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Why I Am a Libertarian in Secular America

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By the waters of Babylon, there we sat down and wept, when we remembered Zion. On the willows there we hung up our lyres. For there our captors required of us songs, and our tormentors, mirth, saying "Sing us one of the songs of Zion!" How shall we sing the LORD's song in a foreign land? Ps. 137:1-4 (RSV)

A little over a decade ago I was approached by a friend, Professor Michael W. McConnell, who asked me to contribute a paper on “Christian Libertarianism” for a book he was editing on Christian perspectives on law and government.1 I told him that although I would not attempt to convince fellow Christians to embrace libertarianism as a political theory or Biblical principle for all times and in all places, I would be happy to write about how Christians living in “Babylon,” that is in contemporary secular America, might consider embracing some version of libertarianism as a pragmatic approach to life in these times and in this place.

By comparing secular America to ancient Babylon, my intention then, as now, was to convey my understanding of what it is like to live as a pilgrim in a postmodern secular state. Just as the Jewish people wandered in exile in ancient Babylon,2 Christians wander today in an America that has rejected our God, indeed in an America that often seems to be waging war against our God. This is not the America I was born in some sixty years ago.

Our society is deeply divided over the meaning of good and evil. We tell clashing stories about things that matter a great deal, things such as abortion, marriage and family, education, the role of religion in the public square, and the ethics of human sexuality. If the functions of government were, as Richard Epstein has suggested, “limited to preserving order, protecting property rights and enforcing contracts, as was the Founding Fathers’ intention,”3 people on both sides of the culture war could live in peace in the ample demilitarized zone of private life. Of course, each side would be free to try to persuade the other about the meaning of the good life, but neither could employ the coercive power of government to impose its values on the private lives and enterprises of the other.

However, we live in the age of Obama, an age in which Big Government exercises great control over our lives and families. My pragmatic proposal for pilgrims in Babylon suggests that we recognize that Babylonian law will typically reflect the morality and values of Babylon, not those of the America of our forefathers. Thus, we need to reduce significantly the size of the state, particularly that part of the state that limits our ability to raise God-fearing children and to pursue happiness in a manner that is pleasing to God. My proposal does not ask Christians to accept libertarianism as the orthodox Biblical theory of government; I am merely suggesting that Christians living in contemporary America might do well to support policies that limit the power of government to control our lives and businesses. In other words, despite our different theological traditions, we ought to be able to agree that a small Babylonian government is better than a large Babylonian government.

Educating Our Children In Babylon

Let me tell you a true story. A number of years ago, I was asked to speak to a large “young parents” Sunday school class at a church here in Lincoln, Nebraska. The pastor who invited me wanted me to help these Christian parents think through their options for educating their children: public school or home school or Christian school. On the scheduled date, I walked into the room and explained that since I am a law professor I ask questions rather than answer them.

So I asked several questions. First, “how many of you young Christian parents wish to educate your children in a curriculum that reflects the mind of Christ?” Every one of the young parents in the class quickly raised his or her hand. Then I asked my second question: “How many of you believe that the public school curriculum reflects the mind of Christ?” Of course, not one hand was raised in response to this question. My third question cut to the quick: “Why did you invite me here to help you think through this decision,” I asked, “if you have already decided that the public schools are not what you want for your children?” In frustration, several of these young Christian parents exclaimed, “but we cannot afford to send our children to private Christian schools!” There is the rub.

The selective funding of education in secular government schools guarantees religious inequality in America. It imposes on religious parents what even supporters of public schools call a “brutal bargain;”4 we must choose between the single largest benefit most families receive from local government and assimilation of our children into a dominant secular culture by means of a governmental institution that exists for the very purpose of inculcating “common” secular values. More than a century ago, John Stuart Mill warned about the danger of allowing government to direct the education of children. In his classic defense of individual freedom, On Liberty, Mill explained that government schools are inherently destructive of
religious liberty and freedom of thought.

A general State education is a mere contrivance for moulding people to be exactly like one another; and as the mould in which it casts them is that which pleases the predominant power in the government, whether this be a monarch, a priesthood, an aristocracy, or the majority of the existing generation, in proportion as it is efficient and successful, it establishes a despotism over the mind, leading by natural tendency to one over the body.5

Instead of schools run by government, Mill supported what he called “diversity of education” and parental choice.6

The public schools are indeed designed to “mould” the minds and hearts of children in the shape of a one-size-fits-all common curriculum, a curriculum that certainly does not reflect the mind or heart of Christ. Kathleen Sullivan argues that a playing field slanted against religious citizens is a good thing and that the Constitution “entails the establishment of a civil order – the culture of liberal democracy – for resolving public moral disputes.”7 Thus, “the war of all sects against all”8 is ended by a truce which privileges secular factions and relegates religious citizens to the margins of organized society. Sullivan believes the establishment of a strictly secular civil order in public education will produce a lasting peace, a kind of Pax Secularis between otherwise hostile religious sects. But there is no peace, because a secular curriculum is not neutral.

Christians are called to be fools for Christ, but we are not foolish. We understand that the “peace” we are offered in the public schools is Esau’s bargain; and we will not barter the hearts and minds of our children for a bowl of red potage.9 As Michael McConnell has put it so well, “A secular school does not necessarily produce atheists, but it produces young adults who inevitably think of religion as extraneous to the real world of intellectual inquiry, if they think of religion at all.”10 Gordon H. Clark was even more direct:

|The public schools are not, never were, can never be, neutral. Neutrality is impossible. Let one ask what neutrality can possibly mean when God is involved. How does God judge the school system, which says to him, “O God, we neither deny nor assert thy existence; and O God, we neither obey nor disobey thy commandments; we are strictly neutral. “Let no one fail to see the point.” The school system that ignores God teaches its pupils to ignore God; and this is not neutrality. It is the worst form of antagonism, for it judges God to be unimportant and irrelevant in human affairs. This is atheism.”11

Selective funding of education guarantees religious inequality in two respects. Some religious families—the lucky ones who can afford to educate their children in private schools—suffer only an economic penalty by losing a large public benefit when they choose to exit from public schools. A larger class of religious families suffers a far worse fate—the compulsory secularization of their children in strictly secular government schools.

My libertarian proposal to fellow believers living in post-Christian America is to demand that our government let our children go—without penalty. We pay taxes to finance education and our children are entitled to their fair share of these benefits whether they attend public, private, or parochial schools. We should remove our children from government schools and withhold our support from any system of education that does not respect the right of every child to an appropriate elementary and secondary education. And we should give generously to fund scholarships to enable children to attend private Christian schools.

Christians believe that God is real and that the “fear of the LORD is the beginning of knowledge.”12 Therefore, a secular education does not even begin to transmit true knowledge to students. Philip Johnson has said it best: “If God really does exist, then to lead a rational life a person has to take account of God and his purposes. A person or a society that ignores the Creator is ignoring the most important part of reality, and to ignore reality is to be irrational.”13 Johnson is right, and therefore America’s strictly secular public schools cannot teach our children the truth about God’s world and God’s word. It is time that we believers begin to act accordingly.

Religious Freedom in Secular America

We live in the Age of Obamacare and under the shadow of the Fifteen Trillion Dollar National Debt. I believe in 2012 we will vote to choose between two starkly different paths—the path to Europe and a culture of entitlement and redistribution, or the path back to America and the culture of freedom and individual responsibility.

As for me and my house, we agree with William Kristol who recently said that “it is better to be a free citizen than a client of the Obama state.”14

The “ever-expanding reach of government” in Secular America poses a grave threat to Christians and other religious subgroups.15 Moreover, when you combine a large, activist state with a view of non-establishment that requires religion to retreat as government advances, the state of religious freedom sinks even lower. As Richard Epstein observes, “many of the greatest threats to religious liberty stem from insufficient protection of individual liberty in economic affairs.”16

What happens in Babylon when the most sacred dogma of secular-progressives, absolute sexual liberation,17 collides with the First Freedom, religious liberty? In most cases, religious liberty will lose.

For example, we have recently witnessed a federal health insurance mandate that requires all employers (including religious employers) to provide health insurance that includes coverage for contraceptives, abortifacients, and sterilizations.18 How much longer will it be before Obamacare requires coverage of surgical abortions? How soon before federal regulations require all hospitals, including hospitals operated as religious ministries, to actually perform surgical abortions? I would never willingly donate money to Planned Parenthood because it performs hundreds of thousands of abortions each year, but government here in Babylon requires me to subsidize that “women’s health” organization with my tax dollars.19 Are you surprised to learn that a Catholic adoption agency was recently driven from the state of Massachusetts because it would not place children with same-sex “married” couples?20 It should not be surprising. Should we not expect the law of Babylon to reflect the values of Babylon?

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The path to religious freedom in our society lies in an explosion of privatization, in a radical shrinking of the role of government in the lives of its citizens. As government retreats, religion will be free to advance. As government programs are cut and resources are returned to private citizens, we will be free to educate our children as we believe is best, to support causes we believe are right and good, to live our lives in accordance with our understanding of the good life and based upon our own theories of justice.

Although the Night Watchman State is unobtainable in our complex modern society, if we Christians are to be free to live our lives and raise our families in a manner that is pleasing to God, we must make room for ourselves and our lifeways by reducing the power and ubiquity of the secular state. In other words, a small Babylonian government should be the goal of Christians who find themselves living by the waters of Babylon here in Secular America.

REFERENCES
1 See Richard F. Duncan, On Liberty and Life in Babylon: A Pilgrim’s Pragmatic Proposal, in Christian Perspectives on Legal Thought 354-368 (Michael W. McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001). This article is a revised and updated version of my contribution to that book.
2 In 597 B.C., King Nebuchadnezzar of Babylon captured the city of Jerusalem and “carried into exile all Jerusalem” leaving behind “[o]nly the poorest people of the land”. 2 Kings 24:14 (NIV).
6 Id.
8 Id.
9 See Genesis 25: 29-34 (King James).
10 Michael W. McConnell, “God is Dead and We Have Killed Him!”: Freedom of Religion in the Post-modern Age, 1993 BYU L. Rev. 163, 181.
12 Proverbs 1:7 (NIV).
16 Id.
18 Id.

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