

THE STATE AND ORGANIZED RELIGION: PARTNERS OR ADVERSARIES?

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Dennis Mueller's article "The State and Religion" in the March 2013 issue of the *Review of Social Economy* raises important questions regarding (1) religious education, (2) religious charities and other religious organizations, (3) religious extremism and freedom of choice, and (4) the ties between secular organizations and organized religions and the problem of the evil state.

We address these questions in general from a U.S. perspective, drawing attention to several of Mueller's problematical statements. None of our comments in the following should be construed as tolerating hate speech directed toward any minority party or condoning abuses such as pedophilia on the part of persons affiliated with religious organizations.

We have employed bullets in the following because our text has certain discontinuities that result from the way we have chosen to organize and present our reply to Mueller's article.

RELIGIOUS EDUCATION

- Mueller cites considerable data on the linkage between Church and State, and raises the following question: what benefit does he personally derive from government support for education under the auspices of organized religion?

I benefit from my neighbor's education, if it makes her a more productive worker and thus increases the taxes she pays *thereby lowering the tax burden on me*. I also benefit from my neighbor's education, if it makes her a better citizen in the sense that she makes better informed and more intelligent choices when she votes, and that she is less prone to engage in antisocial behavior. (Mueller: 13; emphasis added).

With no supporting data, he then asserts that religious education produces neither one of these positive externalities, and in some cases actually results in a negative externality. Mueller, however, overlooks the fact that (a) the parents of children enrolled in religious schools in the United States are not thereby exempted from the taxes necessary to support public education, and (b) children enrolled in religious schools reduce enrollment in public

education and for that reason reduce the taxes necessary to support public education. And Mueller's own tax burden as well.

He also claims that state-supported education must produce some positive externality for the community that would not be forthcoming without state intervention. Mueller has considered state intervention to provide educational options outside a failed public education system for children whose parents cannot otherwise afford those options, but it seems only as a "possibility." (Mueller: footnote 24). Though Mueller insists on a positive externality as justification for such intervention, no such externality is necessary for the community to justify vouchers for the children of impoverished families even when the option is education at a religious school. The justification is simply the need of children that is unmet by public education and the right of parents to choose what is best educationally for their children.

- In Section 6 Mueller argues that parents who send their children to religious schools are denying them freedom of religion by denying them "the right to make meaningful and informed choices among religions, including the choice of no religion ...". His proof is strictly anecdotal and highly selective as in the following.

Jews in Britain do not benefit when children at state-funded Muslim schools are taught to hate Jews. Homosexuals do not benefit from religious instruction that characterizes homosexual relationships as acts of sodomy prohibited by God. Some religious instruction may turn children into better citizens as adults, other religious instruction makes them worse citizens. (Mueller: 13).

Mueller cites one source from 2010 to support these claims. (Mueller: 13). That source, which is linked to the BBC, provides no information as to whether the Muslim schools are state-funded. A different source¹ that comments on that BBC report and was published at the same time states explicitly that none of those schools is state-funded or housed in government buildings. One year later, another UK source² states that of the roughly 140 Islamic schools in UK only 12 are state-funded. Nothing in that report indicates that any of these schools were teaching hatred of Jews or homosexuals.

- Mueller offers no evidence to support the following proposition.

To the extent that religious education displaces other subjects, such as math and history, it produces a *negative* externality by lowering the future productivity of adult workers, and making future adults less well-informed about issues that are important for good citizenship. (Mueller: 13; his emphasis).

¹ See <http://undhimmi.com/2010/11/22/saudi-funded-uk-sharia-schools-teaching-muslim-kids-jew-hatred-sharia-mutilation/>

² See <http://www.guardian.co.uk/education/2011/nov/28/muslim-schools-growth>

State universities in the United States typically require a student to have completed a core curriculum in order to be admitted.³ Unless an elementary or secondary school offers separate tracks for college-bound students and other students, it makes no sense for that school whether religious-affiliated or not to offer a curriculum that does not satisfy that core.

- Mueller claims that there is a fundamental inconsistency in *The Universal Declaration of Human Rights* regarding the rights of parents to educate their children and the right of everyone to freedom of religion.⁴ (Mueller: 16). He says that this inconsistency has been overlooked. This is a questionable assertion. Article 26 says that “parents have *prior* right to choose the kind of education that shall be given to their children.” (Universal Declaration 1948; emphasis added). “Prior” means a prior claim that is more important than other claims and needs to be dealt with first.
- Mueller then states that the Supreme Court “even granted Amish parents the right to deny their children *any* education beyond the eighth grade ...” (Mueller: 16; his emphasis). Mueller is referring to the Court’s 1972 decision in Wisconsin v. Yoder, though he does not cite the case specifically. In that case, the Court argued the following.

... The Amish in this case have convincingly demonstrated the sincerity of their religious beliefs, the interrelationships of belief with the mode of life, the vital role that belief and daily conduct play in the continued survival of Old Order Amish communities and their religious organization, and the hazards presented by the State’s enforcement of a [compulsory attendance] statute generally valid as to others. Beyond this, they have carried the even more difficult burden of demonstrating the adequacy of their *alternative mode of continuing informal vocational education* in terms of precisely those overall interests that the State advances in support of its program of compulsory high school education. In light of this convincing showing, one that probably few other religious groups or sects could make, and weighing the minimal difference between what the State would require and the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish. (Legal Information Institute 2013: not paginated; emphasis added).

Wisconsin v. Yoder did not pit the freedom of religion of Amish children against the rights of their parents to raise them in the Amish faith as Mueller suggests. (Mueller: 16). Rather,

³ For more on the core curriculum in Louisiana, see <http://admissions.nsula.edu/assets/Uploads/Application-for-Admission-page-4-LOUISIANA-REGENTS-core-0808.pdf>

⁴ See Articles 18 and 26.

it addressed the rights of Amish parents to the free exercise of their religion that includes educating their children beyond eighth grade as they see fit versus the State's enforcement of the compulsory education statute. The U.S. Supreme Court decided for the Amish parents and in essence upheld the decision of the Supreme Court of Wisconsin.

Responding to the State's argument that by not providing their children with education beyond the basics the Amish are seriously handicapping them, the Court replied as follows.

There is no specific evidence ... showing that, upon leaving the Amish community, Amish children, with their practical agricultural training and habits of industry and self-reliance, would become burdens on society because of educational shortcomings ... not only do the Amish accept the necessity for formal schooling through the eighth grade level, but continue to provide what has been characterized ... as an "ideal" vocational education for their children in the adolescent years. (Legal Information Institute 2013: not paginated).

Continuing to use today the same educational practices as in the 1970s when Wisconsin v. Yoder was decided, the Amish population across the United States roughly doubles every 20 years due largely to the 80-90 percent retention rates of Amish children. (National Geographic 2012: 2-3). If Mueller is correct in arguing that the Amish have restricted the freedom of their children to choose other lifestyles (Mueller: 16), why aren't more of them voting with their feet? Is it gross intimidation on the part of Amish parents?

RELIGIOUS CHARITIES AND OTHER RELIGIOUS ORGANIZATIONS

- As to the practice of allowing tax deductions for contributions to religious charities and other organizations, Mueller insists that they represent contributions from the federal government. (Mueller: 7). However, the federal government exempts from taxation other kinds of expenses including mortgage interest payments and health care. In none of these cases do funds actually flow from the federal government to religious charities, other religious organizations, homeowners, or persons with health care expenses. The money is not taxed by act of Congress that effectively represents the consent of the governed who agree that tax-deductible donations are better spent by religious charities and other religious organizations than by the government. This is what you get with representative government. The same justification, which is rooted in the democratic principle and the principle of subsidiarity, applies to exempting religious charities and organizations from state and local property taxes. Further, this practice does not establish a state religion since it applies across the board and not narrowly to one religion.
- Mueller states explicitly that state financial support for religious organizations is justified if it provides some "public good or engage[s] in activities with positive externalities" (Mueller: 8) but at the very end of his article concludes that

It is time to complete the Enlightenment agenda with respect to Church and State religion, and totally sever *all* state support for organized religions. (Mueller: 17; emphasis added).

Acting through its member agencies and affiliates, Catholic Charities of the United States served more than 10 million clients in 2011, of whom 55 percent had family income below the poverty level. Of the \$4.4 billion in cash revenues, nearly \$3 billion came from government sources with state and local governments providing three times as much as the federal government. (Gauthier and O'Hara 2012: 3, 4, 6). This practice, which does in fact involve a flow of taxpayer funds, does not establish Catholicism as a state religion because the funds are used exclusively to help the needy and no religious test is applied.⁵

Mueller presumably approves support for religious organizations like Catholic Charities when they clearly serve a public good. However, his own words at the very end of his article indicate that he means to deny support for any and all religious organizations whether they serve a public good or not. Mueller can't have it both ways.

RELIGIOUS EXTREMISM AND FREEDOM OF CHOICE

- Relying entirely on a source that dates from 1993, Mueller condemns extremists among religious fundamentalists for crimes involving U.S. abortion clients and providers including “on occasion, murdering doctors who perform abortions.” (Mueller: 9). However, he does not tell his readers that between 1999 and 2008 there were *no such killings* while at the same time 81 women died at the hands of abortionists performing legal, induced abortions.⁶ (National Abortion Federation 2013; Centers for Disease Control 2013).

- The violence in Northern Ireland is more than a conflict between Catholics and Protestants as Mueller claims. (Mueller: 9). While it is often characterized that way, the struggle pits Unionists and Republicans as to whether the six counties in Northern Ireland should remain united to Great Britain or be joined to the 26 counties of the Republic of Ireland. This battle dates from a treaty agreement in 1922 establishing the Irish Free State that approved this partitioning. (History 2013).

Shortly before the adoption of the euro in the Republic of Ireland, a visitor entered a convenience store just across the open border in Northern Ireland and offered an Irish pound in exchange for some snacks. The clerk sneered at the visitor and refused to accept the Irish currency, snorting: “you’re not in Ireland now, are ya?”

⁵ See <http://www.catholiccharitiesusa.org/catholic-tradition/ten-ways-catholic-charities-are-catholic/>

⁶ There were six reported homicides prior to 1999 and one after 2008. We selected the period 1999 to 2008 because prior to that time CDC did not separate maternal deaths due to legal abortion versus illegal abortion. The latest year for which data on maternal deaths are available from CDC is 2008.

- **Mueller is correct in stating that blasphemy is banned in Ireland. (Mueller: 11). Blasphemy is defined as publishing or uttering**

...matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of adherents of that religion and [a person] intends ... to cause such outrage.(Defamation 2009: article 36; emphasis added).

It is not blasphemous if

... a reasonable person would find genuine literary, political, scientific, or academic value in the matter to which the offence relates. (Defamation 2009: article 36).

While there is considerable support in Ireland for doing away with the blasphemy law, there have been no prosecutions under the law. (Goldman 2011: 266). Further, the Irish are not shy about speaking their minds -- anyone specially gifted with the spoken word is said to have “a tongue that could cut a hedge.” Thus it is unlikely that Mueller would be charged with blasphemy by proclaiming that “God a jerk” (Mueller: 11). Or even taken notice of, for that matter.

- **Religious zealots are not the only ones that cause what Mueller calls “psychological externalities” where there is no physical damage but makes a person angry or causes him/her to seek relief. (Mueller: 10). Many Americans, whether believers or not, are deeply offended by the practice of abortion held constitutional by the Supreme Court in 1973. Similarly, many are offended by the legalization of same-sex marriage and physician-assisted suicide, capital punishment, and other less-important matters such as restricting the freedom to fly the Confederate flag and to pray at public-school sponsored events. This is what you get with representative government, especially when petitioning government for relief is the right of all citizens whether believers or not.**

- **Apart from some anecdotal evidence regarding Polish parents and their children, Mueller offers no evidence for his assertion that “... by the time a [Polish] child becomes old enough to make a meaningful choice, it [sic] comes to accept the religion chosen for it by its parents.” (Mueller: 15-16). Free will in this matter, he is saying, has been suspended. His argument borders on accusing parents who raise their children in a specific set of religious beliefs, convictions, and practices of brainwashing them into adulthood, and their children as being unable as adults to reject those beliefs, convictions, and practices. Further, he even contradicts himself by asserting in the same place that “in the United States, changing religious affiliation has become rather common in recent years.”**

SECULAR ORGANIZATION TIES TO ORGANIZED RELIGION AND THE PROBLEM OF THE EVIL STATE

• By insisting that his concerns apply only to organized religions (Mueller: 5), Mueller it seems has no problem with the Pro-Choice Religious Network established in 1994 by Planned Parenthood in the United States that is authorized to receive tax-deductible donations and gets more than \$65 million in federal funds.(Napili 2013: 18-19). The Network’s statement of beliefs begins with the following:

We believe that clergy have a special responsibility to bear witness in support of reproductive rights so that the public and their elected representatives may understand the *theological* and moral basis for reproductive rights. (Planned Parenthood 2013; emphasis added).

For sure Planned Parenthood is not organized religion but the various clergy in the Network are associated with organized religion. Shouldn’t his insistence on the complete separation of church and state include practices like this?

• Mueller brings up the issue of evil regarding the U.S. criminalization of drug distribution and use that he claims originates with American Evangelicals. (Mueller: 10). Does Mueller insist on separation of church and state when the state itself is fundamentally evil? Is there no room in his argument for the following well-known clergymen in condemning state-sponsored evil: Dietrich Bonhoeffer in Nazi Germany, Martin Luther King in segregated United States, Bishop Tutu in South African apartheid, the Dalai Lama in the Tibetan autonomy issue, John Paul II on a Poland freed of Soviet domination? Are the positive externalities of their efforts to be dismissed out of hand?

FINAL REMARKS

One other question remains. In his article, what social values does Mueller connect to economics? How does he ground his concluding assertion to the effect that there must be an end to “all state support for organized religions” in social values? It certainly is not the freedom to do as one pleases as long as no one else is harmed that Mueller clearly embraces. (Mueller: 10). Rather, he employs two entirely different social values as represented in the following syllogisms:

Government should support only those activities that produce a public good.

Organized religions provide no public good.

It is necessary to “totally sever all state support for organized religions.”⁷

⁷ See Mueller p. 17

This syllogism’s major premise is one of two social values that Mueller is asserting. The minor premise is a claim that as we have pointed out Mueller has not established with the necessary documentation. His conclusion does not follow.

But Mueller also is saying the following:

An enlightened state cannot be based on superstition.⁸

Religion is superstition.

It is necessary to “totally sever all state support for organized religions.”

The major premise of this syllogism is Mueller’s second social value but, as with the first syllogism, Mueller’s minor premise is a claim that he has not substantiated. His conclusion does not follow.

In the end, the central problem with Mueller’s article is that neither he nor anyone else involved in its publication bothered to do the required fact checking.

⁸ “The [ancient] Greeks were simply too rational to let (religious) superstition influence their choices in the public domain.”(Mueller: 3). “It is time to complete the Enlightenment agenda with respect to Church and State ...” (Mueller: 17).

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