

THE GREAT SEPARATION

CHURCH AND STATE

Thomas G. West

Should government support religion? For Americans, the answer to that question requires consideration of three questions. First, is government support constitutionally permitted, or does the “establishment of religion” clause of the First Amendment forbid it? Second, even if it is constitutionally permissible, is it right for government to support religion? In the Founders’ language, is the natural right to free exercise of religion abridged when government officials support religion? More precisely, are some forms of support permissible (support of “religion in general,” for example, as some would say) and others not? And third, considering the religious and political landscape in our time, is it good policy for government to support religion? Which kinds of support would be least divisive or inflammatory? Is there a danger that expansion of government support of religion today would lead to the promotion of religious views that are incompatible with the principles and moral convictions necessary for a free society?

In this brief essay, I will focus on an early example of government support of religion—the Declaration of Independence, and the representation of its theology in the Great Seal of the United States—and draw some tentative conclusions from that. As for the third question, a larger one, I leave that to those currently active in politics.

In general, liberals believe that the American principle of religious liberty requires not only the separation of church and state, but also the separation of religion from politics. They argue that a prohibited “establishment of religion” exists whenever government promotes religion at all.

Some conservatives agree that government should be neutral between religion and its opponents, but they point out that neutrality is hardly served by excluding religious expression and views from public life, while allowing non-religious and anti-religious expression. Other conservatives say that government may support religion, as long as it supports “religion in general,” but not any particular religious doctrine or opinion.

These current views of religious liberty are opposed to the understanding of the Founders. For example, Jefferson, Washington, Franklin, and Adams would all have gladly endorsed this prayer, clearly inspired by the Bible, delivered by a Jewish rabbi at a Rhode Island high school graduation. It was outlawed by the Supreme Court in 1992: “God of the Free, Hope of the Brave. . . . For the liberty of America, we thank you. May these graduates grow up to guard it. . . . We must each strive to fulfill what you require of us all: To do justly, to love mercy, to walk humbly.”

Conservatives often believe they are defending the Founders’ understanding of religious liberty when they argue that government may aid religion, as long as it does so nonpreferentially. They seem not to realize the pitfalls, indeed the impossibility, of this approach.

If government sponsors prayers of the sort just quoted, evenhandedness would require that Wiccan priestesses and worshipers of Gaia be invited to pray as well. But this was not the Founders’ view. In his letter to the Hebrew Congregation at Newport, Rhode Island, Washington called the free exercise of religion an “inherent natural right.” But in the founding, that right was generally understood to mean that government may not molest or injure anyone for holding religious views different from the ones it wishes to promote. It did not mean that government must hold its tongue on all matters theological or religious. Therefore Washington concluded his letter to the Hebrews with a prayer: “May the Father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here and, in His own due time and way, everlastingly happy.”

The First Amendment requires a separation between church and state: Congress must not establish a religion. It may not designate any denomination or sect as the official religion of the nation or as supported as such at taxpayer expense. But the Amendment does not require a separation between God or religion and state. How could it,

when the Declaration of Independence declares that God is the source of the rights that government is bound to secure and protect? Without what Hamilton called “established rules of morality and justice . . . , there is an end of all distinct ideas of right or wrong, justice or injustice, in relation to society or government. There can be no such thing as rights—no such thing as property or liberty. . . . Everything must float on the variable and vague opinion of the governing party of whomsoever composed.” For Hamilton and other Founders, the “established rules of morality and justice” are the same as the “laws of nature and of nature’s God” mentioned in the Declaration of Independence.

Many today believe that Jefferson would have supported the current liberal view of religious liberty. This is not true. Jefferson issued a number of public prayers in his official capacity as president. In his famous letter to the Baptists of Danbury, Connecticut, he wrote that the First Amendment builds “a wall of separation between Church and State.” This letter has been used for over sixty years to denounce any presence of religion in American public life, including government-sponsored prayer and the recitation of the Pledge of Allegiance in the classroom. Yet the letter itself concludes with a government-sponsored prayer: “I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man.” Jefferson, of course, composed this prayer on government time at taxpayers’ expense, and he delivered it in his official capacity as president. If the liberal view of religious liberty were correct, Jefferson would have breached the wall of separation at the very moment he proclaimed it.

The Declaration of Independence is a striking example of government promotion of a particular theology—i.e., not just “religion in general.” The Declaration contains four distinct references to God. He is the author of the “laws of nature and of nature’s God.” He is the “Creator” who “endowed” us with our inalienable rights. He is “the Supreme Judge of the world.” And he provides “the protection of Divine Providence.”

The Supreme Court ruled in the 1947 Everson case that government may not “teach or practice religion.” It ruled in 1992 (*Lee v. Weisman*) that government may not exert “subtle coercive pressure” on students by allowing prayers at public school ceremonies. If the Declaration were taught in a public school as the truth, the teacher would “teach religion.” She would be exercising “subtle coercive pressure”

on students. She would be teaching them that God is our lawgiver, creator, judge, and providential protector. By the logic of the Court's view of religious liberty, teaching the Declaration of Independence in public school is an unconstitutional establishment of religion.

It is true that teaching the Declaration has not yet been declared unconstitutional, but that is only because the Court has been unwilling to admit the logical consequences of its view of the "establishment of religion" forbidden by the First Amendment. To avoid the public outrage that would follow if the Declaration were banned from the classroom, the Court falsely assumes that that document is not really religious. Reading the Declaration in school, asserted Justice Brennan, "no longer ha[s] a religious purpose or meaning. The reference to divinity in the revised pledge of allegiance, for example, may merely recognize the historical fact that our nation was believed to have been founded 'under God.'"

In other words, if Brennan is right, the theology of the Declaration may be taught in the classroom as long as it is understood that it belongs to a world that is dead and gone, that it has nothing to do with the world that we live in here and now, that it is not a living faith that holds God to be the source of our rights, the author of the laws of nature, and the providential protector and Supreme Judge of America.

The Great Seal of the United States is the most obvious example of the Founders' conviction that the government should "teach religion." The Seal, adopted by Congress in 1782, is still printed today on the dollar bill. The pyramid side of the Seal is a memorable representation of the theology of the Declaration of Independence. This fact is not widely recognized, in part because practically everyone believes that the symbols of the pyramid and eye are Masonic in origin.

The definitive history of the Seal—Patterson and Dougall's *The Eagle and the Shield*—finds no evidence to support the claim of its Masonic inspiration or meaning. As far as we know, none of the Seal's designers were Masons. Founding-era Masons did use the eye to represent God (but not in a triangle). However, Patterson and Dougall report that this symbolism was well established outside of Masonic circles.

The persistent if unfounded rumors of the Great Seal's supposed Masonic origins have distracted us from the most obvious and relia-

ble way to understand the Seal's meaning—by observation and reflection. Particularly helpful is the report of the Seal's co-designer, Charles Thomson—a document that accompanied the 1782 law officially approving the Seal.

The reverse side of the Great Seal consists of two parts: a heavenly eye and an earthly pyramid. Each part is labeled with a Latin motto.

In the earthly part, an unfinished pyramid rises toward the heaven. Thomson's report explains that "The pyramid signifies strength and duration." On the base of the pyramid is the Roman number MDCCLXXVI (1776), the date, as Thomson's report remarks, of the Declaration of Independence. The pyramid has thirteen rows of bricks, signifying the thirteen original states. (The number of rows is not specified in the law, but there are thirteen in co-designer William Barton's original drawing, and on the 1778 fifty-dollar bill from which the pyramid idea was originally taken.) The pyramid represents the United States, a solid structure of freedom, built on the foundation of the Declaration. It is unfinished because America is a work in progress. More states will be added later.

"In the zenith" above the unfinished pyramid, the 1782 law calls for "an eye in a triangle, surrounded with a glory." This design and placement of God's eye suggests that America is connected to the divine in three ways.

First, the eye keeps watch over America, protecting her from her enemies. Thomson explains: "The eye over it and the motto allude to the many signal interventions of providence in favor of the American cause." The motto, *annuit coeptis* ("He approves what has been started"), alludes to God's providential help in winning the War of Independence, which had all but ended with Cornwallis's surrender of British troops at Yorktown a few months before the Seal was adopted. The providential divine eye on the Seal has its parallel in the theology of the Declaration of Independence, which had expressed "a firm reliance on the protection of divine providence."

Second, the complete triangle enclosing God's eye is a model for the incomplete or imperfect triangular shape of the pyramid below. The perfect divine shape symbolizes God's perfection, the divine standard for imperfect human beings. God's shape, in turn, guides and governs the construction of the earthly pyramid, which, built as it is upon "1776," seeks to achieve the perfect shape of the divine triangle hovering above.

The Declaration of Independence had proclaimed that Americans, accepting the authority of “the laws of nature and of nature’s God,” consider it a self-evident truth that the purpose of government is “to secure these rights” – the inalienable rights with which the Creator has endowed all human beings. The incompletely triangular pyramid, in contrast to the perfect triangle representing God, suggests that America is a work in progress in a deeper sense than its number of states. No matter how many rows of bricks (new states) are added to the pyramid, America must always look to the perfection of the Supreme Being as, and at, her “zenith,” to be true to what she is and aspires to be.

In the spirit of this understanding of God, Lincoln said in an 1858 Chicago speech:

It is said in one of the admonitions of the Lord, “As your Father in Heaven is perfect, be ye also perfect.” The Savior, I suppose, did not expect that any human creature could be perfect as the Father in Heaven. . . . He set that up as a standard, and he who did most towards reaching that standard, attained the highest degree of moral perfection. So I say that in relation to the principle that all men are created equal, let it be as nearly reached as we can.

For Lincoln, as for the Founders, “all men are created equal” meant that every person is endowed by God and nature with the rights to life, liberty, and the acquisition and protection of property, and that no adult human being may be ruled by another person without his consent.

Third, the divine eye is not only America’s protector and ruling guide. God is also her judge. This theme is not as obvious as the first two, but it is implied by the motto *annuit coeptis*, “He approves (or has approved) what has been started.” Those words imply not only that God has approved and therefore has helped America in its struggle for independence, but also that he will no longer approve if America strays too far from the right path. He “approves the beginnings.” Whether that approval will continue depends on the choices America will make in the future.

Similarly, the signers of the Declaration of Independence “appeal[ed] to the Supreme Judge of the world for the rectitude of our intentions.” As America’s judge, God will aid or abandon her, in accordance with her intentions and her deeds.

This question of divine judgment was sometimes explicitly mentioned in connection with slavery. As Jefferson famously wrote, “I tremble for my country when I reflect that God is just, that his justice cannot sleep forever.”

In sum, the Declaration of Independence, and the Great Seal, teach that America is a nation “under God” in three ways. God protects America; God is America’s guide and goal; and God judges America.

The Seal has two Latin mottoes, one on top for the heavenly part, the other on the bottom for the earthly. The mottoes are taken from the great Roman poet Vergil. The pyramid is labeled *novus ordo seclorum*, “a new order of the ages.” Thomson’s report explains, “the words under it signify the beginning of the New American Era, which commences from that date [1776].”

The phrase is a variant of a line in Vergil’s fourth Eclogue: “a great order of the ages is born anew.” This Eclogue describes the return of the golden age, an age of peace and plenty. The change of words is significant. America is a *novus ordo*, a “new order,” not just the return of a *magnus ordo*, a “great order” that existed in the past. Vergil’s golden age has come before and will come again, but nothing like the American founding has ever happened. No nation has ever grounded itself on a universal principle, discovered by reason, affirmed by God, and shared by all human beings everywhere: “that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”

The words over the eye, *annuit coeptis*, literally translated, mean: “he has nodded [or nods] to the things that have been started” — namely, in assent to the pyramid under construction, the “new order of the ages.” These words are taken from book 11 of Vergil’s Aeneid. Aeneas has led a remnant of men from conquered Troy over the sea to a land far to the west. After they arrive in Italy, the natives mount a ferocious attack against them. In the midst of the battle, Aeneas’s son Ascanius prays to Jupiter, asking him to “nod to [i.e., approve] the daring things that have been started.” Jupiter answers the prayer. Ascanius shoots, and his arrow pierces the enemy’s head. The victory that follows enables the small band of Trojan warriors to stay in Italy. Romulus and Remus, descendants of Aeneas and Ascanius, will become the founders of Rome, the greatest empire in world history.

The two Latin mottoes point to the founding of Rome (the Aeneid) and the golden age (Eclogue 4). Taken together, they suggest that America, with divine approval and support, will become a new Rome, combining the glory of the old Rome with the freedom, prosperity, and peace of the golden age. America's foundation, like Rome's, had to be laid in violence. The enemies of liberty had to be killed, and they will always have to be killed. But unlike Rome, the New Order of the Ages will grow to greatness not through warfare and conquest, but through the arts of peace. On the front of the Great Seal, the eagle's head is pointed toward the olive branch in his right talon, not the arrows of war in his left. As Washington wrote in his letter to the Hebrew Congregation (paraphrasing Micah 4:4), in America, if all goes as planned, "everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid."

The example of the Declaration and the Seal shows us that the Founders' understanding of religious liberty does not prohibit, but in fact encourages, government promotion of religion, as long as no one is deprived of life, liberty, or property because of his religious beliefs or practice. But we have not yet said why should government care about the religious convictions of the people. Washington explains in his Farewell Address: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . . [T]hey [are the] firmest props of the duties of men and citizens. The mere politician, equally with the pious man ought to respect and to cherish them." Washington means that even a "mere politician," someone who is not a religious believer, should appreciate the importance of religious belief, because religion is probably an indispensable support of the morality that sustains a free society. Washington's evidence is that the integrity of the judicial process for the protection of the natural rights of life, liberty, and property depends on the belief that it is a violation of a divine commandment to lie in court: "Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. . . . [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

But of course Washington does not mean that any religion at all will do. His point was that government should support a religion or religions that properly instruct people in the duties of citizens of a free and decent society.

The state constitutions, and federal law, agree with Washington. The 1776 Virginia Declaration of Rights affirms that “no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.” This formulation was repeated, with minor variations, in the constitutions of four other states. The Northwest Ordinance, passed by Congress in 1787, affirmed the same point: “religion, morality, and knowledge [are] necessary for good government and the happiness of mankind.”

Nor did Jefferson disagree with this conclusion. In his *Notes on the State of Virginia*, he writes, “can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath?”

The religious convictions promoted by government should accord with “the laws of nature and of nature’s God.” For these divine and natural laws are at once the foundation and the aspiration of America at its best.

THOMAS G. WEST is a Professor of Politics at the University of Dallas, a Senior Fellow at the Claremont Institute, and the author of *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America* (Rowman & Littlefield). You can read more at his website, vindicatingthefounders.com.