

J. Brent Walker. *Church-State Matters: Fighting for Religious Liberty in Our Nation's Capital*. Macon, Georgia: Mercer University Press, 2008. Pp. 260. \$28.00. Hardback.

This book is a collection of essays, articles, editorials, sermons, and lectures previously delivered (and most previously published) by Brent Walker. The book serves as a kind of devotional for church-state separationists as well as a history of the Baptist Joint Committee during Walker's tenure as director. It is not too much to say that if more advocates in the arena of church-state were as irenic as Walker, we might be having a national conversation on this important topic instead of a culture war.

Walker's views on church-state can be summed up in the following three points of emphasis. First, America's church-state doctrine is and always has been "separation of church and state." Second, in the First Amendment religion is singled out for special protection. Third, religious liberty is a sacred right that should be protected legally and respected privately. I heartily agree with Walker's second and third emphases and would but tweak the first. Moreover, there has rarely been a particular church-state issue over which I have disagreed with Walker. But what would be the fun of a book review if the reviewer merely agreed with the book's author? In the spirit of Baptist dissent, I offer four points of criticism of Walker's approach to church-state issues and by extension the moderate Baptist separationist position for which he is the most fair-minded spokesperson.

First, stop saying that Baptists are free thinkers, that their chief concern historically has been soul freedom, and that everyone should interpret the Bible for themselves. Like all moderate Baptists, Walker believes that "[w]e Baptists must reaffirm our free-thinking" tradition. We need to understand and embrace again the bedrock of our denominational existence—"soul freedom" (103). He continues to insist that "we are competent to read the Bible for ourselves and, through the guidance of the Holy Spirit, make good decisions about religious commitment, theological beliefs, and ethical behavior" (103). A perusal of Baptist confessions suggests that such concerns for a highly individualized ethic were not a priority of early Baptists. Rather, in most confessions religious liberty concerns appear anywhere from point 16 to point 35 (i.e. way down the list of doctrinal concerns), and these confessions contain virtually no mention of individuals interpreting scripture for themselves. When church-state issues do appear they are not even remotely the sort of individual freedom that has existed in the modern era since 1750 or so. Most mentions of freedom in Baptist history before the nineteenth century were couched within the context of congregations being free from the state to deliberate among themselves, under the guidance of the Holy Spirit, and in keeping with ancient Christian doctrines concerning what the Bible says and means.

To say in 2009 that Baptists are about "free thinking" is wholly misleading. This is because freedom in the modern era has come to mean the autonomy of the individual to decide for himself or herself what is true and good. In short, freedom means that individual choice trumps all other principles. Historically, Baptists have not believed that individuals should decide for themselves what is true. Rather, Baptists, like almost all other orthodox Christians, have believed that what is true has already been decided by God, revealed in Scripture, and practiced through the ages by believing churches.

Second, Baptist separationists should stop implying that the principle of separation of church and state can solve anything. It cannot, primarily because the

concept has no agreed upon meaning. It is one of the most highly contested terms in our public vocabulary. Moreover, it is not the phrase that appears in the constitution. While we can debate forever whether the First Amendment means the separation of church and state, we can never be wrong in arguing that it forbids an “establishment of religion” because that is what the amendment actually says. Non-establishment may not solve anything either because we cannot seem to agree on what an establishment of religion is, but that is just the point. No single principle standing alone can guide us. Baptist separationists would do well to heed John Witte’s book *Religion and the American Constitutional Experiment: Essential Rights and Liberties*. Witte demonstrates in compelling fashion that when the First Amendment was drafted, passed, and ratified, there were at least six operative principles embodied in church-state vocabulary of the time: liberty of conscience, free exercise of religion, religious pluralism, religious equality, separation of church and state, and disestablishment of religion. No one or two of these will suffice because the issues in our own time are too complex.

An over reliance on the perspicuity of the “separation of church and state” ignores that the concept not only means different things to different people, it has also meant different things at different times in American history. This has been demonstrated exhaustively in Phillip Hamburger’s book *Separation of Church and State*, the most important and challenging ever written on the issue. Separationists routinely mis-cast Hamburger’s book as a polemic against separation of church and state rather than a history of how this term developed over time. Hamburger acknowledges that as the phrase developed, separation of church and state became as American as apple pie and baseball. Like all important concepts, separation of church and state has a complex history that makes it problematic to wave around like a fetish, to use a criticism coined by theologian Stanley Hauerwas. Walker, to his credit, avoids this most of the time, but we separationists might be more persuasive when we stop using separation of church and state as a conversation stopper.

Third, Baptist separationists should acknowledge that while secular hostility to religion may not be as pervasive as conservative Baptists and many other evangelicals and fundamentalists argue, secular hostility does exist, and it is a threat. Scholars and activists in the school of thought known as political liberalism that was pioneered by the now deceased Harvard philosopher John Rawls argue essentially that religion is a private matter. When they say the words “separation of church and state” they mean religion has no place in politics. Such a view is as different from Walker’s as Walker’s is from the late Jerry Falwell’s. Walker uses Falwell as his example that “not everyone who says he believes in church-state separation really means it” (156). A more charitable reading of Falwell is that when he used the term separation of church and state, he meant something different from Walker (and me), just as Walker differs from political liberals. Walker’s failure to see political liberalism as a potential threat is ironic in that he argues repeatedly, and correctly in my view, that under the First Amendment religion is special. The advocates of political liberalism are the ones who argue that religion is no different than speech or any number of other secular concerns and should not be singled out for special protection. Political liberals who tout the separation of church and state do not want religion treated as special; Walker does.

Fourth, Baptist separationists should acknowledge that most church-state issues and cases are prudential in nature. Much of the time the question is not, “Are we violating

a principle?,” but rather, “What would be the wisest policy?” Walker is at his best when he makes his case prudentially, as he does on the issues of the charitable choice and vouchers. Walker believes both should be unconstitutional, but because they are not, he is forced into a prudential argument. He pulls it off beautifully and compellingly.

Brent Walker has dedicated his career to church-state matters, and he argues compellingly that “church-state matters matter” (Preface, n.p.). While the issues are often more complicated than advocates on all sides acknowledge, Walker is among the most helpful voices in our church-state public square, and this collection of his views is worth reading.

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