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Excerpts from Cease-Fire on the Family: The End of the Culture War

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BOOK EXCERPT

EXCERPTS FROM *CEASE-FIRE ON THE FAMILY: THE END OF THE CULTURE WAR**

CHAPTER 2: AVOIDING THE FOOL'S GAME — THE MISTAKEN SEARCH FOR VIRTUE IN LAW AND POLITICS

Bringing America back toward virtue requires a positive vision of what can be achieved through the family and a skeptical, or at least realistic, view of what can*not* be achieved through law and politics.

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There are *real* problems in the life of every American, mine and yours, but need families continue to engage in cultural war as the intellectuals claim?[1] No. We must not let ourselves be bullied or persuaded to maintain arms against each other — at least not in the sense, and on the particular battlefields, that have ensnared the American family over the last three decades [the courts, the Congress, the state legislatures]. American families cannot afford to be distracted into playing a fool's game — the pursuit of truth and virtue principally, maybe even solely, through law and politics.

The Limited Function of Law and Politics

The function of law is largely to keep the peace; to maintain order. In this, it is aimed most effectively at the control of conduct. The law is least effective when it tries to coerce belief. The law addresses external, not internal, man. While one hears the law described as a means of settling dispute, this is true to only a very limited extent. The law "settles" by employing a third party, usually a judge, to determine an outcome. If the judge has faithfully employed relevant legal precedents [the law as announced in prior statute or cases], his opinion is said to be "well-reasoned," and the result is, for all practical purposes, imposed on

* Douglas Kmiec, *Cease-Fire on the Family: The End of the Culture War* (Notre Dame, IN: Crisis Books, 1995), ISBN No. 1-883357-09-8.

1. See Elizabeth Fox-Genovese, "Culture Wars, Shooting Wars," *First Things* 49 (June/July 1994).

the parties. The dispute is "settled" in the sense that no authority will listen to it further and the loser must comply under *force* of law. Odds are, however, the losing side retains the belief that it is right. The law has failed to persuade. It often does.

Is politics more persuasive? The media attention given political campaigns might suggest that if law doesn't persuade or supply meaning, politics does. Yet, it is surely understatement to note that the nature of political debate is given to overstatement. Take, for example, the part of the GOP's "Contract with America" immodestly entitled the "American Dream Restoration Act." The Act would provide a pro-family $500 per child tax credit. As helpful as such attention to economic fairness is, even Newt Gingrich and Phil Gramm would likely admit (off-the-record) that the Act is only at the periphery of what ails American families.

In truth, even with a Congress re-invigorated by the unmistakable frustration expressed by millions of voters in the mid-1994 elections, politics is little more than a sorting or selection mechanism that precedes the law. Through the political process — candidate nomination, election, service, removal — we choose, not moral instructors, but administrators [be they called presidents, senators, congressmen or judges], who we think can best perform the law's function of maintaining order. A President, Supreme Court justice, or member of Congress may, on occasion, turn out to be a credible source of moral authority, but if that is so, it is not by reason of office, but the quality of the officeholder's prior moral training. As Robert Royal writes: "[p]olitics and politicians can probably do very little to promote these wide-ranging conceptions of the good. At present, it would be a step in the right direction if they stopped setting a bad example and started talking as if good and evil exist."[2]

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The Fool's Game

Now, some reading this will complain that these descriptions of law and politics are too narrow. The law, it will be claimed, is a great educator that must mirror moral judgment and bring us to virtue. Similarly, politics will be seen as the manifestation and constant redefinition of the nation's moral beliefs. These are sweeping assertions. They are also foolish. Neither law nor politics is up to the task of moral formation. Only the family, assisted by church, school and work-place, can perform this function.

2. Robert Royal, "Return to Virtue," *The American Character*, No. 7 (June 1994), p. 8.

Envisioning law and politics as primary moral educators merely aggravates cultural division. Take as an example the most explosive issue in the culture war: *Abortion.*

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What has [the fool's game] meant for the law? Less respect and less capacity to perform its assigned and envisioned function: the maintenance of order. Nominees for the Supreme Court are analyzed not as fair arbiters of past decision or interpreters of constitution or statute, but on whether they have the proper "judicial philosophy" — viz. the "belief system" of the particular analyst or commentator. Thus, whether a judicial nominee is capable of performing a judge's intended and more limited task of faithfully and intelligently reading statutes, is largely ignored. And once judges are appointed based on belief, rather than legal ability, the law, itself, is held in less respect. No longer is the law the collective judgment of democratic process and applied reason, it is force dressed in the words "case opinion."

The same is true of politics as well. Presidential and other elections at the national and even state level have become painful referenda on moral beliefs, rather than the selection of capable executives and lawmakers. Capacity to govern within the limits of the law — that is, maintaining domestic order, a sound currency, a stable foreign policy, and a strong defense — has become secondary to a candidate's ability to rhetorically identify the right "mix" or "spin" of the beliefs of his constituency. Too frequently, a politics dominated by the rhetoric of belief, like a judiciary dominated by "judicial philosophy," fails to act or perform its intended function. It can "talk the talk," but not "walk the walk" of governing.

Worse, the high-profile campaigns to have law or politics reshape internal beliefs have misled families into mistaking the law's failure or politics' failure to succeed, as their own. The reasoning proceeds: if the Supreme Court does not believe abortion is an immoral taking of life, then it must not be. If a presidential candidate articulates the belief that abortion should be a nationally subsidized medical expense, and that president is elected, then personal belief must accept abortion as no different than a tonsillectomy.

Utter nonsense? Families, you say, will continue to teach moral beliefs regardless of legal or political outcomes. Perhaps. Much of this book is devoted to helping families do just that. But, families get distracted when the law or politics too intrusively or too readily intervenes in the effort, and families get discouraged when the intervention cuts deeply against the grain of

moral beliefs taught within the family. The distraction, and even the discouragement, is aided and abetted by both friend and foe of the family.

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To be prudent in the legal or political process, family members should be guided by a desire to persuade, recognizing that even if they can win the law to their side, it is impossible to compel the belief of another. With respect to moral and religious questions, as one writer put it, "no one can search for religious truth, hold religious beliefs, or act on them authentically, for someone else."[6]

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There are cultural aggravations in America, but they only result in a war, when families adopt rules of engagement that delegate to law and politics the primary duty to set the moral course. If moral issues are forced into court or politics, especially if they are pressed in these forums prematurely, the family diverts needed time away from reaffirming moral teaching within itself. Without this reaffirmation, the American family completes the fool's game by fulfilling the prophecy of cultural war. How? By suffering actual losses in court and at the polls and then by being as lost, disconnected, and unhappy within the family as the culture war proponents describe. Unhappy as spouse (see the divorce rate), unhappy as child (see the rate of adolescent crime, drug use and teen suicide), unhappy as employer (see the *Wall Street Journal*), and unhappy as citizen (see a large number of defeated Democratic members of Congress). Even Hillary Rodham Clinton, distracted by politics from the duties of the "first family," yearns for "a politics of meaning."

The search for meaning, purpose, virtue. It is more than nostalgia for days past. As one writer put it, "Americans with a purely secular view of life have too much to live with, too little to live for. Everything is permitted and nothing is important. But once growth and prosperity cease to be their reason for existence, they are bound to ask questions about the purpose and meaning of their lives: Whence? Whither? Why?"[8]

Where do we come from? Where are we going? Why? American families cannot allow the culture war proponents to convince us that either we lack answers to these questions or that they lie exclusively or even predominantly in politics or law. The answers to these questions are found first, by ending the fool's

6. Robert P. George, *Making Men Moral* (New York: Oxford, 1993), p. 220.
8. Os Guinness, *The American Hour* (New York: Free Press, 1993), p. 398.

game — that is, de-emphasizing what is remote or secondary [politics, law], and embracing what's real and primary [the one-to-one instruction of parent to child; minister to church member]. If that instruction builds upon the mega-virtues of belief in God and a knowable truth and the cardinal virtues of prudence, courage, temperance and justice, it is capable of genuinely sustaining personal, family and civic life.

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CHAPTER 4: MEGA-VIRTUE NO. 1 — BELIEF IN GOD

Acknowledging the significance of belief in God is vital to cultural virtue; for many of us, it is indispensable to personal virtue as well.

Controversial? Perhaps, or so it may seem in the shadow of the artificial world of the television stranger where there is a regular denial of the significance of God to our well-being. In real life, however, Dwight Eisenhower — the last U. S. President before the age of denial and skepticism — summed matters up well: "recognition of the Supreme Being is the first, the most basic, expression of Americanism. Without God, there could be no American form of Government, no American way of life."[1] Apparently, Americans still agree, as over 95% of Americans say they believe in God or a universal spirit.[2] Nevertheless, to the modern ear, President Eisenhower's comment and even the high percentage of believers reflected in the 1994 polling data seem artificially overstated, even contrived. But why?

It has become commonplace for politicians to speak reverently of God; that is, so long as they are at a prayer breakfast. This is what is known in the trade as America's "civil religion," or as one writer put it, "faintly Protestant platitudes which reaffirm the religious base of American culture despite being largely void of theological significance."[3] Elsewhere, God's significance to the public debate not only goes largely unaffirmed, but also is — pursuant to Supreme Court opinion — deliberately excluded. But more worrisome than either the shallowness of political rhetoric or the incoherence of judicial opinion is that the genuine acknowledgment of belief in God can be equally limited or only superficial in our own lives and that of our family. As Stephen

1. Will Herberg, *Protestant-Catholic-Jew* (New York: Anchor Books, 1960) (quoting Eisenhower), p. 258.

2. Jeffrey L. Sheler, "Spiritual America," *U.S. News & World Report* (April 4, 1994), p. 48.

3. Frederick M. Gedicks, "The Religious, the Secular, and the Antithetical," 20 *Capital Univ. L. Rev.* 113, 122 (1991).

Carter describes in his challenging book, *The Culture of Disbelief*: "we often seem most comfortable with people whose religions consist of nothing but a few private sessions of worship and prayer, but who are too secularized to let their faiths influence the rest of the week. This attitude exerts pressure to treat religion as a hobby . . . ."[4]

Belief in God Must Have Personal Significance for the Family

God is not a hobby. But how does one make an appealing case for belief in God? Historical, even presidential citation, seems hardly up to the task, though such could be legion from Washington to Clinton. No, if the case for God is to be successful, God's significance must be more personally understood. What is that significance? *Without God, our individual human lives, and all of human existence including family life, is without objective purpose.*

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But the skeptic — the modern American "policy wonk" — will say, "what has this to do with God?" If the crime rate is high, build more prisons and stiffen penalties. If marriages fail to last, eliminate no-fault divorce. If schools are failing to teach, spend more money on them or create a structure of public-private competition. In themselves, each of these responses may contain, in appropriate contexts, helpful prescriptions for what ails us. But each of these policy treatments also assume a recognition of illness, of dysfunction. By what standard is dysfunction measured? In other words, what insures that the "killing" of a human person will be actually understood as wrong (a point apparently lost on the Menendez jury); that single-parenthood, while tragically unavoidable because of death, nevertheless should not be extolled as just another living arrangement (a matter of some dispute between former Vice-President Quayle and "Murphy Brown")? For many, only belief in God — as a transcendent authority — can supply this standard reliably.

The skeptic still resists. I don't need God, he says, to know that murder is off-limits and my kids know better than to get pregnant outside of marriage. Perhaps, but the statistics say otherwise. But, says the skeptic, I am not a statistic, my family is different. There is the chance of this. It is possible, albeit difficult, to discover some truth, unaided even by God, as it were. The difficulty is, of course, that our reasoning is not perfect. And

4. Stephen L. Carter, *The Culture of Disbelief* (New York: Basic Books, 1993), p. 29.

even if we are reluctant to admit this shortcoming about ourselves, we readily ascribe imperfection to others.

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Belief in the existence of God calibrates the moral compass. It is with this compass for determining right from wrong that Americans interact within families and take actions that affect others. Accepting God supplies what Tocqueville called the "dogmatic beliefs" that underlie the formation of community. He writes: "it can never happen that there are no dogmatic beliefs, that is to say, opinions which men take on trust without discussion. If each man undertook to make up his mind about everything himself and to pursue truth only along roads that he himself had cleared, it is unlikely that any large number of people would ever succeed in agreeing on any common belief."[7]

The American Revolution was about preserving the dogmatic belief in the existence of God as part of the underlying philosophy of the Nation, even as the founders resisted religious coercion and denominational preference. More on this shortly, but it would be the most profound error to conclude that religious tolerance sprung from indifference to the moral truths associated with a belief in God. Premised upon "self-evident" propositions of the good derived from the "Laws of Nature and Nature's God" in the Declaration of Independence, the ancient ideas of what is good or just were intended to motivate or guide our behavior in private, but especially from the standpoint of social order, in public. Our founders knew that these ideas are important to the creation and preservation of the community as a whole. If our skeptic happens upon moral truth by his own wits, fine. But the skeptic has no protection from others, either less willing or able, to discern the moral precepts supplied so clearly and simply by God.

Without the acknowledgment of God's existence generally, the family and the larger community fails to take form, and it is not likely to be oriented toward the accomplishment of any real good. We are guided not by common, accepted belief, but by isolated interests or wants. These "interests" are often far less positive than any of God's instruction. What's more, these narrow interests often arise out of envy or selfishness. Thus, within the family, husbands and wives war over who provides more household support than the other or whose turn it is to have "time at the sports club" or "with the girls at the mall." Children,

7. Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (Chicago: Encyclopedia Britannica, Inc., 1991), pp. 229-30.

too, seem to mount a regular campaign of "gimme," without a thought to "much-obliged." Meanwhile, outside the family, homosexuals war with heterosexuals; women against men; women at work against women at home; African-American against white; city dweller versus suburbanite. The 1992 election was ostensibly fought over protecting the middle class from every one else. The rich would be taxed because, well, simply because they were rich. Envy had become campaign slogan and policy justification.

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If the skeptic remains unpersuaded, the best case for belief in God may have to be a second-best, but still persuasive, look at the consequences of its absence. The statistics of cultural decline during the last thirty years recited earlier parallel the legal exclusion of God from the public square. And when God's values do not guide, any value and all values, as contradictory or hurtful as they may be, have free reign and equal claim to allegiance. As the existentialist Jean Paul Sartre wrote: "if I have done away with God the Father, someone is needed to invent values . . . life has no meaning [then in itself] . . . it is up to you to give it meaning, and value is nothing but the meaning that you choose."[12]

The first casualty of God's denial is the absence of civil order, virtue; the absence of culture. If nothing governs our relationship with each other, but that which we choose, the strong or the clever or the mob will have their way with us. If they have the weaponry, why shouldn't Serbs kill Croats or Germans, Jews or Tutsis, Hutus? True, civil order may from time to time be premised upon "social contract" or "consent," but if we tire of the arrangement — if, in Sartre's phraseology, we choose to give significance to new values of our choosing — the contract can be breached, the constitution amended.

Along with civil order, the personal order of our lives — especially our family lives — similarly destruct. Unlike animals, men and women do not act on instinct. Rather, there is action linked to reason, purpose. But again, something must supply this purpose. If it is not God, then what? Over forty years ago, a commentator on the American scene wrote: "Could anything replace [God] but 'Democracy' made into an object of worship, or business, or success?" This writer speculated then that "Nobody knew; nobody knows, yet."[13] In this, he was too tentative. The

12. Jean Paul Sartre, *Existentialism*, trans. Bernard Frechtman (New York: Philisophical Society, 1947), p. 58.

13. Denis W. Brogan, *The American Character* (New York: Alfred A. Knopf, 1944), p. 102.

error of thinking that man or any of his human idols or political beliefs can replace God is apparent from the failure of every frail or transient substitute for God to satisfy. What's more, today, we know more than ever that political majorities do not necessarily act with justice. In the insightful words of the late Russell Kirk:

> All the aspects of any civilization arise out of a people's religion: its politics, its economics, its arts, its sciences, even its simple crafts are the by-products of religious insights. . . . For until human beings are tied together by some common faith, and share certain moral principles, they prey upon one another. . . . At the very heart of every culture is a body of ethics, of distinctions between good and evil; and in the beginning at least, those distinctions are founded upon the authority of revealed religion. Not until a people have come to share religious belief are they able to work together satisfactorily, or even to make sense of the world in which they find themselves.[14]

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CHAPTER 5: MEGA-VIRTUE NO. 2 — A KNOWABLE TRUTH

The American family, and through it, the American nation, cannot long survive without some basic, fundamental differentiation between truth and falsity.

The Declaration of Independence proclaims: "We hold these truths to be self-evident . . . ." But the understanding of the Declaration has been overtaken since the 1960s by an insidious claim of moral skepticism or relativism. As one writer puts it, "all moral judgments are *nothing but* expressions of preference, expressions of attitude or feeling, . . ."[1] You say abortion is murder; another says it is a matter of free choice. Others find sexual relations outside of marriage to be antagonistic to the family and the well-being of children, only to be opposed by unmarried couples who wish these people would mind their own business. The disagreements have become so profound, it is claimed that "[i]n much public debate in America there is no longer clear distinction between human and animal, male and female, word and image, war and peace, invasion and liberation, law and violence, reason and madness, civilized and primitive, knowledge and ignorance, doctor and patient, citizenship and tribalism, per-

14. Russell Kirk, *The Roots of the American Order* 3d ed. (Washington, D.C.: Regnery Gateway, 1991), p. 14.

1. Alisdair MacIntyre, *After Virtue*, 2d ed. (Notre Dame, Ind.: University of Notre Dame Press, 1984), p. 12 (taking issue with this view).

suasion and propaganda, art and pornography, reporting and fiction, character and instincts."[2]

One consequence of such radical disagreement over seemingly incommensurate values is: intellectual gridlock — that is, interminable discussion raising blood pressure, yet, settling nothing. Another consequence is moral aimlessness and indifference with the resulting cultural decline. The point of this chapter, in keeping with the larger purpose of the book, is to say: enough already. It is to refresh modern memory of how as American families, we can end intellectual gridlock and the accompanying paralysis and antagonism. How, in short, the culture war can be ended — not with rancor and force, or with moral default, but with a renewed understanding of freedom in a context of responsibility.

True or False — What Are the facts?

The first step is to explore what is wrong with the moral skepticism of the age, and to put it into some realistic perspective. How many of us, after all, assert that there is *no* knowable truth; that we are completely unsure of what is true and what is false? As a practical matter, few would hold such a belief.

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True or False — Is It More than Opinion?

Contradictory or not, the skeptic has raised a troubling issue: how do we prove that a statement of opinion is true or false? Again, with statements of fact, this is relatively straightforward. A factual statement is either true or false in itself, regardless of the opinion that a person has about the fact's truth or falsity.

. . . The greater danger is that moral reality will be known and ignored. However, where a family member is genuinely in doubt over the contour of moral reality, the logical course is to remain as fair-minded as possible, seeking counsel from elders in the family and one's church.

For believers, falling back on the first mega-virtue, belief in God, will indeed be of tremendous assistance. God has not hidden truth from us, even as our human imperfection limits our vision of it. To the contrary, the Ten Commandments is a remarkably clear statement of moral reality. Does this mean that a non-believer has no access to truth? No. An absence or weakness in faith dims knowledge of the truth, but it does not obliter-

2. Os Guinness, *The American Hour* (New York: Free Press, 1993), p. 30.

ate it. Believer and nonbeliever are created in God's image [whether they willingly admit it or not], and therefore, every person's reason or intelligence is part of His image, and in that, linked to the source of truth.

As a practical matter, in times of doubt and uncertainty, it is very important for families to confront moral doubt squarely, and not deny or ignore it. Families must work through such doubts with their children, reasoning in light of what the family already knows and exercising a presumption in favor of courses of action that the family sincerely believes will advance the human nature of the family member concerned and harm no one else's. Most importantly, families must always remember that *uncertainty over truth's content or its application, DOES NOT mean that truth does not exist.*

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[There are certain false idols that lead away from truth . . .]

The false idols — money, what money can buy, the Golden Rule, and experience — are not the basis for objective truth in regard to matters of opinion. What is? It has already been disclosed — human nature.

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Now, introducing human nature as a settled factor of reality against which matters of opinion can be measured may suggest that I am once again locating truth in religion — namely, God's creation of men and women. That would, in my judgment, be a proper location for any truth claim. Belief in God facilitates this understanding. The truth of one's own reality is more readily grasped by men and women who recognize that they are not self-created, assembled at random from a buffet line of components with no ultimate end or design, but intricately designed and part of an order that originates with God. In itself, the acknowledgment of Creation goes a long way to explain why each person is deserving of respect and consideration. If nothing else, the awesome nature of Creation, which neither Darwin nor any other modern scientist can fully explain or deny, instills a humility for the power and intelligence of the Being that lies behind the universe. "Without [his] Creator[,] the creature simply disappears. . . ."[8]

But, of course, it must be observed that seekers of truth may be nonbelievers. Thus, it is possible to assume that there is no hard, scientific proof of how we were created. This, of course, is

8. John Paul II, *The Splendor of Truth* (Veritatis Splendor) (Boston: St. Paul Books & Media, 1993), § 39, p. 55.

not just assumption. Evolution or "Big Bang" theories of creation are every bit a matter of faith as is the book of Genesis. That said, the assumption does not block the ascertainment of truth. How ever we arrived at our present state of existence, we *do have* a present state of existence. And the *truth* is, that state of existence or nature can either be enhanced or destroyed by actions that we take. Thus, it can be confidently stated that the acquisition of knowledge is better than the consumption of poison. *This is not merely opinion,* and it is definitively proven in relation to our nature as human persons.

Regardless of the *how* of creation, then, before we have any life experience, we had a nature. This nature needs sleep, healthful food, and exercise to physically advance. It requires the pursuit of knowledge to achieve mental accomplishment. We can deliberately choose to ignore these requirements of our nature, but we do so at the cost of diminishing or harming ourselves.

Does this bring us back to the proposition that what we desire is the basis of truth? No. But it does suggest that some things we desire [proper food, rest, knowledge and so forth] do have a correlation with an objective reality; our natures. This correlation is very important for it specifies the difference between what we *need,* and what we merely *want.* What we need is related to our natures as human persons. These natures do not differ from person to person or place to place or time to time. They are universal. In contrast, what we want is a function of our surroundings, for example, wealth, language and an infinite range of other variables, which do differ in these respects.

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Recognition of a knowable truth, like affirmation of belief in God, also underscores the important distinction between law and morality. It is commonplace in modern, lawsuit-happy America to hear someone say: "they're violating my rights." This expression can be used in many different ways and contexts, but the discussion of a knowable truth and its relationship to human nature should reveal that not all claims of "right" are equal. Some of the "rights" that we have under law are traceable to needs directly related to human nature, and some are traceable merely to wants or preferences that have been enacted into law by a legislature or declared to exist in law by judges at a particular time. Today, we may have claims based upon preferences to various monetary benefits, scenic views over property owned by our neighbors, and even special consideration in employment based on race or gender or disability. Most of these are legislated

rights, not truth claims. This distinction is vitally important to the integrity of the law, itself, for it separates those rights that are sufficiently connected to human nature that they should be recognized as a human — or in a proper case constitutional — right, from those that are merely premised upon the tastes of a particular group of lawmakers.

When only want, that is — taste or preference, lies behind law, it is essential that legislative discretion not be exercised in a manner that contradicts an aspect of the knowable truth. A legislature may desire a highly productive workforce, but to mandate into law that every person work 70 or more hours per week is to impose obligations contrary to our health or natures, and ultimately, antagonistic to the American family. Of course, there may be argument over what our natures truly need. This is to be expected. As earlier mentioned, these disagreements reflect the imperfection or limits of our reason and our ability to perceive reality. Nevertheless, premature or forced resolution of these disputes in law or in claimed "legal rights" leads directly and intractably to the culture war. In cases of profound disagreement, courts and legislatures should remain silent, allowing particular resolution of these disputes within each family and church.

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CHAPTER 6: TEACHING VIRTUE — SEPARATION OF CHURCH AND STATE MUST NOT MEAN SEPARATION OF FAMILY AND EDUCATION

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The culture has shifted away from the needs of especially young children to the desires of adult fulfillment. This is not unrelated to the culture war. When parental commitment and instruction of children is unstable and inconsistent, there is a greater likelihood of delinquency and moral breakdown.[3] Conversely, if there is a strong "parent as first teacher," then the child's later commitment to civic responsibility is likely to be strong and positive as well.

Whether fathers and mothers are prepared to re-think their career choices to devote greater efforts toward child-rearing is taken up in the last chapter. But whether that readjustment occurs or not, parents need to exercise special care in the selec-

3. James Q. Wilson and Glenn C. Loury, eds., "From Children to Citizens," *Families, Schools and Delinquency Prevention*, Vol. 3 (Springer-Verlag 1987).

tion of their teaching-delegate, the school teacher. As one writer put it well, parents must "[b]ecome deeply acquainted with [their] child's teachers . . . . The school is only as good as the parents behind it, and the standards of any school are only as high as the parents demand."[4]

Family Prescription

* THE SCHOOL CHOSEN FOR A CHILD MUST BE A GENUINE EXTENSION OF THE FAMILY

Every child is unique. Every family is, too. Families have distinct histories, occupations, and religious commitments. Yet, from the standpoint of cultural harmony, there must be respect for those things which bind us together. There must be a desire to advance the common welfare, the common good. In earlier chapters, we have discussed the mega-virtues of belief in God and a knowable truth. When the public school system took hold in the 19th century, it was evident that many fine teachers thought the system would nourish exactly these mega-virtues and instill in children what is today called civic virtue. Unfortunately, there is some evidence in the late 19th century that this noble pursuit became partially distorted by bias and fears generated by the large influx of Catholic and Jewish immigrants. These "foreign" people had to be "Americanized," sometimes in ways that were quite unmindful and disrespectful of ethnic and religious cultures.

While this is not the place to trace the history of the public schools, it is clear that part of the public school philosophy, at least with respect to these newly arrived Americans, was to separate family and education. It was not a complete separation, however, because the early public school philosophy still adhered to the mega-virtues, and those virtues were largely compatible, or at least not inconsistent, at a more general [if Protestantly-flavored] level with the particular ethnic and religious ancestries of the families, themselves. As one big city Mayor reflects, all worked rather well so long as the mega-virtues supplied a type of " 'civil religion' [which] provided the structure for a sound educational system, built on principles the vast majority of Americans would accept."[5]

But then came the 1960s, and with it a Supreme Court jurisprudence that raised the wall of separation between church and

4. William Sears, M.D., *Christian Parenting and Child Care* rev. ed. (Nashville: Thomas Nelson, 1991), p. 411.

5. Philip F. Lawler, "Breaking the Logjam?" *The Catholic World Report* (July 1994), p. 44.

state to virtually absolute proportions. No where was this felt more strongly than in the public school system. As understood by the Court, a Nation founded on belief in God, suddenly could not draw any distinction based on God. As one constitutional law professor observed: "It [did] not seem to bother the Court that this suspension of judgment on the existence of God results in a governmental preference of agnosticism, which is now recognized by the Court as a non-theistic religion."[6]

In 1995, we are still a Nation of believers, though of many religions. In light of this pluralism of belief, there *is* merit in the Court's decisions insofar as they prevent the coercion of religious belief or practice under penalty of law. But that said, whatever is the justifiable extent of church-state separation, that separation must not be allowed by families to create greater distance between their particular religious faith and the education of their children. This is especially true now in the midst of cultural hostility because for a family of believers, a genuine religious commitment can mean the difference between educational success and failure. Enrolling children in a religiously affiliated school helps in two ways: first, the very fact of the affiliation makes the school an extension of the family. They fly under the same flag as it were. Within this shared religious community of family and school, student educational achievement tends to surpass that obtainable in a public or non-religious private school. Second, the substance of religious instruction, itself, is frequently of considerable assistance to the development of personal virtue and social responsibility. Both points are discussed more fully [in *Cease-Fire*].

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In Funding Education, Let Parents Be Parents

The solution for reuniting education and family in the pursuit of virtue is obvious: tax monies for education must once again be brought under direct family control. Of course, so long as its requirements are reasonable ones not aimed at impeding religious belief or practice, the state can mandate that parents have their children educated in certain secular subject areas and through an appropriate age. But the State need not collect and control a family's resources to accomplish these regulatory interests. The easiest way to respect the parents preeminent role in education would be to provide a tax credit to parents for reasonable amounts expended on tuition at the school of their choice.

6. Charles E. Rice, "We Hold No Truths?" *Triumph* 11 (September 1968), p. 13.

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America's religious freedom does not depend upon either diminishing the primary role of parents as the moral educators of their children or inhibiting family religious commitment. In truth, the restoration of America's cultural virtue depends on just the opposite.