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January 22, 2011: Americans United for Separation of Church and State

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Title: Americans United for Separation of Church and State

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1/22/2011—I have been invited by the Delaware Valley Chapter of Americans United for Separation of Church & State to submit a proposal to speak April 9 at the their second Church/State Issues Symposium at the National Constitution Center in Philadelphia. Below is my proposal and I hope to see some of my readers there in April:

Higher Law in the Public Square: A New Interpretation of Church and State

Duquesne Law School Professor Bruce Ledewitz will introduce a new understanding of government neutrality and the separation of church and state from his new book, *Church, State, and the Crisis in American Secularism*, which will be published in May by Indiana University Press. The proposal originates from the ferment in secularism today over sources of meaning. Even critics of religion, such as Austin Dacey, have observed that secularism has “lost its soul” in post-modern uncertainty about relativism and the objectivity of values. Professor Ledewitz proposes that government, while neutral about religion, cannot and should not be neutral about the objectivity of right and wrong and the reality of justice. Religious images and symbols, such as Ten Commandment displays and God-language, can serve as legitimate expressions of such higher law commitments as long as government’s assertion of secular meaning is plausible. The fact that religious believers interpret religious language in sectarian terms does not invalidate its shared, universal meaning. In similar fashion, the reference to the Creator endowing unalienable rights in America’s founding document, The Declaration of Independence, was not a statement about the existence of God, but about the existence of rights beyond human invention or denigration. Religious language was used to show that rights are not the gift of Kings or Parliaments. The point of this higher law proposal is not to promote religion but to enrich secularism. Its political impact, however, is also to demonstrate a welcome common ground among monotheists, minority religious believers and nonbelievers.

A friend of mine suggested that it would be nice if my proposal did not require “denying God”. I responded to him as follows:

I hope to do this by leaving the God question open: already an empty space for others and for me, already full for believers. The government asserts nothing but that belief in God led to certain conclusions, the reality of goodness, that no society can afford to surrender. The government is not a philosopher and does not explain how the conclusions can be true without the tradition that gave rise to them. It is crucial to me that no authoritative voice can ever be said to deny God under my proposal. That is why the proposal might lead to peace.

I take it that not denying God is both crucial to religious believers and not entirely clear from my earlier formulations. While I cannot accept God, it really is not government’s place to have an opinion about any religious issue, including the existence of God, even if government is using religious language among other kinds of language to make a nonreligious point.