my argument that man's law, promoted via overtly Christian arguments, could be used to convict others of their sin. For one thing, Christians, however well-intentioned, have no doubt sometimes advocated for laws that don't reflect God's will. In addition, how likely is it that advocating for even a godly law would actually convict another of sin? As a friend puts it, wouldn't non-Christians more likely be annoyed by overt Christian political activity?—"Here's somebody who has 'straight from the mountain-top' views about right and wrong who's trying to force them down my throat by seizing the reins of power and adopting the morals and practices dictated by his religious beliefs into law for the whole nation." E-mail from Professor David Eggert to Professor Samuel W. Calhoun (Nov. 16, 2018) (on file with the Author). These are valid points, but the fact is that the Bible speaks plainly of a relationship between salvation and knowledge of God's moral law. It's thus a certainty, however unlikely it may seem, that God could use overtly Christian advocacy for a human law—assuming one that actually reflects His will—as part of a process to lead someone to faith in Christ.

162. 1 *Peter* 2:12 (NIV).

163. See *Colossians* 3:17 (NIV); 1 *Peter* 1:15; 4:11 (NIV); *Romans* 12:1 (NIV).

mistakenly assume that following our example is the way to please God?¹⁶⁴

Barnes's devotion to the Gospel is highly commendable. But he pays insufficient attention to biblical calls to encourage godly behavior in non-believing individuals and nations. Doing so could forestall God's temporal judgment on both and might also be used by God to show people their need of a Savior. Barnes, although motivated by compassion for others, is also too anxious that some misstep by Christians could ultimately thwart God's saving mercy.¹⁶⁵ As Jesus said,

My sheep listen to my voice; I know them, and they follow me. I give them eternal life . . . no one can snatch them out of my hand. My Father, who has given them to me, is greater than all; no one can snatch them out of my Father's hand.¹⁶⁶

God's ultimate sovereignty regarding salvation doesn't relieve Christians of the obligation and privilege of sharing the Gospel as He gives us the opportunity. But Christians' responsibility to spread the Gospel doesn't negate our freedom, if so guided by prudent political judgment, to openly appeal to Christian principles in public policy disputes.

IV. Conclusion

Participating in this roundtable has been an enjoyable, challenging, and personally meaningful experience. I once again

164. For those who observe us unseen, avoiding this risk seems impossible. For observers we know, wouldn't avoiding it require our sharing the Gospel with everyone we meet? I know I don't do so. If Barnes doesn't either, wouldn't such a failure reveal a major inconsistency between his personal life and his stance on openly religious arguments in the public square?

165. Barnes views *any* overtly Christian political advocacy as catastrophic, not merely mistaken. *See supra* notes 114–120 and accompanying text. As this piece makes clear, I now disagree with his categorical repudiation of such advocacy.

166. *John* 10:27-29 (NIV). This isn't the place for a full discussion of Reformed Theology, which, relying upon multiple biblical passages, teaches that salvation is totally the work of God in a person's heart. *E.g.*, *Ephesians* 2:3-5 (NIV); *John* 1:10-13 (NIV). Barnes is correct that to be saved an individual must accept Jesus by faith. Barnes, *supra* note 88, at 493, 508, 509. But Barnes is also right to say that faith itself "is the gift of God." *Id.* at 508–09 (quoting *Ephesians* 2:8-9 (ESV)); *see also John* 6:44, 65.

thank my three respondents for their prior and future contributions.¹⁶⁷ Rather than recapitulate all the arguments I've made, I instead will conclude with someone else's thoughts that well express my present position regarding Christian participation in public policy disputes.

Tim Keller is the founder and Pastor Emeritus of the Redeemer Presbyterian Churches of New York City. In June 2018, Keller addressed the Parliamentary Prayer Breakfast in London: "What Can Christianity Offer Our Society in the 21st Century?"¹⁶⁸ Keller's focus was Jesus' calling Christians to be "the salt of the earth."¹⁶⁹ "[I]n every society . . . [Christians] should be bringing out the best in that particular culture and preventing its worse tendencies"¹⁷⁰

Keller describes many instances of Christians' "bringing out the best in Western society."¹⁷¹ Christianity produced the societal transition from a "shame and honour' culture, in which strength is the most important thing," to an "other-regarding ethic of love."¹⁷² One consequence was the concept of "human rights, the idea of every human being[s] [having] equal dignity and worth."¹⁷³ This changed perspective was exemplified by Gregory the Bishop of Nyssa, "the first person we know of, ever, that protested . . . [that] slavery is wrong *per se* . . . because human beings . . . are of infinite worth" as bearing the image of God.¹⁷⁴

167. I'm embarrassed to admit how difficult I find acquiescing in their having the last word in this conversation.

168. Keller, *supra* note 123.

169. *Id.* (quoting *Matthew* 5:13).

170. *Id.* "Salt is only helpful to . . . meat if it's not like the meat, if it's itself." *Id.* Likewise, to function as salt for society, Christians must "remain 'salt,' which is different from the rest of the culture." *Id.* If British society wants the greatest benefit from Christians, it shouldn't "demand that they become like everybody else. Our modern society says: we believe in respect for difference. Ok, respect Christians' difference." *Id.*

171. *Id.*

172. *Id.* Keller says it doesn't matter whether one is personally a Christian or even believes in God. *Id.* "[Y]ou have been shaped by Christianity. Your moral sense is not the moral sense of an eastern or ancient 'shame and honour' culture, in which strength is the most important thing. You have an other-regarding, an ethic of love, and that came from Christianity." *Id.*

173. *Id.* For more on Christianity's critical role in the development and preservation of liberal democracy, see *supra* note 57.

174. Keller, *supra* note 123.

Martin Luther King emphasized this very point—that mankind’s “uniqueness . . . worth . . . [and] dignity” are premised in bearing God’s image.¹⁷⁵ Christianity also, in “the first sexual revolution,” transformed sexual ethics from a shame and honor approach to one that was “consensual and covenantal.”¹⁷⁶

To Keller, these past examples demonstrate that Christianity has “massively [been ‘salt’ regarding] the ideals that we all take for granted.”¹⁷⁷ But what about now? Keller, in the *New York Times*, cautions Christians who would

transcend politics and simply “preach the Gospel.” Those who avoid all political discussions and engagement are essentially casting a vote for the status quo. American churches in the early 19th century that did not speak out against slavery because that was what we would now call “getting political” were actually supporting slavery . . . Christians should be involved politically as a way of loving our neighbors, whether they believe as we do or not. To work for better public schools or for a justice system not weighted against the poor or to end racial segregation requires political engagement. Christians have done these things in the past and should continue to do so.¹⁷⁸

175. Keller was referring to King’s sermon, “The American Dream,” which Keller said captured “perfectly” the requisite societal impact of recognizing mankind as God’s image-bearers. *Id.*; see also Calhoun, *supra* note 1, at 478 n.119. In his sermon, King emphasized that there were “no gradations in the image of God. Every man . . . is significant . . . precisely because every man is made in the image of God This is why we must fight segregation with all of our nonviolent might” Martin Luther King, Jr., *The American Dream*, STAN. U.: THE MARTIN LUTHER KING, JR., RES. & EDUC. INST. (July 4, 1965), <https://kinginstitute.stanford.edu/king-papers/documents/american-dreamsermon-delivered-ebenezer-baptist-church> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review). Although segregation is “inconvenient,” “sociologically untenable,” and “politically and economically unsound,” none of these are “what makes it wrong.” *Id.* “Ultimately, segregation is morally wrong and sinful.” *Id.*

176. Keller, *supra* note 123. In a shame and honor culture, sexual mores depended upon “the social order, the hierarchy So, if you were a man of high social status and you were married, you could have sex with who[m]ever you wanted. Your wife couldn’t. And no woman of lower social status would ever deny sex demanded by any man of a higher social status” *Id.*

177. *Id.* See *supra* note 57.

178. Timothy Keller, *How Do Christians Fit Into the Two-Party System? They Don’t*, N.Y. TIMES (Sept. 29, 2018) <https://www.nytimes.com/2018/09/29/opinion/sunday/christians-politics-belief.html> (last visited Dec. 19, 2018) (on file with the Washington and Lee Law Review). In his Parliamentary Prayer Breakfast Address, Keller says that Christians’ future role as salt “might be more of a way of

The church should “speak on social, economic and political realities Racism is a sin, violating the second of the two great commandments of Jesus, ‘to love your neighbor.’ The biblical commands to lift up the poor and to defend the rights of the oppressed are moral imperatives for believers.”¹⁷⁹ Speaking “out against egregious violations of these moral requirements is not optional.”¹⁸⁰

Some might observe that Keller doesn’t explicitly address the rhetoric Christians should use when addressing moral wrongs.

preventing decay, it might be more of a preservative.” Keller, *supra* note 123. Christians believe “we’re saved through . . . Jesus Christ He gave up his glory and became a human being, he gave up his life and he went to the cross and died on the cross, as he was dying, saying: father, forgive them.” *Id.* “[O]ur society, which is producing self-actuali[z]ers, self-asserters . . . need[s] millions of people who’ve been shaped by the self-giving of Jesus Christ, who say: I’m a Christian because of Jesus’ self-giving and we’re able to say therefore I live for God and for my neighbour” *Id.*

179. Keller, *How Do Christians Fit?*, *supra* note 178. If racism is sinful because it violates the biblical concept of love, one might question the efficacy of law to promote genuine godliness. I once did so. Calhoun, *supra* note 2, at 305. Now, however, I find Martin Luther King convincing on this point:

Now the other myth that is disseminated is the idea that legislation . . . cannot really solve the problem of racial injustice, only education and religion can do that. Now certainly a half-truth is involved here: if the problem is to be solved ultimately, hearts must be changed and religion and education must play a great role But it is merely a half-truth, for it may be true that morality cannot be legislated, but behavior can be regulated. It may be true that the law cannot change the heart but it can restrain the heartless. It may be true that the law cannot make a man love me but it can keep him from lynching me In other words, through legislation we control the external effects of bad internal attitudes; and so it is necessary in society to have legislation

Martin Luther King, Jr., *The American Dream: A Speech Given by the Rev. Dr. Martin Luther King, Jr. at Drew University (Feb. 5, 1964)*, https://depts.drew.edu/lib/archives/online_exhibits/king/speech/theamericandream.pdf.

180. Keller, *How Do Christians Fit?*, *supra* note 178. Keller cautions Christians not to label any political party “as the only Christian one.” *Id.* One reason is “that most political positions are not matters of biblical command but of practical wisdom.” *Id.* For example, although Christians are commanded to help the poor, there are “many possible ways” to do so. *Id.* “The Bible does not give exact answers to [such] questions for every time, place and culture.” *Id.* Another reason not to label any single political party as Christian is that today “parties insist that you cannot work on one issue with them if you don’t embrace all of their approved positions.” *Id.* This package-deal approach “puts pressure on Christians in politics . . . [because] [t]he historical Christian positions on social issues do not fit into contemporary political alignments.” *Id.* See also Keller, *supra* note 35.

True, but Keller does quote Scripture to identify moral violations that Christians must combat through “political engagement.”¹⁸¹ He therefore obviously doesn’t view using overt Christian arguments as incompatible with the Gospel.¹⁸²

I’m glad to join Keller, unconstrained by erroneous interpretations of separation of church and state, in proclaiming the appropriateness of Christians’ using openly Christian arguments in fulfilling their duty to take a stand on the moral issues of our day.¹⁸³ And Keller is also right to recognize that Christians’ doing so is entirely compatible with fidelity to the glorious Gospel of Jesus Christ.¹⁸⁴

181. Keller, *How Do Christians Fit?*, *supra* note 178. See *supra* notes 179–180 and accompanying text.

182. At the end of his *New York Times* piece, Keller in fact shares the Gospel. He doesn’t, however, present doing so as a prerequisite for all Christians who use explicitly religious arguments in a political context. Instead, Keller uses the Gospel to offer comfort to Christians who may “experience exclusion and persecution” for our political participation. *Id.* It’s the “Gospel [that] gives us the resources to love people who reject both our beliefs and us personally. Christians should think of how God rescued them. He did it not by taking power but by coming to earth, losing glory and power, serving and dying on a cross.” *Id.* Support for concluding that Keller doesn’t consider explicit Gospel-sharing a mandatory component of all Christian political engagement is found in his praise for Martin Luther King, who urged political action to combat “sinful” segregation. See *supra* note 175 and accompanying text. In condemning segregation via this pejorative religious classification, King neither shared the Gospel himself nor urged his followers to do so when they opposed the practice. King, *American Dream*, *supra* note 175. The same two points are true regarding King’s earlier address, with the same name and similar content, to a secular audience. King, *supra* note 179. And the same can be said about the King publication probably reprinted more than any other. See Martin Luther King, Jr., *Letter From A Birmingham Jail*, in *I HAVE A DREAM: WRITINGS AND SPEECHES THAT CHANGED THE WORLD* 84, 100 (James Melvin Washington ed., 1992) (referring several times to Jesus, the crucifixion, and the Gospel, but never speaking of the Christian belief that salvation requires one’s trusting that Jesus’s death on the Cross paid the penalty for one’s sins).

183. It’s not my position that Christians must rely exclusively upon overtly Christian arguments. Calhoun, *supra* note 1, at 484 n.150. To the contrary, prudence might dictate exclusively secular arguments in some circumstances, although I have misgivings about this approach. *Id.*; see also *id.* at 463 n.11.

184. Keller and King both demonstrate their view that there’s no requirement explicitly to share the Gospel on such occasions. See *supra* note 182. Keller’s *New York Times* example, however, also offers encouragement to Christians to share the Gospel whenever the overall situation makes it appropriate to do so. *Id.* For two other occasions when Keller included a Gospel presentation when speaking about Christians’ political responsibilities, see Keller, *supra* note 35; Keller, *supra* note 123.