
Chapter 1

Introduction to America's Sacred Ground

Barbara A. McGraw

Literary talents may be prostituted and the powers of genius debased to subserve the purposes of ambition or avarice; but the feelings of the heart will dictate the language of truth, and the simplicity of her accents will proclaim the infamy of those, who betray the rights of the people, under the specious, and popular pretence of justice, consolidation, and dignity.

—Elbridge Gerry, *Observations on the New Constitution and the Federal and State Conventions* (1788)¹

REFRAMING THE DEBATE

Today the debate about the role of religion in American public life, and its role in shaping American values, is mired in a clash between the religious right and the secular left—the extremes of each vying for dominance. The strident polemical rhetoric that characterizes the debate polarizes the nation

and undermines the potential for the many other voices of America's pluralistic society to be heard. The current polarization in the popular political discourse of the nation into these two main camps not only divides the nation's people, but also obscures the fundamental structures and principles that make the whole conversation possible in the first place. The result is confusion about the very structures and principles that ultimately serve liberty and equal justice, as well as the whole purpose of the American experiment: the pursuit of the good society.

This confusion is occurring because the debate between the two sides has emerged as a contest between two opposing worldviews—the winner being the side that receives the most votes and therefore gains power over the other. It is no wonder, then, that inflammatory rhetoric is everywhere in the political discourse as each side uses whatever means are available, even including (in some cases) outright dissemination of misinformation, to sway public opinion. The main problem with this situation is that each side, in effect, is assuming there are no rules other than those that make up the procedures by which decisions are made—that is, there are no principles to ground the system itself. Therefore, the idea prevails that the majority rules regardless of the result. Seeing no grounding principles, the secular left and religious right rush to fill the void.

On the one hand, the secular left takes the view that the nation should adhere to a strict interpretation of the doctrine of separation of church and state. The idea is that if the public square is purged of religious influences, and therefore religious views and values are not imposed on others through the instrumentalities of the state, then America will safely preserve liberty and justice for all. The problem with this approach is that history has shown time and again that the secularization of government and society does not necessarily serve those goals. The former Soviet Union was a secular state, and it devolved into a totalitarian regime. Saddam Hussein's Baathist government in Iraq was secular, yet it too was a brutal regime. Clearly, secularism is not the panacea that the secular left believes it is.²

On the other hand, the religious right takes the view that public opinion should be swayed to produce a majority in favor of infusing government with Christian, or some say Judeo-Christian, values. The right argues that these are the values on which the nation originally was founded, even though they are not specifically referenced in the Declaration of Independence or the Constitution. The idea is that all governments require a religious worldview to provide the values that hold societies together—and America is no different. The Christian right contends that the Christian tradition has legitimacy as the moral basis of the United States because it is the primary religion of the West, and therefore it is in large part what informed the American founders.

Here, too, history has shown that infusing the state with a particular religious moral worldview, even someone's particular version of Christianity,

does not necessarily serve liberty and equal justice. Everyone is amply familiar with the horrors of the Inquisition in Europe, the abuses of John Calvin's Geneva, and the persecutions of the theocracies of colonial America—including the Massachusetts Bay Colony, whose Puritan founders left England's persecution of them only to persecute others in their New World home. Furthermore, Adolf Hitler originally justified persecution of the Jews on the basis of Christian tradition.³ Clearly, the imposition of a particular interpretation of Christian values onto other Christians and non-Christians through the instrumentalities of the state is not the panacea that the religious right believes it is.

In this author's view, liberty and equal justice will not be served by winning favor with the people and convincing a majority to vote for one side or the other. Nor will liberty and equal justice be served by packing the courts with judges who adhere to one view or the other. Moreover, the problem will not be solved by a mediated compromise across the boundaries of the two camps. The problem will be resolved only if Americans rediscover the founding fathers' fundamental framework, principles, and purpose underlying the American political system.

The founders' idea was to create a space for the many voices of American society to be heard by establishing a political system that preserves the peoples' civil rights, particularly the rights of conscience and expression. These are necessary not only to protect America's minorities (including religious minorities), from discrimination, but also to expand all Americans' opportunities to glean insights from each other, in the hope that together they would advance their understanding of how America can fully realize its promise. That is, although the founders did not fully realize in their own time the ideal to which they appealed, the political system they established was based on a fundamental framework and set of principles that, if fully implemented, would provide maximum liberty for all within a moral context that would serve as the means for building the good society from the ground up. This author refers to that framework and its principles and purpose as "America's Sacred Ground."

Unfortunately, what is occurring in the debate today is undermining America's Sacred Ground. First, the dominant participants, that is, the religious right and secular left, have become entrenched. The result is the reification of circumscribed positions and narrow reasoning, which has led to a standoff with little hope of either side or anyone else circumventing the impasse. Second, the standoff itself has led to a glorification of the battle—the "culture war"—with the media taking sides and the goal being victory of one side over the other, rather than pursuit of the good for the nation as a whole. This is why it is important, even critical, for the debate to engage a much broader spectrum of participants across America's pluralistic society.

Some contend that the engagement of those in the many minority religions with those in the majority is not warranted because those minority

faiths include only a small percentage of the American people. However, American history has shown that it is generally those from the margins of society who rise up and reinvigorate the principles of the nation, taking American ever closer to the ideal of liberty and justice for all. Further, the wisdom from the world's religions in America in conversation with American ideals no doubt will contribute to public discourse in new ways, and in so doing, will help to open up the now entrenched debate. Moreover, while it can certainly be said that the vast majority of America's people are Christian, what is often forgotten in the debate today is that Christianity itself is not monolithic. Christianity is wonderfully diverse, and that diversity brings a whole spectrum of pluralistic perspectives to the conversation as well. To ignore this is to ignore the ongoing discourse within Christianity itself, which is rich with insights and possibilities for moving public debate beyond its current impasse toward a greater understanding of the principles underlying the nation.

This book attempts to bring together some of the many voices of America's pluralistic society, representing several Christian perspectives (Catholic, Mormon, Baptist, Black churches), as well as Judaism, Islam, Buddhism, Hinduism, Eclectic Eco-Spirituality, Confucianism, and Humanism, to address issues in the contemporary public debate in America today while engaging the framework, principles, and purpose of America's Sacred Ground. In so doing the hope is to show how a more open discourse on critical issues of the day can be conducted without undermining the fundamental structures and values of the nation, and also how each religious perspective can contribute to the rediscovery of America's Sacred Ground.

The rediscovery of America's Sacred Ground in public discourse, however, will not provide "common ground" in the sense that it necessarily directs a particular outcome in the resolution of the issues of the day. What it can do is provide a common language, structure, and values for the debate that is consonant with the original intentions of the American founders. In so doing, America's Sacred Ground can provide moral clarity that facilitates a much broader discussion than occurs today. That way Americans can work together toward reasoned compromise, while not compromising America's Sacred Ground in the process. Then the American people may just fulfill the founders' hope "that America would be fertile enough for the good to take root, grow, and flourish in a lively, free, and open forum for debate about religion and morality—not by force, but by choice."⁴

Before turning to the various religious perspectives in the other chapters in this book, it will be necessary for the reader to become familiar with the fundamental framework, principles, and language of America's Sacred Ground. What follows, then, is an introduction to America's Sacred Ground. Those interested in more in-depth philosophical and historical support for the ideas presented here are referred to this author's previous publication, *Rediscovering America's Sacred Ground: Public Religion and Pursuit of the Good in*

a Pluralistic America (SUNY Press, 2003), to which many of the contributing authors of *Taking Religious Pluralism Seriously* also refer.

BUILDING THE GOOD SOCIETY FROM THE GROUND UP

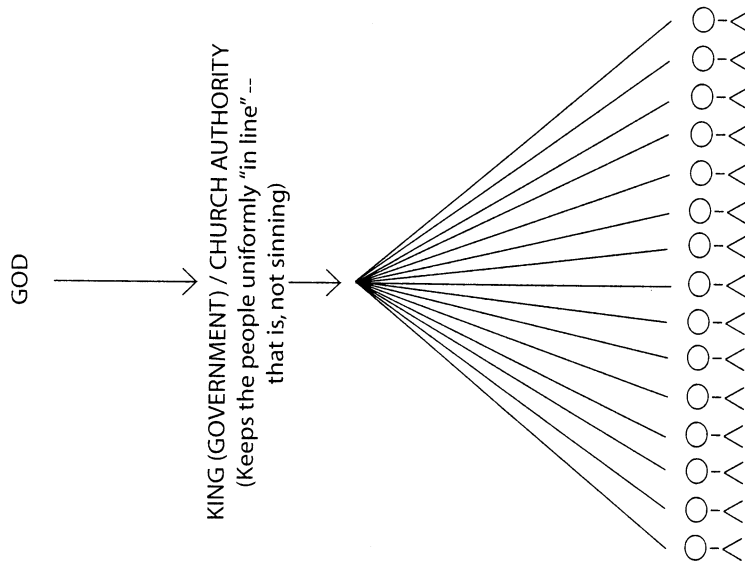
In order to rediscover America's Sacred Ground, it is helpful to explore, at least briefly in this venue, a significant aspect of the theory of government that was prevalent in Europe before the establishment of the United States. This is the theory of government that was rejected by John Locke in works that were central inspirations to the American founders a century later.⁵ That rejected approach was based on traditional Christian political theory. It was a religious justification for government that developed from the doctrine of original sin.⁶ Its central premise was this: People are inherently sinful, and so government is necessary to restrain the sinful nature of human beings. In other words, the role of the state is to keep people uniformly "in line," in accordance with the doctrines of the authorities—that is, not sinning.

This approach requires that government and religious organizations be close allies. The churches seek government's involvement for an effective means to enforce church doctrine regarding sin, and government uses the sanction of the church to justify its punishments. Under this system the state is an instrument of religion and religion is an instrument of the state. Government dominates the people by establishing a uniform moral order, which is promoted by exercise of the coercive power of the state. That is, it is a top-down overarching moral worldview enforced by the state. Examples of top-down overarching systems around the world include classical Hinduism, which generated the caste system as an expression of *dharma* (the moral order) as a reflection of *rita* (the divine order); medieval Catholicism and the Holy Roman Empire; the Church of England and the seventeenth-century British Crown (which John Locke opposed); Neo-Confucianism and the eleventh and twelfth century Song Dynasty in China; and, today, Islam and Saudi Arabia.⁷ (Figure A on the following page provides a visual representation of this "top-down" type of system.)

In European history, those who promoted this top-down system of government believed it provided the best way to ensure that society would be peaceful and good. But John Locke's immediate experience of his own society, and his review of societies throughout history, proved to him that this approach did not result in a society that could be thought of as good.⁸ Rather, that approach resulted in terrible wars, religious conflict and strife, the torture and hanging of heretics, and the corruption of both religion and government.⁹ Moreover, coercion of the people made no sense to Locke, because that would make them heretics to their own convictions.¹⁰ It was clear to Locke that what a top-down overarching worldview system produced in practice was far from the peaceful society that uniformity promised. Consequently,

FIGURE A

"Top-Down Overarching Worldview"
Approach to Government



©2003 Barbara A. McGraw

John Locke, contrary to his earlier writings,¹¹ developed an approach that rejected the doctrine of original sin as a basis for government and the whole political system derived from it.¹²

Although there are recent dissenters,¹³ the prevailing view of Locke in the academy has been that Locke was a "secular"¹⁴ philosopher who rejected religion and whose political philosophy promoted a religion-free public square. However, that assessment is fundamentally flawed. Locke did not reject religion. Instead, he shifted to a different religious idea based on a very simple theology: there is God, and God communicates *with the people*. Consequently, Locke advocated the view that God's relationship and communication are not with the elites of religious institutions and the state, who then coerce the people to conform to their interpretation of God's will. Instead, God's relationship and communication are with each individual human being—

through conscience. The idea is that God comes to conscience through revelation, spiritual or other insight, and through nature and reason.¹⁵ This is why freedom of conscience must be preserved: so that the people can listen for and hear the voice of God and participate in society according to that call.

In other words, according to Locke's political theology, one of the main functions of government is to preserve God's relationship with the people by establishing a government that does not involve the domination of the people by the state—or by the churches through the instrumentalities or sanction of the state.¹⁶ Rather, Locke's idea was that government should be formed by the people and for the people to preserve the people's natural, inalienable rights, especially freedom of conscience and its expression.¹⁷

But the question for those who held to the top-down overarching worldview approach to government was this: How is the good society going to come about, if the state and the churches are not working together to tell people what is right and then enforcing their idea of right? It was Locke's view that, because history had shown that a peaceful and good society did not result from top-down governmental coercion, the only way it would even be possible for a good society to come about would be to set up a political system that preserves the liberty of each individual to discern through his and her own conscience what is pleasing to God. Then, as individuals of conscience freely express themselves from the perspective conscience gives them, they work together to create the good society from the ground up. In other words, Locke devised a political system that limits the authority of state and church elites and instead relies on the goodwill of the people to act in accordance with conscience in the public forum and work together to seek the true and the good. As John Locke said:

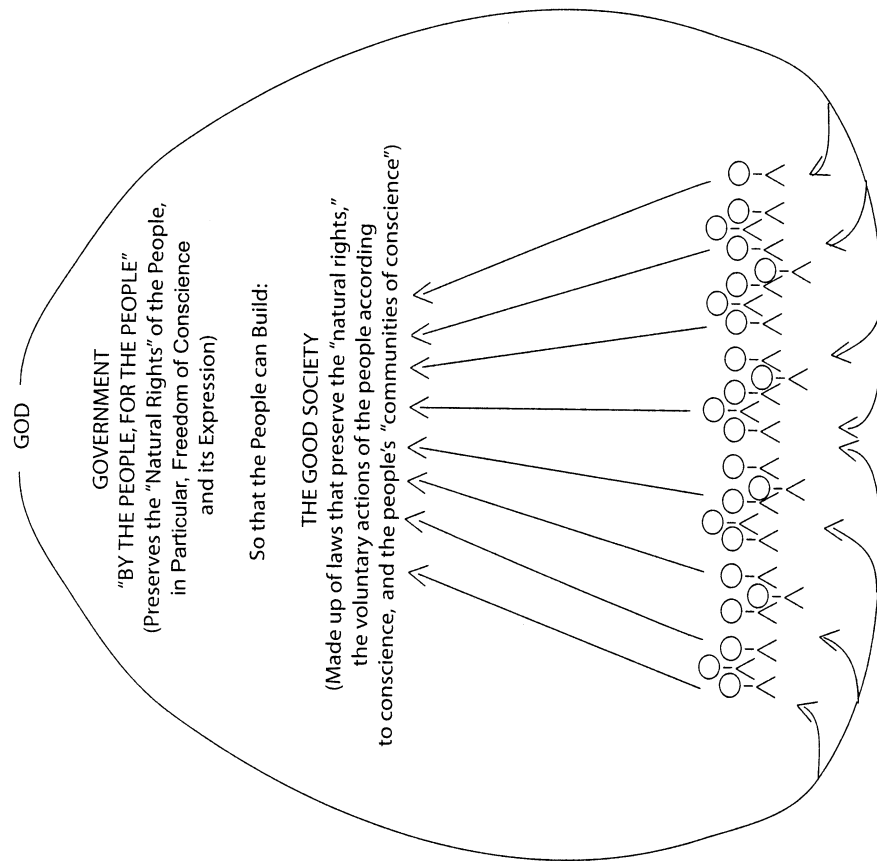
For truth certainly would do well enough, if she were once left to shift for herself. She seldom has received, and I fear never will receive, much assistance from the power of great men, to whom she is but rarely known, and more rarely welcome. She is not taught by laws, nor has she any need of force to procure her entrance into the minds of men. Errors indeed prevail by the assistance of foreign and borrowed succours, but if truth makes not her way into the understanding by her own light, she will be but the weaker for any borrowed force violence can add to her.¹⁸

That is, in such a system, God works through the people as they engage in a great conversation about religion, morality, and the general welfare. In so doing, they build the good society by establishing a government based on the "social contract" of the people.¹⁹ Beyond this, however, the people are free to form associations or "spontaneous societies."²⁰ These associations are authentic because their members participate voluntarily.²¹ Moreover, because the people involved are free to express conscience without governmental interference, but with governmental protection from severe punishment

(e.g., physical harm) by others, the people are more likely to live by the courage of their convictions. Consequently, these associations or societies, what this author refers to as "communities of conscience," benefit from the exercise of the moral agency of their members. (Figure B provides a visual representation of this "ground-up" type of system.)

FIGURE B

"Ground-Up" Approach to Government



©2003 Barbara A. McGraw

The founding fathers adopted John Locke's fundamental ideas. They took Locke's theory, his political theology, and put it into practice. They set up a government by the people and for the people, and they acknowledged freedom of conscience and the right to express conscience as the primary rights

of the people. They understood that not only were these rights to be protected for the private benefit of individual people, but that a government by and for the people was to serve as the *means* to the good society.²² The founders expressed Locke's philosophy in the Declaration of Independence and preserved the inalienable rights of conscience and expression in the First Amendment to the U.S. Constitution and in the constitutions and declarations of rights of the states.²³ For this reason, elsewhere this author has referred to John Locke as the "prophet of America."²⁴

These Lockean fundamentals, adopted and put into practice by the American founders, are what constitute America's Sacred Ground, which underlies the founding documents of the nation. In sum, America's Sacred Ground is: (a) a political theology based on God's relationship with each and every human being, which gives rise to (b) the inalienable right to freedom of conscience, which is freely expressed in (c) a context, that is, the "Public Forum" where (d) the people can fulfill the purpose of the system—to build the good society from the ground up.

FIGURE C

"America's Sacred Ground" consists of:

- A political theology, based on God's relationship with each and every human being, which gives rise to
- the inalienable right to freedom of conscience, which is freely expressed in
- a context, that is, the "Public Forum," where
- the people can fulfill the purpose of the system—to build the good society from the ground up.

©2003 Barbara A. McGraw

**IN PURSUIT OF A GOOD SOCIETY THAT IS FREE FOR ALL,
NOT A STRUCTURELESS, AMORAL "FREE-FOR-ALL"**

Aiming for the True and the Good

The founders agreed with Locke that a top-down overarching worldview approach to government does not produce a peaceful, good society. That approach results in the corruption of political processes and oppression of the people as various elites vie for dominance.²⁵ This is why liberty of the

people is at the core of the founders' ground-up approach to government. But the founders never intended freedom of conscience and its expression to be only for each individual's own self-interested benefit. Rather, the Public Forum, within which conscience is expressed, was to provide a moral and political context that ensures that the people have the political ability and opportunity to build the good society.

Consequently, the founders did not establish a system that would be merely a "free-for-all" with no moral grounding, which would amount to a battle for dominance. Rather, the political system set out in the founding documents of the nation has a basic framework that is grounded in moral principles that stand behind those founding documents. These, in turn, provide the greatest chance for America to fulfill its intended purpose—a society that is free for *all*, while aiming for the true and the good.²⁶

The First Core Principle: Freedom of Conscience and Its Expression

The framework and principles of the Public Forum of the American political system begin, of course, with liberty—specifically, freedom of conscience and its expression. This derives from the natural law in the "state of nature" where the people have "free will," and consequently the people's actions are not predetermined by God.

The American founders, and John Locke before them, understood that a political system that values freedom in search of the true and the good requires a free and open Public Forum for debate, conversation, and action—where ideas can be exchanged and actions can be taken and witnessed. In this way, the overall goal of building the good society from the ground up is served by providing the maximum opportunity for good ideas to be considered and put into practice by the people.

At the time of the founding of the United States, of course, certain states limited who would be permitted to serve in government. However, no such limit ever existed at the federal level and, at the state level, such limitations generally were drawn narrowly and eventually were totally eliminated.²⁷ Even when such limitations existed, there were still admonitions in the state constitutions and declarations of rights that the people's full freedom of conscience and expression otherwise were to be ensured by the state.²⁸ This approach makes sense because, if conscience and its expression are the *means* to the good society, then it follows that the founders could not have intended expressions of conscience to be suppressed in the Public Forum. In fact, this is *what freedom is for*. All expressions are to be welcome in the Public Forum—including, or perhaps even especially, religious expression.

Yet today many argue that the founders did not intend the Public Forum to be open to the myriad perspectives that can be found in contemporary American society. On the one hand, strict secularists argue that the doctrine

of separation of church and state eschews religious expression in the Public Forum.²⁹ On the other hand, those in the religious right contend that religious expression is appropriate for the Public Forum, but that the founders could not have anticipated the vastly diverse religious landscape of today's America. They argue, therefore, that the impact of those diverse perspectives should be limited in public debate. The founders' own time consisted only of various sects of Protestants and perhaps a few Catholics and Jews, they contend. Hence, they argue, it was only Christian or Judeo-Christian perspectives that the founders would have wanted as contributions in public debate because those perspectives were embedded in the culture at the time of the founding and therefore were assumed by the founders. Consequently, these "traditional" faiths should hold sway in the Public Forum.

However, the founders did not eschew religion in public life, as the secularists contend, nor did they limit religious public expression to Christian or Judeo-Christian viewpoints. Instead, freedom of conscience was extended to everyone. While it is true that the vast majority of the population was then (as it is today) Christian, the American founders still took others into consideration when they wrote the constitutions of the United States and the individual states.

As far back as John Locke's 1690 *Letter Concerning Toleration*, a most influential document for the American founders, Locke argued in favor of civil rights for every sort of religious people. He not only included those in the most controversial Protestant sects of his day, but also Catholics, Jews, Muslims (Mahometans), Native Americans, and pagans.³⁰ In this regard, Locke maintained:

[I]f solemn assemblies, observations of festivals, public worship be permitted to any one sort of professors [i.e., religious people], all these things ought to be permitted to the Presbyterians, Independents, Anabaptists, Arminians, Quakers, and others, with the same liberty. Nay, if we may openly speak the truth, and as becomes one man to another, neither pagan, nor Mahometan, nor Jew ought to be excluded from the civil rights of the commonwealth because of his religion.³¹

He even contended that those practicing "idolatry, superstition, and heresy," as well as "heathens" should have their civil rights.³²

The founding fathers followed John Locke's lead, but went even further. Richard Henry Lee expressly acknowledged broad pluralism when he advocated for religious freedom, stating: "I fully agree with the Presbyterians, that true freedom embraces the Mahometan [Muslim] and the Gentoo [Hindu] as well as the Christian religion."³³ In his "Notes on Religion," Thomas Jefferson echoed John Locke specifically when Jefferson stated: "Shall we suffer a Pagan to deal with us and not suffer him to pray to his god? . . . It is the refusing *toleration* to those of different opinion which has produced all the bustles and wars on account of religion."³⁴ In addition, Jefferson held that religious

freedom should extend well beyond familiar and established Christian sects, and he noted that his view was held widely by others when the Virginia Act for Religious Freedom was being debated:

The insertion [of Jesus Christ in the preamble] was rejected by the great majority; in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and the Mohammedan, the Hindoo and the *Infidel* of every denomination.³⁵

Also, the founders' many references to God were so varied that one can reasonably conclude that the founders meant to convey a message of inclusiveness that goes well beyond Judeo-Christian conceptions of "God," even beyond a conception of God as necessarily having to be a god.³⁶ The founders used such names as "Supreme Governor of the Universe," "Governor of the Universe," and "the Universal Sovereign."³⁷ The Declaration of Independence uses the phrase "Nature's God," which should be read as meaning "the God of Reason."³⁸ In addition to that phrase, it uses the terms "Creator," "Supreme Judge of the world," and "Divine Providence." Furthermore, Jefferson specifically acknowledged that those whose concept of "God" includes many gods nevertheless have the right to freedom of conscience: "[I]t does me no injury for my neighbor to say there are twenty gods or no God."³⁹ As regards Benjamin Franklin's perspective on the matter, one of his biographers has noted:

At one point [Benjamin Franklin] expressed a belief in a single supreme God who supervised a number of lesser gods, one of whom had created our world; and he dreamed up an elaborate ritual for a private deistic religious service of his own to take the place of what went on in churches.⁴⁰

The most that can be said is that whomever or whatever the founders meant by use of the word "God" or their other names for the Divine, their understanding was that it created the world and is capable of communicating truth and good to individual human beings. That is, it in some way provides human beings with conscience. Therefore, whether or not the founders identified as being Christian,⁴¹ the founders sought to be much more inclusive than is generally acknowledged, knowingly framing a Constitution that would permit "Jews, Turks & infidels"⁴² and "Pagans, Deists, and Mahometans,"⁴³ to be president of the United States.

Moreover, the founders expressly included atheists. Locke had argued that freedom of conscience should not be permitted to atheists "because the denial of God threatens the '[p]romises, covenants, and oaths, which are the bonds of human society' and 'undermine[s] and destroy[s] all religion' and so 'can have no pretence of religion whereupon to challenge the privilege of toleration.'"⁴⁴ However, the founders did not limit freedom of conscience only to

those who profess a belief in God.⁴⁵ As Jefferson said in his "Notes on Religion," "Locke denies tolerance to those . . . who deny the existence of a god . . . it was a great thing to go so far . . . but where he stopped short we may go on."⁴⁶

Clearly, the founders contemplated a future pluralistic society beyond that of their own. Moreover, freedom of conscience was not mere "toleration" or limited to freedom of worship, but was intended to include all as participants in a great conversation.⁴⁷ Perhaps Richard Henry Lee put it best when he said in 1787, "It is true, we are not disposed to differ much, at present, about religion; but when we are making a constitution, it is to be hoped, for ages and millions yet unborn."⁴⁸

Obviously, the founders were aware of many more diverse religious orientations than the participants in today's religious right/secular left debate would lead the public to believe. Therefore, although there were dissenters at the time,⁴⁹ the eventual political system established by the founders took account of people of all religious persuasions. Consequently, not only is religion to play an important role in the American system, but people of all faiths and no faith have full freedom of conscience and expression so that they can participate in a great conversation in the free and open Public Forum in pursuit of the true and the good.

The Second Core Principle: Equal Dignity

The American founders also understood that a political system that values freedom in search of the true and the good must provide a legal context for the actions of the people—in order to serve liberty. Otherwise, there would be no basis on which to settle disputes that arise when the liberty of one person impacts the liberty of another. The result would be, as Locke put it, a "state of war" where everyone resorts to the exercise of power—through either collective group or individual action. The most powerful would rise to the top and consolidate power—and then proclaim themselves worthy. These would then dominate and erroneously label that domination "liberty," while undermining the liberty and expression of everyone else.⁵⁰ Such a system would be the antithesis of the system that Locke envisioned and the founders established.

Thus, freedom is not a principle that can stand alone, because when it does, it holds the seed to its own destruction. Rather, in order for freedom to prevail to the fullest extent possible for *all*, it must be balanced by its counterpart—the equal dignity of every human being. That is, every person is inherently worthy. Whatever their particular talents, abilities, or afflictions, they are the children of their Creator.⁵¹

Locke argued, therefore, that there must be an impartial judge of disputes—a legal system that is formed by the people to hold in place a context, the Public Forum, for freedom of conscience and its expression, while at

the same time recognizing the equal dignity of every person. This is Locke's "social contract," on which the founders based the American system, where the people bargain away to the state their right to take the law into their own hands in exchange for the state's preservation of the freedom and equal dignity of the people—their inherent inalienable rights. Only when the state fails to fulfill that function do the people have the right to rebel and reestablish a political/legal system that does preserve their natural rights.

The Two-Tiered Public Forum of America's Sacred Ground

In order to provide maximum liberty of the people, the American political system requires government to be limited in its function. At the same time, government is necessary in order to ensure that the equal dignity of every person is respected, and therefore one person's or group's expression of liberty does not result in the limitation or demise of the liberty of others. Further, if the whole purpose of the American system is to build the good society from the ground up through the speech and action of a free people, then the Public Forum must provide maximum opportunity for the great conversation about the true and the good to prevail. In effect, then the two core principles together require drawing a line between those matters that are in the purview of the government and those matters that are in the purview of the consciences and expressions of the people.

To accomplish these goals, the American system as conceived by the American founders has, in effect, two tiers, each of which has grounding principles. This author refers to the first tier—the realm for legitimate governmental action and the forum for public debate about the extents and limits of legitimate governmental action—as the "Civic Public Forum" and the second tier—the realm of public duties that are not the subject of governmental action and the forum for debate about the meaning and scope of those duties—as the "Conscientious Public Forum."

The "Civic Public Forum" and Its Principles: "No Harm" and "Consistency/No Hypocrisy"

The Civic Public Forum is guided by two basic principles—that is, two fundamental laws, both of which serve the two core principles of freedom and equal dignity. The first is the law of "no harm." This is the principle that no one may harm another in his "life, health, liberty or possessions."⁵² Therefore, the people enjoy liberty in their beliefs and activities—unless, in the case of activities, there is harm to another.⁵³ The second principle is the law of "consistency/no hypocrisy," a reversed Golden Rule: Do not do unto others what you would not want done unto you.⁵⁴ That is, there should be equal justice. To deny to others what we do not deny ourselves would be profound hypocrisy, which Locke and the founders held to be of the greatest offense to

reason and God because it is in utter discord with the natural law of equal dignity.⁵⁵ Thus, the Civic Public Forum has a religious and moral ground in that it is framed by principles that, in turn, serve the core principles of freedom and equal dignity based on the natural law.

Consequently, the religious right's argument that the United States is not wholly "secular," as strict secularists claim, is correct. However, the religious right's view that the government should foster *all* Judeo-Christian moral values in society is fundamentally flawed. Only those moral values that are compatible with the Civic Public Forum principles are legitimate contributions in the Civic Public Forum for law and governmental enforcement.

One may certainly point out that the core principles and the laws of the Civic Public Forum owe a debt to a particular theological and philosophical thread in the Christian tradition, just as another may argue that another thread of the Christian tradition has at times promoted top-down overarching worldview dominance. But, in any event, to the degree that the values and practices of a particular version of Christianity go beyond the scope of the Civic Public Forum, they are not legitimate bases for governmental action.

In fact, the American founders were very clear that they did not want church authorities to impose their will on the people and thus thwart the American system—the system that makes possible a society of free people who can aim for the true and the good and build the good society from the ground up.⁵⁶ It is important to emphasize, however, that, in order to build the good society, the founders did contemplate that religious *people* would participate publicly from the perspective of conscience, including religious conscience, while respecting the core principles and the two laws. In fact, the founders themselves participated in this way. For example, in his "Bill for Establishing Religious Freedom" (1779), Thomas Jefferson made religious arguments in the Civic Public Forum:

Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the *plan of the holy author of our religion*. . . .⁵⁷

Furthermore, religious voices have been raised in defense of the two core principles and the two laws of the Civic Public Forum throughout American history. For example, the Quakers, in effect, appealed to the principles of the Civic Public Forum when they actively participated in the Civic Public Forum in the years leading up to the Civil War, and before, as advocates for the abolition of slavery. Also, in the mid-nineteenth century, Elizabeth Cady Stanton and Phoebe Palmer of the "holiness" movement, which was a Christian evangelical movement, argued in favor of women's rights, again appealing, in effect, to the principles of the Civic Public Forum.⁵⁸ And Martin

Luther King Jr.'s many sermons advocating for African Americans' civil rights used religious imagery and were significant contributions to the Civic Public Forum debate. As a matter of fact, religion in defense of the oppressed is especially appropriate in the Civic Public Forum because "the oppressed hold a special place for America's Sacred Ground, as they did for Locke, because they guide America to an ever-unfolding understanding of the depth of the sacred civil rights. . . ."⁵⁹

It is clear, therefore, that the strict secularists' argument that religion and morality are not proper matters for public debate is flawed. This strict secularist view that religion should be something that people keep hidden, in private, out of the view of others, is based on a fundamental misunderstanding of how the American system works and a misconception about the purpose of the nation. In fact, John Locke and the American founders expressly contemplated a "public" place for religion.⁶⁰ This has to be so because, if it were true that religious voices did not belong in public, then the whole purpose of the American system—to build the good society from the ground up in accordance with conscience—would be thwarted.

Still, the secularists' view is correct that religion cannot legitimately dictate law and public policy beyond the limits of the Civic Public Forum. As they note, for example, while Jefferson invoked religion in favor of public policy, he also rejected the notion that any civil or ecclesiastical "legislators and rulers" have any legitimate authority over "the faith of others," and said that the imposition of "their own opinions and modes of thinking" has "established and maintained false religions over the greatest part of the world and through all time. . . ."⁶¹ That is why the political system established by the founders requires that government's role is to be limited to preserving freedom and equal dignity by enforcing the "no harm" and "consistency/no hypocrisy" laws of the Civic Public Forum, whether it is influenced by religious or secular ideas, and to providing for the general welfare of the people in a manner that is consistent with those principles.

As shown below, religious and moral expressions that go beyond the scope of the Civic Public Forum are legitimate public expressions as well. However, they belong in the second tier of the Public Forum.

The "Conscientious Public Forum" and Its Principles: "Raising Conscientiousness" and "Participation"

In light of the immediately preceding discussion, one might conclude that all matters not legitimately in the purview of governmental action are "private" concerns. However, such a conclusion, if put into practice, would undermine a critical component of America's Sacred Ground.

Government's limited role certainly leaves much to individual conscience and the "communities of conscience" that individuals create. However, a sys-

tem that requires little of the people through the coercive force of governmental action requires much of the people in terms of their individual and collective duties to their fellow human beings and society as a whole. Yet Americans are so focused on "rights" that they have forgotten that rights imply duties—public duties that, if not exercised, undermine the whole purpose of the nation to as great a degree as would failure to adhere to the two laws of the Civic Public Forum. These are duties of the "Conscientious Public Forum." The Conscientious Public Forum does not involve the coercive force of government, and therefore it is the forum for persuasion and voluntary acceptance.

Like the Civic Public Forum, the Conscientious Public Forum is guided by two basic principles—in this case, two fundamental moral duties. In fact, the two duties of the Conscientious Public Forum are corollaries of the right to freedom of conscience and its expression, which are protected by law and governmental action in the Civic Public Forum.

Recall that the reason for freedom of conscience and its expression is so that God (however conceived by the people) can enter the Public Forum through the people from the ground up. It follows, then, that in order for a political system to fulfill that goal, the people's first duty is to move beyond their own wants and desires, and to broaden their sights—that is, to raise consciousness to God, the universal, the whole collective (however understood, whether religiously or not), so that they can reflect and discern what it is that promotes the good for everyone within the context of the two-tiered Public Forum of America's Sacred Ground.⁶²

It also follows further that, to fulfill the system's goal, the people's second duty is to do one's best to contribute, within the context of the two-tiered Public Forum of America's Sacred Ground, to the development of the good society. That is, the people must fulfill their duty to raise their hearts and minds to the ultimate—God, Universal Reason (i.e., "nature's God"), Universal Compassion, the Divine (however conceived)—and discern what conscience directs, and then express conscience in speech and action with honesty and respect for others in the two-tiered Public Forum of America's Sacred Ground. Otherwise, the system cannot fulfill its intended purpose: to make a better world. Consequently, raising conscience and participating in the two-tiered Public Forum are not merely private endeavors, but also are public responsibilities. As this author has written elsewhere:

Thus, freedom of conscience was not preserved [by the founders] as a kind of benign right for the private benefit of individual people. Rather, the expression of the free consciences of the people in the Public Forum was deemed to be central to the entire American enterprise because it was to be not only an end for individuals, but the *means* to a good society. That is, while freedom of conscience is private and voluntary (Madison)⁶³ and thus "solely between man and his God" (Jefferson),⁶⁴ *freedom's function is to promote the public, as well as the private, good.*⁶⁵

Hence, the duty to participate calls for the people to bring into public conversation in both tiers of the Public Forum insights gleaned from raising conscience, and to listen to the views of others for understanding "so that conscience is informed and the good can be revealed."⁶⁶

Consequently, when some who identify with the religious right or the secular left refuse to listen to the views of others, they necessarily cannot be informed participants in the public conversation and cannot fulfill the founders' vision for how the good society may be achieved. Rather, in order to be a full participant, one must submit one's views to others so that they can be explored, and one must make sincere attempts to discover what might be valuable about others' perspectives, including unfamiliar or even contrary perspectives. That is, the system that the founders envisioned contemplates a free people exchanging ideas and seeking understanding in a cooperative effort in the search for the true and the good.

Most important, however, Americans are duty bound to educate themselves, their children, and their communities about America's Sacred Ground—the political theology, freedom of conscience and its expression, the two-tiered Public Forum framework, the principles of the Public Forum, and its overall purpose—to build the good society from the ground up. Only then can the people be bulwarks against those who seek to establish the top-down overarching worldview approach to government that Locke

FIGURE D

THE FRAMEWORK AND PRINCIPLES
OF THE TWO-TIERED PUBLIC FORUM

The Core Principles — Freedom and Equal Dignity

- The Civic Public Forum*
 - The Law of No Harm
No one may harm another in his/her life, liberty, or property.
 - The Law of Consistency/No Hypocrisy
No one may deny to others what one is not willing to deny oneself.
- The Conscientious Public Forum*
 - The Duty to Discern What Conscience Directs
By raising conscience to God, the Universal, etc.
 - The Duty to Participate in the Public Forum in Accordance with Conscience
By speech, action, and by listening to others' views, all with honesty and respect for others.

and the founders rejected. And only then can a system that values liberty nevertheless aim for the true and the good.

This is not to say, of course, that there will not be disagreements about the meaning and scope of the principles of the Public Forum, and this is not to say that America's Sacred Ground's political theology must be *believed*. It is simply that America's Sacred Ground is the foundation that makes the whole debate about religion and morality possible—even the debate about the extents and limits of America's Sacred Ground itself. That is, America's Sacred Ground cannot be denied without risking the very thing that has made all debates possible in the first place.

Fulfilling the Duty to Participate Requires Moral Virtue

The Civic and Conscientious Public Forums provide only the basic principles that frame a political system that values liberty and the contributions of the people from the ground up. Consequently, in order that liberty does not devolve into licentiousness, the people's duty to participate requires people to promote a moral vision for society that goes beyond what government can accomplish. For most, this includes the formation of "communities of conscience," including religious communities, or at least an exploration of personal virtue, which may include eclectic spirituality drawing from many religious and philosophical sources. In fact, the development of moral virtue well beyond the bare principles of the two-tiered Public Forum of America's Sacred Ground is in large part what freedom is *for*.

It follows, then, that America's Sacred Ground relies in large part on the goodwill of the people. The people's freedom is limited only by matters within the purview of governmental action in the Civic Public Forum, which ensures that both tiers of the Public Forum are free and open for everyone. Consequently, in order for the system to fulfill its intended purpose (to build the good society), the people have a duty to exercise their freedom responsibly with a view toward what is conducive to creating the good society—within the limits of the Civic Public Forum and its two laws. This is because freedom is not for one's individual happiness, but *for the happiness of everyone*.

A system that is free for *all*, and not an amoral "free-for-all," requires that the people strive to be virtuous and live virtuous lives, within a system that makes everyone's pursuit of virtue possible. As James Madison said, "To suppose that any form of government will secure liberty or happiness without any virtue in the people is a chimerical idea."⁶⁷ That is, it is an *illusion*. Hence, it is *because* the government is not involved from the top down in the moral ordering of people's lives that the people have a moral duty to order their own lives. This is why, as John Adams said, "Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."⁶⁸ As this author has said elsewhere:

If enough of us do not [fulfill] the conscientious moral principles, then we will end up proving our founders wrong: a society of free individuals does not promote the good—not even the good as separately conceived by society's various constituents; it promotes a licentious society where individuals have no regard for their nation and its future, only themselves. When that happens—when we have lost sight of what freedom was for—we will surely be in danger of losing the liberties that the founders and all of our forbears fought so hard to give to “ages and millions yet unborn.”⁶⁹

RENOUNCING THE DEBATE'S FALSE DICHOTOMY AND FALSE CHOICE

When America's Sacred Ground is rediscovered, it becomes clear that the current public discourse is itself framed in a way that actually is in the process of undermining the framework, principles, and purpose of the nation. In large part, America's Sacred Ground has been put at risk by a debate involving a false dichotomy that presents a false choice.

The “Two-Sided” Debate vs. an Open Public Conversation

The public discussion is framed as a debate between two “sides.” That is, the metaphor of public “debate,” to which the founders referred,⁷⁰ has become distorted. Today, it connotes a trial of sorts, based on a legal model, where each “side” presents its case in stark contrast to the other. Pursuant to this model, the people's primary exercise of freedom is to serve, in effect, as judge and jury, and vote—thereby choosing the winner of the debate.

But a debate that involves the sort of truncated, unrelenting position-taking, exemplified by stonewalling and obstructionism, that occurs today is not what the founders, or Locke before them, had in mind. Rather, the system they envisioned contemplates a free people, empowered to be and do good according to conscience, whose exercise of liberty goes well beyond voting. As shown earlier in this chapter, in order for the system to fulfill its intended purpose, the people are to participate in a great conversation in the two-tiered Public Forum by *exchanging* ideas and seeking *understanding* in a *cooperative* effort in search of the true and the good. This does not involve only two “sides,” nor does it involve a “winner-takes-all” power struggle for the most votes.

The False Dichotomy of the Current Debate

The two sides in the debate today present a false religious/secular dichotomy. The prevailing narrative in the media and politics elevates the religious right and secular left in public discourse, giving those two sides, in effect, the

whole stage. Not only does this effectively eliminate a platform for the myriad other contributions that could be made, but the religious/secular dichotomy itself is an utterly erroneous way to think about the system that was established by the American founders. This mistake is the reason that neither side can make sense of the fact that the founders made numerous references to God, while at the same time expressed reservations about religion. But the founders' references and reservations are not in conflict; they only appear to be so from the perspective of the debate because neither side of the religious/secular dichotomy has embraced America's Sacred Ground.

As shown above, there is a religious basis to the nation, founded in John Locke's political theology, which was adopted by the American founders. It was based on God's relationship with the people, who then build the good society from the ground up according to conscience imbued with God (however conceived by the people). That is why the founders made references to God.

But, as also shown above, this does not imply, as the far religious right contends, that the religious right's particular version of Christianity or the Judeo-Christian tradition is a valid dictate for the political/legal direction of the nation. Rather, the founders distrusted religion when it is aligned with government in violation of the Civic Public Forum principles, and thus tends toward an overarching worldview to be imposed on the people from the top down. Consequently, the founders intended to separate church and state.

This does not imply, however, that the Public Forum is to be devoid of religious expression. What the separation of church and state doctrine means in the American context, in light of the political theology underlying the nation, is this: Freedom of conscience and its expression are to be preserved for everyone, while the government is to stay out of religion otherwise, so that the people can raise consciousness to the Divine (however conceived) and bring conscience into the two-tiered Public Forum in a conversation about how to build the good society from the ground up. That is, the founding fathers had religious reasons for separation of church and state.

Consequently, those in the far religious right make a fundamentally erroneous claim when they contend that the United States is a Christian (or Judeo-Christian) nation. The American founders could not have meant to make Christianity the basis for the nation because then, just as now, there were numerous versions of Christianity. Some Christianities have ideologies that are compatible with parts of America's Sacred Ground and some do not.⁷¹ And all Christianities have beliefs, values, and practices that go well beyond the framework, principles, and purpose of America's Sacred Ground.⁷² That is why the choice of any one of them would be a return to the top-down overarching worldview approach to a political system that the founders *repudiated*.

Secularists also make an erroneous claim when they attempt to eliminate Christians' or others' participation in public life on the basis that they are

"religious" perspectives. In fact, secularists' rejection of religion as a valid subject and contributor in the Public Forum, in an attempt to create a "neutral" public square that is devoid of religion, is its own version of a top-down overarching worldview.

The founders' concept of the separation of church and state is not about eliminating religious participation in public life, but is about eliminating the power of any particular religion—or any other ideology—to dominate the people through the instrumentalities of the state. That is, if America's Sacred Ground is to be preserved in the face of attempted top-down overarching worldview power grabs in the debate today (by either the religious right or the secular left), then it is incumbent on Americans to recognize that the dichotomy that matters is not religion vs. secularity, but *domination vs. liberty*.

The False Dichotomy's False Choice

The false dichotomy is problematic for yet another reason. On the one hand, the religious right takes the view that "God" is America's foundation and concludes that the Christian (or Judeo-Christian) tradition is, therefore, the moral foundation of the nation. This moral absolutist view is necessary, they contend, otherwise America would be subject to a free-floating moral relativism and stand for nothing. On the other hand, strict secularists eschew moral absolutism in favor of what amounts to a morally relative approach. In their view, taking a particular moral stance would limit the give-and-take exchange among many multicultural perspectives that can lead to practical solutions to the nation's problems. Thus, the religious right/secular left dichotomy presents itself as a choice between moral absolutism and moral relativism. This is, however, a false choice.

Although in some sense the founders held that the nation is grounded in God, one cannot conclude from this that the founders adopted a particular religion do not support the claim that they chose a Christian or Judeo-Christian absolutist moral foundation for the nation. Yet it does not follow from this that there is *no* moral foundation to the nation, as strict secular relativists contend.

The moral relativists' assumption is that a "free-for-all" discourse with no grounding principles is a more open discourse, one that is more welcoming to the myriad views in America's pluralistic society. But this assumption is misplaced. If the stated position of strict moral relativists actually were adopted, it would be highly likely to result in the demise of the give-and-take exchange they value. The reason is that there no doubt would be competing forces, each with no greater claim than another, that would vie for dominance. With no grounding principles, there would be nothing to prevent one or another top-down overarching worldview to emerge as dominant. When domination would be achieved, freedom and its expression would be lost.

Such dominance would be the antithesis of the give-and-take approach that the moral relativists desire. Obviously, this is not what the moral relativist has in mind.

In fact, the moral relativists' own internal logic is inconsistent because it actually is based on a moral value—the value that it is *good* for all voices to be heard—and therefore the supposed relativism is not really relative. The conclusion is clear: Secular moral relativists are in fact assuming unwittingly a moral, legal, and political foundation, with grounding principles, that makes the discourse of myriad multicultural views possible.

Consequently, neither moral absolutism nor moral relativism is valid. Rather, the choice between the "all" of Christian (or Judeo-Christian) absolutism and the "nothing" of moral relativism, both of which risk top-down dominance, has obscured the fundamental framework, principles, and purpose of the nation, which makes the discourse of myriad multicultural views possible. That was the founders' choice; it is America's Sacred Ground.

America's Sacred Ground does not establish an absolute moral vision, which is what the secular left fears and therefore vehemently opposes, but it also does not abandon society to the nihilistic void of moral relativism, which is what the religious right fears and therefore vehemently opposes. Rather, it provides a fundamental political structure that frames the public debate for maximum participation by everyone in America's pluralistic society, while also providing basic principles that serve as "ground rules." This is the system that values pluralism—not the structureless and foundationless moral relativity of the strict secularists, and not the system of absolute values of the religious right. This is a system that is free for *all* and not a "free-for-all" because it is grounded in the principles of America's Sacred Ground.

CONCLUSION

There is considerable discussion today about American values. However, there does not seem to be much agreement about what those values are. Instead, there is division in the nation over many serious issues: the right to die with dignity, the right to life/abortion rights, the death penalty, the definition of marriage, the role of the government in helping the poor, and more. As important as these issues are, their resolution is not the main problem in the debate, regardless of how crucial those issues are to those who argue about them in public and to those on whose behalf those arguments are made. The main problem is that the debate itself is being conducted in a manner that is undermining the foundations of the nation.

There is a growing assumption in the media and politics, and among the people in general, that public debate involves competing worldviews, each vying for dominance. Then whoever gets the most votes wins the debate—the prize being the power and the right to impose an overarching top-down

worldview on the people as a whole. That is, once power is gained, domination is legitimate. In other words, there is nothing sacred at the core of the nation that is not subject to majority opinion. But the truth is that there is a foundation to the nation, the foundation that holds in place the whole conversation to begin with—the system that makes it possible for the people to build the good society from the ground up.

America's moral and political framework not only provides a forum for the participation of many diverse people in America's pluralistic society, but is itself founded on the fundamental value that it is good for *all* voices to be heard. In fact, when one looks back to the founding of the nation, one finds not a strict adherence to a particular worldview, as was found in previous approaches to government throughout history. Rather, one finds a fundamental belief that an open discourse from a variety of perspectives would be more likely to lead to the true and the good than one that limits participation. If the discourse remains grounded in America's moral and political framework, new approaches and perspectives challenge those that have become entrenched, and when they do, they contribute to the continued revitalization of and progression toward America's democratic ideals.

Advances that have fulfilled that promise have been made throughout American history, for example, the abolition of slavery, the recognition of women's rights in the law, civil rights legislation, and laws to protect the disabled. Such advances have not been made by changing the underlying structure and principles of the nation, *but by appealing directly to them*. At times this has required an amendment to the Constitution because the nation's sacred ground is not the Constitution itself, but is the religious and moral ground on which it stands. As John Dickenson wrote in 1788:

[A] constitution is the organization of the contributed rights in society. Government is the exercise of them. It is intended for the benefit of the governed; of course [it] can have no just powers but what conduce to that end: and the awfulness of the trust is demonstrated in this—that it is founded on the nature of man, that is, on the will of his Maker, and is therefore sacred. It is an offence against Heaven, to violate that trust.⁷³

It is clear that the founders (and John Locke before them) held that our inalienable rights have a Divine origin. It does not follow from this, however, that the founders intended anyone's particular conception of God to frame those rights. Rather, freedom of conscience and its expression in a great inclusive conversation were held to be the means to the true and the good. Thus, even at a time when the founders did not give full effect to the import of the Bill of Rights in the legal system they established in that they failed to abolish slavery and did not accord women equal rights, among other things, the founders nevertheless embraced pluralism, expressly acknowledging that the United States embraces many people of many different faiths—some vastly different than those found in the familiar cultures of the West.

Pluralism does not equate to moral relativism, however, as some in the contemporary debate fear. Rather, the valuing of pluralism requires a moral foundation, the moral foundation that holds that it is good to welcome all religio-cultural expressions in the free and open Public Forum—the moral foundation that, together with its supporting framework and ultimate purpose, has been referred to here as America's Sacred Ground. This is the foundation that holds that the state may not sanction the infringement of the inalienable rights of its minorities, even in the face of a powerful and vocal majority (in support of the core value of liberty), and this is the foundation that holds that no one may deny to others, through the instrumentalities of the state, what one is not willing to deny oneself (in support of the core value of equal dignity). In sum, therefore, it could be said that the unifying principle of America's Sacred Ground is pluralism itself.

It follows from all that has preceded that the U.S. Supreme Court is not the ultimate moral referent of the nation; its decisions can be critiqued on the basis of whether or not they are in accord with America's Sacred Ground. That is, the Constitution is a document that should be interpreted by reference to its underlying framework, principles, and purpose and not by reference to whatever majoritarian interests hold sway at any one time, whether religious or secular. Those who argued against the ratification of the Constitution when it did not include a Bill of Rights had it right, and those who argued that it was not necessary to include a Bill of Rights in the Constitution had it wrong. The Bill of Rights is the embodiment of the moral heart of the whole political system. While the Bill of Rights is not the nation's "sacred ground," it is the first building block of a people committed to liberty and equal justice *for all*.

Thus, America's Sacred Ground is not liberal or conservative; nor does it entail purely secular or purely religious ideas. Rather, America's Sacred Ground is what frames America's identity—not as it is, but as it should continually strive to be.

[A]s we dig deeply to find the roots of our identity . . . what it is that joins all of the multitudes beauty of the diversity of our people and the plurality of our beliefs—we discover that our identity is not found in a vision of the many made one. We are not a people with one appearance, one history, one culture, one religion. Ours is a people that is much more beautiful because we are not defined by ethnicity, national origin, common perspective, appearance, or anything else like that. We are defined by a vision of the many as one, all standing on America's Sacred Ground—all striving in a free and open forum for debate and action, where truth can "shift for herself," for what we believe will make a better world. And if, and only if, the Public Forum is free and open, and conscience is expressed, . . . can it be said, as it was said in 1788, that "[t]he voice of the people is . . . the voice of God."⁷⁴