Theology and Agricultural Ethics in the State University
A Reply to Richard Baer

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Richard Baer employs three principal arguments in his paper, "Agricultural Ethics at State Universities: Why No Input from the Theologians?", to support his position that theologians should be utilized by state universities to deal with agricultural ethics. At one point he conveniently summarizes his case:

> Introducing the study of theology and of theological ethics into the modern state university would not only result in greater fairness and be more compatible with the Constitution; it would also provide powerful intellectual resources for thinking about particular policy questions in agriculture and in the natural environment.[1]

These arguments appeal to fairness, the Constitution and usefulness. In this paper I will examine each of these arguments, rejecting the first two but leaving open the possibility that religious ethics may have some value for agricultural ethics. My receptivity to religious ethics, however, will not be an endorsement of Baer's call for theology in public education.

Subjectivity, religion and fairness

Baer contends that there is no relevant difference between secular and religious orientations; both involve "faith commitments". It is not the case, he argues, that science and philosophical ethics are religiously neutral and religion and theology are subjective. All are value-laden and subjective. "When the philosopher does philosophical ethics," Baer observes, "he speaks from a particular point of view and makes certain initial assumptions in a way that is not fundamentally different from what the theologian does" (p. 42). In effect, then, we are all religious; we all operate from some basic commitment that informs our choices. Baer asserts, ". . . the philosophical ethicist begins her work with initial assumptions which formally are no different from those of the theologian" (p. 43). If this is the case, then there is no reason for the theologian to be excluded from the state university. Indeed to do so is "unjustifiable discrimination" (p. 43). The theologian, on this analysis, deserves equal standing with every other intellectual in the academic community.

But is it the case that we all operate from some fundamental "faith commitment"? I think not. The theologian has certain basic commitments that he or she cannot step back from without forfeiting his or her standing as a theologian. For a Christian it is an affirmation of the Lordship of Christ or perhaps a belief that God was in Christ reconciling the world. If the Christian theologian ceases to affirm his Lord's sovereignty or the incarnation, whichever defines

his or her faith, then he or she ceases to be a Christian theologian. Other intellectuals can change methodologies or fundamental beliefs and still remain within their disciplines. Admittedly, the chemist must still work with chemicals and the philosopher must still engage in comprehensive criticism, but neither is committed *by virtue of his or her profession* to any particular position, tradition or institution. Indeed on my understanding of philosophy nothing is beyond criticism. All assertions are fair game. Admittedly one cannot question all of one's commitments all at once. But nothing, when brought into focus, is immune to criticism. One must operate from some perspective, but one—if he or she is not a theologian—may change perspectives.

I am not naive enough to think that some academic positions are not reserved for Anglo-American analytic philosophers or behaviorist psychologists. Certainly Jews teach Jewish studies and deconstructionists teach deconstructionist criticism. But the analytic philosopher does not cease to be a philosopher if she takes up Continental philosophy. Nor is the Christian precluded from teaching Modern Jewish Thought. But the Christian theologian is required to be a Christian. The whole point of being a theologian is to operate within a particular faith. There is thus a basic, non-arbitrary difference between the theologian and other intellectuals.

Religious Pluralism, Secularism and the Constitution

If one cannot ultimately distinguish theologians from other intellectuals, then, Baer argues, there is no reason to exclude them from public institutions. In the interest of "genuine pluralism" we should—like the Europeans—welcome many faiths. Having challenged Baer's premise, I will now examine his inference.

Baer's advocacy of European-style pluralism radically misunderstands the American constitutional system. We do not have a state church; nor does our Constitution allow support for religious activities. But it is these blithe assertions that Baer attacks, contending that secularism is the "operative framework" or "religion" of modern state universities (p. 44). We can summarize the situation in this way. The first amendment ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof") says that the government must neither promote nor prohibit religion. The religious right says that the actual situation is that the government now promotes secularism but prohibits other religions in public schools. To remedy this injustice we should promote all religions and prohibit none.[2]

The religious right's argument turns on a misunderstanding of "secular". It must show that the secularity of the American constitutional system has become a sectarian secular humanism, sanctioned by the Supreme Court. The argument also depends on a broad understanding of religion and a belief that religion is pervasive in society. Thus when the Supreme Court ruled Bible reading, prayers and the posting of the Ten Commandments to be unconstitutional, it *in effect* "established" secular humanism in the schools. This argument is flawed, however, by its use of the questionable notions that religion is nothing but one's basic orientation in life and religion is a necessary condition for a society. I question the former because it is overly inclusive. If every basic orientation is a religion, then religion ceases to be a useful concept for discriminating between practices. The avid baseball fan, the political activist, the dedicated teacher and the contemplative monk all are considered religious. The latter is problematic because it assumes that society is homogeneous, that is, that it has a "basic orientation". But the major problem with the argument is its failure to distinguish between the senses of "secular".

At the present time the Supreme Court applies a three-prong test for determining if a legislative action violates the no-establishment clause of the Constitution. As stated in Lemon v. Kurtzman (403 US 602, 612–613 [1971]), the test reads:

> First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . ; finally the statute must not foster "an excessive government entanglement with religion".

The social and political reality which the test assumes and values is this: there is a large area of our lives which can be characterized as neither religious nor irreligious. It is the non-religious. This large area makes no reference to God or gods, heaven and hell, sin and grace, etc. This neutral area is the secular and it is the province of governmental support and regulation. There is firm ground in the Constitution for this non-religious stance, for the Constitution is a resolutely secular document. The only reference to religion in the Constitution itself is a negative one prohibiting religious tests for those holding public office (Article VI, Section 3). It is a framework for our common life without reference to God, other worlds or transcendent values. This can be readily seen by recalling the preamble:

> We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

This is clearly a purpose statement for a secular, in the sense of "this-worldly" and "non-religious", nation-state.

But the matter is not this simple—for two reasons. One is historical and the other is conceptual. First, the historical reason. Those who drafted the Constitution and the Bill of Rights were well aware that almost every state had religious tests of one kind or another for those who would hold public office. It was because of these religious tests (and established churches in some of the states) that the First Amendment read, "Congress shall make no law *respecting* an establishment of religion" (italics added). If there had been no established state religions, this clause could have read, "Congress shall make no law establishing a religion." As it was, the Bill of Rights forbade the Congress from interfering with a state's established church. This situation changed, however, in the nineteenth century. In 1833 Massachusetts, the last state to provide support to some churches, altered its constitution, removing special privileges for the Orthodox Congregational and Unitarian parishes.[3] Then later in the century, following the Civil War, the Fourteenth Amendment was adopted and the Court later interpreted it as applying the constitutional restriction against Congress establishing a religion to the state legislatures as well. So under present constitutional law, no legislative body may enact legislation that has a religious purpose or effect.

Thus a secular interpretation of the Constitution is not as simple and straightforward as some would have us think. Yes, the Constitution's language is secular, but this language did not prohibit state-supported religion at one point in our history. It was only later that we ceased to allow state support.

Now for the conceptual problem. The Constitution, the Bill of Rights and the Supreme Court seem to have little problem with a secular-religious distinction. Our practices can be neatly divided. Those that are secular in intent and effect are permitted governmental activities; those that are religious are not. This distinction, however, depends on an understanding of "secular" as being "non-religious" as opposed to "anti-religious". Originally the word "secular" meant "of this age" or "this-worldly" and did not deny "the religious" or "the other-worldly". It is this distinction that the Supreme Court makes use of. But "secular" can also mean "anti-religious". This in fact is the sense in which Baer understands "secular". He declares, "Many modern academics ... mistakenly believe that the secular can be religiously neutral" (p. 43). Baer and others think that religious neutrality is impossible. When the state permits only secular activities and excludes religious practices, then the state is promoting secularism and prohibiting other religions. The Supreme Court, however, as we can see from the 1963 Schempp decision, has rejected this understanding.

A Pennsylvania statute provided for Bible reading, a recitation of the Lord's Prayer and the pledge of allegiance to the flag "at the opening of each public school on each school day". The Schempps (parents and two children), who were residents of Abington School District and members of the local Unitarian Church, objected to this practice as "an establishment of religion". The school district insisted that to prohibit these religious exercises would be to establish a "religion of secularism". The federal district court, which tried the case, "held that the statute and the practices under it violated the establishment clause as made applicable to the state by the Fourteenth Amendment" (Abington School District v. Schempp, 374 U.S. 206 [1963]). The Supreme Court took up the matter and Justice Tom C. Clark wrote the majority opinion, which affirmed the district court's finding. With regard to the contention that to prohibit Bible reading and recitation of the Lord's Prayer Clark wrote:

> It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe". We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or religion, when presented objectively as part of a secular program of education, may not be effected consistent with

> the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion [Abington, 374 U.S. 225].

Apparently by a "religion of secularism" the Court meant "practices that were hostile to religion" or an anti-religion religion! This understanding is also present in Justice Stewart's dissent. Stewart argued that

> a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private [Abington, 374 U.S. 313].

Once again, we see that "the establishment of a religion of secularism" is understood as "a refusal to permit religious exercises" or an anti-religion religion.

This backward look at the Schempp decision makes clear that the Court is well aware of the possibility of a "sectarian secularism". Thus its espousal of a neutral secularism is not out of ignorance. It realizes there are different kinds of secularism and thinks it is standing firmly on constitutional grounds in adopting the neutralist approach.

The secular-religious distinction works fairly well if one understands secular and religious to be complementary concepts and government plays a limited role in our lives. This, however, is not perceived to be the case. What has happened (better: culminated) in the twentieth century is that some people have come to see the secular sphere as the only one, thus eliminating the religious one, and government is considered to be omnipresent. Thus some conventionally religious people find themselves shut out of, to cite the prominent example, the public schools and think some "sectarian secularists" have been permitted to practice their "secular religion" there. The charge is that "secular humanists" use the Supreme Court's neutral understanding of "secular" (in the sense of non-religious) to practice an anti-religious "religion of secularism".

That there could be a "religion of secularism" is given some credence by such statements as this one by John Dumphy in *The Humanist* magazine:

> I am convinced that the battle for humankind's future must be waged and won in the public school classroom by teachers who correctly perceive their role as the proselytizers of a new faith: a religion of humanity. . . . These teachers must embody the same selfless dedication as the most rabid fundamentalist preachers, for they will be ministers of another sort, using a classroom instead of a pulpit to convey humanist values in whatever subjects they teach, regardless of the education level—preschool day care or large state university. The classroom must and will become a new arena of conflict between the old and the new—the rotting corpse of Christianity, together with all its adjacent evils and misery, and the new faith of Humanism.[4]

Clearly this is the sort of anti-religion religion that the Court was concerned to prohibit. I have little doubt that the Court would not permit this sort of sectarian secular humanism to flourish in our public schools. But, once again, the Court's stance is one that assumes that we can at times be non-religious.

Although Baer challenges the notion of neutrality, "secular" can mean "non-religious". There is nothing inherently anti-religious in forming a more perfect union, establishing justice, insuring domestic tranquility, etc. For Baer's argument to work he has to show that a secular religion has been officially sanctioned. This he cannot easily do, for there have been no positive actions taken to *establish* secularism as the state-supported religion. He must rely instead on the religious right's faulty argument that the Supreme Court in eliminating conventional religious practices in public education has allowed secularism to become the official religion of the schools. The novelty to Baer's article, in this respect, is that he has extended this argument to the state universities, claiming that secularism has been established as the "official operative framework" or "religion" of "most universities" (p. 44). It is true that our schools and universities are secular; it is not the case that they practice sectarian secularism. Baer's problem is not with the "aberrant" practices of our public institutions but with the non-religious secularity of the American Constitution. To wel-

come theologians *qua* theologians into the state universities would be a violation of the first amendment.

Religious Resources for Agricultural Ethics

So, are we left without the resources of religion in our public life? I think not. The Supreme Court's three-prong test does not stipulate that there shall be no interaction between the state and religion. It is careful to say that there is to be no "excessive entanglement" and that the "intent" and "effect" of a given governmental activity must be "secular". There is nothing to prevent the use by intellectuals of religious notions to critique public policy.

Baer would have us think that we must choose between Enlightenment rationalism and English individualistic liberalism, on the one hand, or theology, on the other, to solve such vexing problems as the responsibility our generation has to future generations. He thinks there are immense problems with the former, so he would like for us to turn to the latter. I am not ready to concede that a Kantian or a utilitarian ethic are without resources in this matter, but for the sake of argument I will identify another possibility.[5]

Baer has an inadequate understanding of the religious philosophy of John Dewey. He describes it as a "materialistic, atheistic philosophy" in spite of the fact that Dewey himself proposed in *A Common Faith* (New Haven: Yale University Press, 1934) a way to be religious that was neither supernaturalistic nor atheistic. Baer makes no mention of Dewey's controversial use of the word "God" to describe the object of his allegiance. Moreover he says that Dewey believed "his philosophy was based on reason" (p. 43). This radically misconceives Dewey's epistemology. Dewey rejected rationalism, arguing for an instrumentalist logic. But what I want to focus on is Dewey's "natural piety", for it provides a holistic solution to the problems of agricultural ethics without recourse to the sort of theology that Baer advocates and which I reject.

A persistent theme of Dewey's was the necessity of living in harmony with nature. Dewey once exclaimed, "Were there complete harmony with nature, life would be spontaneous efflorescence."[6] Dewey's attitude toward nature is indeed one of reverence, for he thought that only through "a thorough-going and deep-seated harmonizing of the self with the Universe" could the self be unified (*A Common Faith*, p. 19). Both supernaturalism and militant atheism isolate man from nature. Both pass lightly over "the ties binding man to nature that poets have always celebrated." A truly religious attitude, however, senses the "connection of man, in the way of both dependence and support, with the enveloping world that the imagination feels is a universe" (p. 53). Given this reverence toward nature, one could develop an environmental and agricultural ethic that required that our use of nature be non-destructive.

Moreover Dewey understood "our" to include all of humanity—past, present and future. For him there would not have been a problem of intergenerational justice. In the last paragraph of *A Common Faith*, just before the sentences from which Baer quotes, Dewey wrote:

> We who now live are parts of a humanity that extends into the remote past, a humanity that has interacted with nature. The things in civilization we most prize are not of ourselves. They exist by grace of the doings and sufferings of the continuous human community in which we are a link. Ours is the responsibility of conserving, transmitting, rectifying and expanding the heritage of values we have received that those who come after us may receive it more solid and secure, more widely accessible and more generously shared than we have received it.

Dewey's philosophy was thus holistic in at least two ways. He understood us to be a part of nature and a part of a "continuous human community". Such a philosophy would have us use wisely our physical environment and preserve it for future generations.

Although Dewey was in some sense a theist and was certainly religious, he was not a theologian in Baer's sense. Baer thinks a theologian is one who operates from a faith commitment and he generally has in mind the Christian theologian. The resources he offers for an agricultural ethic are God as Creator and "Lord of the future" and the doctrine of "the body of Christ" (p. 44). Baer readily acknowledges that these resources are Christian and particularistic, but he thinks we are condemned to particularism (p. 45). Dewey, however, sought to ground his holism in empirical and common experience, rejecting both supernaturalism and sectarianism. His philosophy was religious, but his arguments did not depend on private experience. For him, "the method of intelligence is open and public." Whereas, "the doctrinal method", which he rejected, "is limited and private" (*A Common Faith*, p. 39). He did not ask us to use doctrines that are accepted only within one tradition.

Rather we were to submit our views to public scrutiny.

Secularity and the Constitution

But with the consideration of Dewey's naturalistic religious philosophy we have a new problem. It is not enough to distinguish two senses of "secular"—the anti-religious and the non-religious. There is also the this-worldly sense. Dewey's religious proposal was that we find the religious in this-worldly experience. For him, to be religious is to achieve self-integration through allegiance to some inclusive ideal (*A Common Faith*, p. 33). It is an aspect of everyday experience. As a metaphysical naturalist Dewey rejected the supernatural. So, for Dewey, the religious had to be found within experience. Moreover it could not be discontinuous with the rest of experience. It was not the eruption of the other-worldly into this world. Rather some features of this world take on a heightened meaning.

The Constitution as interpreted by the Supreme Court does not prohibit the use of religious concepts in solving secular (this-worldly) problems; it only prohibits us from promoting religion. Perhaps we should make room for religious resources in our state universities. But, if we do so, we should do so not because they are religious, but because they have a secular (this-worldly) dimension. They must cease to be merely religious ideas. If Baer has a problem with this, then he has a problem with the Constitution. Within our constitutional tradition it is not sufficient to operate in public institutions as religious persons only. We must also function as secular (this-worldly) ones as well. Indeed, it is as secular persons that we must operate primarily. That is the nature of our system.

The problem with Baer's proposal is that he would have us employ theologians *as theologians* within our secular institutions. He does not understand that one must operate within a public-supported institution as a secular person. For him "secular" means "anti-religious" and "sectarian", and so he thinks we should allow room on the platform for other sectarian perspectives. To do otherwise is to restrict the public platform to one faith. But there is another possibility. One can operate from one's own life orientation, keeping in mind that his or her particular perspective must appeal to the beliefs of others. The this-worldly philosophy of Dewey, to be sure, has its religious dimension, but it is not as a religious philosophy that it commands attention within public educational institutions. It deserves our attention because it not only may assist us with our this-worldly problems, but it does so from a this-worldly perspective.

If Baer were to argue that theologians deserve to be included because they have something to say to our this-worldly problems *and* they will submit their assumptions, proposals and arguments to public scrutiny, then I would welcome them. But he did not do this. Rather he trotted out doctrines without making any attempt to justify them to non-Christians or, even more importantly, without trying to justify them on this-worldly grounds. The Christian may well resent having to do so, but if she or he wants to participate in the secular or this-worldly sphere required by our Constitution, then he or she will have to meet its demands. The problem then for the Christian theologian is that he or she cannot participate in the modern state university without doing so on secular (this-worldly) terms.

Baer misconstrues this participation as a necessarily religious one. To enter the secular arena on its own terms is—for him—to engage in a sectarian secularism. While it is the case that one may engage in the secular sphere religiously, as with Dewey, one does not necessarily have to. One can be either a religious or a non-religious participant. But if one wishes to participate, then one must do so on secular, that is, this-worldly terms. Anything else is unconstitutional. Although Baer may wish the Constitution to be otherwise, the hard truth for the anti-secular religionist is that the Constitution requires that publicly-funded activities have a secular purpose and result. Any religious dimension is irrelevant as long as the activity does not involve the state in an excessive entanglement with religion.

Notes

1. *Agriculture and Human Values*, this issue, p. 43.
2. See John Whitehead and John Conlan, "The Establishment of the Religion of Secular Humanism and Its First Amendment Implications", *Texas Tech Law Review*, 10 (1978), 1–66. See also Whitehead, *The Separation Illusion: A Lawyer Examines the First Amendment* (Milford, Minnesota: Mott Media, 1977). Whitehead is now the general counsel for the Moral Majority and Conlan is a former Republican Congressman from Arizona. See David Bollier, "The Witch Hunt Against 'Secular Humanism'", *The Humanist*, 44 (September/October 1984), 16. Whitehead and Conlan's article is cited by U.S. District Court Judge Jackson L. Kiser, who wrote: "The First Amendment was never intended to insulate our public institutions from any mention of God, the Bible, or religion. When such insulation occurs, another religion, such as secular humanism, is effectively established" (*Crockett v. Sorenson;* quoted in Bollier, p. 16). Paul James Toscano, "A Dubious neutrality: The Establishment of Secularism in the Public

Schools", *Brigham Young University Law Review*, 1979, 177–211, was published shortly after the Whitehead and Conlan article but makes no mention of it. Robert P. Davidow, "Commentary: 'Secular Humanism' as an 'Established Religion': A Response to Whitehead and Conlan", *Texas Tech Law Review*, 11 (Fall 1979), 51–59, contends that the Whitehead-Conlan "article is incomplete in its analysis of Supreme Court cases, contains factual inaccuracies and ill-founded assumptions, and omits any discussion of a possible solution to the perceived problem" (p. 51). Unfortunately no one seems to have paid attention to this response and Whitehead and Conlan's bad arguments survive in the following: Robert Russell Melnick, "Commentary: Secularism in the Law: The Religion of Secular Humanism", *Ohio Northern University Law Review*, 8 (1981), 329–357; Daniel D. McGarry, "The Unconstitutionality of Exclusive Governmental Support of Entirely Secularistic Education", *The Catholic Lawyer*, 28 (Winter 1983), 1–34; and William J. Cornelius, "Church and State—The Mandate of the Establishment Clause: Wall of Separation or Benign Neutrality?" *St. Mary's Law Journal*, 16 (1984), 1–39.

3. Sydney Ahlstrom, *A Religious History of the American People* (New Haven: Yale University Press, 1972), p. 380.
4. "A New Religion for a New Age", *The Humanist*, 43 (January/February, 1983), 26.
5. I would think the philosophical background of the Constitution is that of the Enlightenment, but be that as it may, I note that the phrase from the Preamble that I have already quoted—"secure the Blessings of Liberty to ourselves and our Posterity"—would seem to provide some warrant for taking the needs of future generations into consideration.
6. *Experience and Nature* (New York: Dover Publications, Inc., 1958), p. 421. Originally published in 1925, this is a reprint of the 1929 second edition.