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### A Lutheran Look at President Bush's Faith-Based Initiatives

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# A Lutheran Look at President Bush's Faith-Based Initiatives

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A seminar paper presented to the Faculty  
of Concordia Seminary, St. Louis,  
Department of Systematic Theology  
in partial fulfillment of the  
requirements for the degree of  
Master of Sacred Theology

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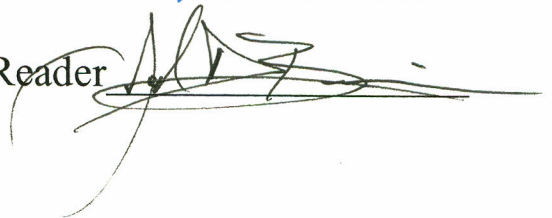
By

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Reader



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## Introduction

At the 61<sup>st</sup> Regular Convention of the Lutheran Church-Missouri Synod (LCMS) held in St. Louis, MO in the summer of 2001 the Synod in convention passed Resolution 6-05A, “To Encourage Cautious Participation in President Bush’s Faith-Based and Community Initiatives.” In that resolution, instruction was given

That we encourage congregations, the Board for Human Care Ministries, and other entities of the Synod to consider the use of the opportunities that may arise out of these initiatives in such a way that our unique Christian witness is not compromised.<sup>1</sup>

In recognition of this resolution it is important to examine President Bush’s policy of faith-based initiatives. LCMS congregations that are faced with the opportunity to participate in faith-based initiatives should be informed of the nature and content of this government program. The purpose of this paper is to show that, theologically, legally, and practically, the church that participates in faith-based initiatives not only compromises but also loses her unique Christian witness. Theologically, the church that participates in faith-based initiatives is required by the government to separate her religious message from the social services she provides. By means of this requirement the church loses her religious message and identity and becomes simply another distributor of government funded social services. Legally, through the judgments of the United States Supreme Court concerning the separation of church and state, the church that participates in faith-based initiatives is left vulnerable to litigation. Practically, the

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<sup>1</sup> Convention Proceedings of the 61<sup>st</sup> Regular Convention of The Lutheran Church-Missouri Synod (St. Louis, MO: July 14-20, 2001): 159.

church that participates in faith-based initiatives is confronted with the problems of applying, financing, and implementing the government funded social service program.

President Bush's goal for faith-based initiatives is for the federal government to provide social services by partnering with all non-profit organizations regardless of their religious character. Non-profit organizations are enterprises that provide social services and perform other charity work while making no profit for their services. To qualify as a non-profit organization all organizations, religious or secular, must meet the criteria under the Internal Revenue Service guidelines contained in section 501(c)(3).<sup>2</sup>

The government divides non-profit organizations into two types: secular and religious. Secular<sup>3</sup> non-profit organizations have no affiliation with a religious body of faith and they do not hold to any particular religious beliefs. Examples of a secular non-profit organization include the United Way and the American Red Cross. In contrast, religious non-profit organizations (also termed faith-based organizations) have some affiliation (whether strong or weak) with a religious body of faith or else hold to certain religious convictions. The Bush administration has made no attempt to provide a precise definition of what constitutes a faith-based organization. Examples of religious non-profit organizations are Lutheran Services in America, Lutheran Social Services, Catholic Charities of America, Jewish Family Services, the Salvation Army, and any independent Christian congregation, Jewish synagogue, or Muslim mosque.

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<sup>2</sup> For information about Internal Revenue Service guidelines for non-profit organizations see "Tax Exempt Status for Your Organization," IRS Publication 557, Department of the Treasury, Washington, D.C. (May 2003).

<sup>3</sup> For the purposes of this paper, "secular" is used to denote that the organization or the United States government gives no special status to any recognizable religious group or set of religious beliefs.

Faith-based initiatives is the term used to describe President Bush's plan to use federal tax dollars to support religious or faith-based non-profit organizations that provide social services for the needy people in their communities. Social services that qualify as faith-based initiatives are food banks, homeless shelters, counseling programs, job training or job placement services, English as a second language programs, and child care programs. Religious elementary and secondary schools are not included under faith-based initiatives.<sup>4</sup> President Bush's plan intends to allow all religious non-profit organizations to apply for government funding regardless of their size. This means large agencies such as Lutheran Services in America, Lutheran Social Services, and Catholic Charities of America are to compete with smaller churches that produce their own social service programs.

Although President Bush's plan for faith-based initiatives includes large religious non-profit organizations of various faiths, this paper is only concerned with Christian churches in general and with the churches of The Lutheran Church-Missouri Synod in particular that may be considering utilizing faith-based initiatives. The reason for this is that the large religious non-profit organizations have already made a number of concessions in order to receive federal funds. These large, religiously affiliated organizations have agreed to be incorporated [501(c)(3) IRS guidelines] separately from their sponsoring churches or church bodies, to keep separate financial records, to refrain from evangelizing, to follow professional standards and guidelines for their employees, and to follow federal nondiscrimination standards in hiring.<sup>5</sup>

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<sup>4</sup> *A Guide to Charitable Choice* (Washington, D.C: The Center for Public Justice, 1997), 5.

<sup>5</sup> Jo Renee Formicola, *Faith-Based Initiatives and the Bush Administration: The Good, the Bad, and the Ugly* (New York: Rowman and Littlefield Publishers, Inc., 2003): 4.

It is appropriate to inquire, then, whether these large, religious non-profit organizations are in fact entitled to the name “Lutheran” or “Catholic.”<sup>6</sup> This is especially true when para-church organizations, such as Lutheran Social Services or Catholic Charities of America, have given up the right to be directly connected to their sponsoring religious organizations and have given up the right to evangelize or to share the message of hope in Jesus Christ. President Bush’s plan of faith-based initiatives does not require, but rather strongly encourages, individual churches to agree to essentially this same pattern of operation in order to receive federal contracts and grants.

There are essentially two types of faith-based social service programs that a church can provide. One type of social service program may be termed the “religiously affiliated enterprise.” In this type, the social services provided by the church are substantially non-religious. Any religious activities connected to the program are independent offerings that are separate from the social services provided and are voluntarily attended.<sup>7</sup> The other type of social service program can be classified as the “pervasively religious enterprise.” In this type, religion and religious exercise (religious teaching, worship, prayer, etc.) permeates the social service program and the church cannot or does not wish to separate the religious activities from the social service activities.<sup>8</sup>

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<sup>6</sup> Cf. the excursus on page 45 of this paper for discussion of the California Supreme Court ruling that Catholic Charities of America cannot be considered a “religious employer.”

<sup>7</sup> *Keeping the Faith: The Promise of Cooperation, The Perils of Government Funding: A Guide for Houses of Worship* (Washington, D.C: The Interfaith Alliance Foundation, 2002): 5.

<sup>8</sup> *Ibid.*

Amy Sherman of the Hudson Institute's Welfare Policy Center refers to these two types of programs as "salad" and "brownie" ministries. She explains:

"Salad" ministries offer programs with multiple aspects, some of them more spiritual in nature and others more "secular." For example, the ministry I formerly directed ran a job training program called JobKEYS that had three ingredients. The "lettuce" was our biblically based life skills course, taught by local pastors and Christian leaders. The "cucumber" was our Friendship Circles, small mentoring/support teams recruited from local churches and linked with each participant in the job training program. The "tomato" was our computer skills course in word processing. The JobKEYS initiative was an explicitly Christian program; we were very forthright about our religious identity and participants knew before enrolling in the program just what each part of it involved. Our program was open to anyone, whether Christian or not. Our funding proposal to the city government clearly presented our "salad" program, and invited them to consider funding the "tomato"—the computer skills class. In short, the JobKEYS program had distinct elements. We could raise private funds to underwrite the mentoring and biblically based life skills components, and compete for government funding to underwrite the computer classes which had a "secular" public purpose.

"Brownie" ministries may also be comprised of various ingredients, but they are so mixed together as to be inseparable. Consider a drug rehabilitation ministry in which the central focus is on inviting people into a personal relationship with Jesus Christ. Conversion to Christ, and adoption of a biblical lifestyle, is seen by the ministry as the very core of its "treatment" program. The participants in the ministry may also live together in a group home, undergo counseling, or be required to complete a certain regimen of daily chores or classes. But all these parts of the program are intimately tied up with the central core of the ministry, which involves evangelism, Bible study, and prayer.<sup>9</sup>

The types of faith-based programs provided by churches will differ according to the programs and the stated goals of those programs. When discussing faith-based initiatives, in general, there is no practical way to distinguish which of the two types of programs are being discussed. Although the two types differ in significant ways, they are addressed simultaneously in dialogue about faith-based initiatives. This paper will,

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<sup>9</sup> Amy Sherman, *The Charitable Choice Handbook for Ministry Leaders* (Annapolis: Center for Public Justice, 2001): 13.



however, point out the dangers and problems inherent with each type of program as the discussion warrants.

Government support of secular non-profit organizations is not new. It can be traced back to the early 1800s when government supported relief efforts for the poor and children's orphanages run by secular non-profit organizations.<sup>10</sup> This long-standing partnership has been beneficial to both the government and secular non-profit organizations. The government often accomplishes its public policy objectives by funding programs and activities of these secular non-profit organizations rather than creating its own agencies to provide social services directly. Conversely, these secular non-profit organizations often look to the government as a source of funds. Traditionally government has been divided into the "public sector" and the "private sector." Yet this relationship between the government and secular non-profit organizations has led some people to create and use terms such as the "third sector" and "third party government"<sup>11</sup> to refer to the non-profit sector.

Government funds flowing to non-profit organizations are generally of three types. One type is a purchase of service contract, in which the government contracts with a non-profit organization to provide a service instead of providing it directly through a government agency. A second type is through direct government assistance in the form of grants, in-kind contributions, and low-interest loans or loan guarantees. Examples of this would be construction grants to hospitals or surplus foods given directly to homeless shelters. The final type of program consists of grants to individuals who may then

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<sup>10</sup> Stephen Monsma, *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money*, (New York: Rowman and Littlefield Publishers, Inc., 2000): 6.

<sup>11</sup> *Ibid.*, 5.

choose to spend them in non-profit institutions or agencies. Usually such programs consist of government funded vouchers where recipients are free to choose where they wish to redeem the vouchers and receive their services.

Faith-based initiatives were instituted to bring religious non-profits that provide social services into this “third sector.” This, then, gives them access to the three types of government funding as well. President Bush’s plan for faith-based initiatives is designed to put all non-profit organizations, secular and religious, on a “level playing field.”<sup>12</sup> This is to ensure that religious non-profit organizations have equal access to government funding. President Bush’s faith-based initiative plan is also designed to use religious non-profit organizations (mainly independent churches, synagogues, or mosques) to provide social services to needy people in their immediate communities. The purpose is to bring federally funded assistance to the smallest parts of every community where there have been limited or no social services in the past. The government incentive to entice churches to participate in faith-based initiatives is that those churches would be allowed to maintain their religious identity and character.

In order to guarantee that there is no violation of the separation of church and state, the church that receives federal funds to provide public social services must meet certain criteria. First of all, the church’s program must achieve a valid secular purpose such as feeding the hungry, helping people overcome drug or alcohol addiction, sheltering the homeless, or assisting the unemployed to find work or acquire job skills. Government funds cannot be used to pay for any “inherently religious” activities such as worship,

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<sup>12</sup> President Bush, Speech on Executive Order no. 13,199 (January 2001).

religious instruction, or evangelization that may be part of the social service program.<sup>13</sup> If the federally funded social service program provided by the church has an element of religious instruction or worship, it must be a voluntary element of the program, conducted at a separate time and location, and cannot be funded with government money. Churches, are, however, permitted to retain their religious identities and are not required to change their name (e.g., the government does not require St. Mark's Lutheran Church to take "St. Mark's" out of its title) or to take down any religious symbols, icons, or art found in their buildings. Also churches are allowed to maintain their religious motivation and purpose for providing the social services (e.g. as stated in their mission statements). The church itself is permitted to retain its religious beliefs and these beliefs are not subject to government approval or oversight.<sup>14</sup>

The church that receives federal funds to provide public social services cannot refuse the social services to anyone on the basis of age, sex, race, disability, or religion. All people must have equal access to those social services. The church cannot discriminate in the provision of these social services for any reason. If a participant in the church's social service program is uncomfortable with the service provided by the church (e.g. because he or she feels pressure to conform to religious standards), the government must ensure that there is an alternative secular social service program available to him or her.

The funding of any church social program by the federal government must be justified by the success of the program. Any program must prove to be effective in order

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<sup>13</sup> Cf. the U.S. Supreme Court case of *Mitchell v. Helms*, 530 U.S. 793 (2000) for a discussion of the Supreme Court's understanding and application of the term "inherently religious."

<sup>14</sup> White House Office of Faith-Based and Community Initiatives, *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government*, (December 2002): 11.

for the church to receive government funds. Faith-based initiatives do not promise that all churches will receive federal funding for their social service programs, but only that they will be given equal consideration with all other organizations applying for government funding.

Faith-based initiatives is an attempt by President Bush to fund existing social service programs performed, not just by large secular and religious non-profit agencies, but also by individual churches, synagogues, and mosques. The goal is to extend the scope of federally funded social services to communities that have had little or no availability to social services in the past. In order to receive federal funds to perform social services, churches are required to meet certain criteria. The most problematic criteria for the church is that she is not allowed to conduct “inherently religious” activities while providing federally funded social service programs. As we will see in chapter three, this is a problem because the church is really only concerned with performing “inherently religious” activities.

## The History of Faith-Based Initiatives

President Bush's plan of faith-based initiatives has its roots in the "Charitable Choice" provision of Congress' 1996 welfare reform legislation. Charitable Choice first appeared in the Personal Responsibility Work Opportunity Reconciliation Act of 1996 (PRWORA). The purpose of this act was to initiate reform of the federal welfare system. The Charitable Choice provision is found in section 104 of PRWORA and was sponsored by then-Sen. John Ashcroft (R-MO). One of his goals for proposing this Charitable Choice provision

was to encourage faith-based organizations to expand their involvement in the welfare reform effort by providing assurances that their religious integrity would be protected.<sup>15</sup>

The Charitable Choice provision had three goals. First, it sought to encourage states to expand the involvement of community and faith-based organizations in the public anti-poverty effort. Second, it sought to protect the religious integrity and character of faith-based organizations that were willing to accept government funds to provide social services to the needy. Third, it safeguarded the religious freedom of beneficiaries, both those who were willing to receive services from religious organizations and those who would object to receiving services from such organizations.<sup>16</sup>

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<sup>15</sup> John Ashcroft, "A Letter from Senator John Ashcroft," *A Guide to Charitable Choice* (Washington, D.C: The Center for Public Justice, 1997), 3.

<sup>16</sup> *Ibid.*, 4.

During President Clinton's second administration (1996-2000) this Charitable Choice provision was largely ignored. It did not become a real issue until the 2000 presidential campaign where both then-Gov. George W. Bush and then-Vice President Al Gore supported the provision.<sup>17</sup>

When George W. Bush won the election for President of the United States, Charitable Choice became an essential component of the PRWORA welfare reform. Within weeks of taking office, President Bush signed the executive orders that created the White House Office of Faith-Based and Community Initiatives.<sup>18</sup> The faith-based initiatives were centered on a number of assumptions. First, they were based on the president's belief that compassion is the work of a nation, not just a government. He firmly believed that public issues were everyone's concern. Second, they were grounded in the confidence that it was possible to encourage faith-based programs without changing the mission of the agencies involved. The president recognized that religious charitable organizations could be funded without the charities losing their religious character and without the nation compromising its commitment to pluralism. Third, the president maintained that, even though the government could employ the help of faith-based organizations, the government could never be replaced by charities and non-profit groups in its obligation to serve those in need. Fourth, he held that government would not discriminate against faith-based groups that might compete with secular ones for

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<sup>17</sup> Fred Glennon, "Blessed Be the Ties That Bind? The Challenge of Charitable Choice to Moral Obligation," *Journal of Church and State* 42, no. 4 (2000): 825.

<sup>18</sup> Executive Order no. 13,199, "Establishment of White House Office of Faith-Based and Community Initiatives," *Federal Register* 66, no. 21 (January 2001): 8499.

government funds. Finally, President Bush believed that regardless of size, all religious organizations must be eligible to receive help from the government.<sup>19</sup>

Unfortunately for President Bush, his policy of faith-based initiatives failed to garner any support from Congress in 2001 and 2002. Groups such as the American Civil Liberties Union and Americans United for the Separation of Church and State convinced many members of Congress that faith-based initiatives violated the separation of church and state and jeopardized the government's position of religious neutrality. Yet apart from their lobbying, some members of Congress already did not support the idea of federal tax money going to religious organizations. Some members of Congress were concerned because the Bush administration had not produced an accurate definition of what constituted a faith-based organization. There were fears that federal money would go to support groups that actively oppose other religious views such as the anti-Semitic Nation of Islam. Moreover, no new federal money was being allocated for federally funded social service programs. Thus the amount of money available to non-profit organizations would stay the same, but the number of organizations competing for that money would increase dramatically if individual churches, synagogues, and mosques as well as other faith-based social service providers were eligible to apply for those funds. Finally, some members of Congress were opposed to allowing faith-based organizations receiving federal funding to discriminate in their hiring practices. President Bush, however, had promised faith-based organizations that, even though they received

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<sup>19</sup> Jo Renee Formicola, *Faith-Based Initiatives and the Bush Administration: The Good, the Bad, and the Ugly* (New York: Rowman and Littlefield Publishers, Inc., 2003): 41.

government funding, they would be allowed to hire only those people who shared their faith and worldview.<sup>20</sup>

Not only has President Bush received little support from Congress for his plan of faith-based initiatives, but also few Christian organizations have supported the policy. While The Lutheran Church-Missouri Synod encouraged cautious participation, the Roman Catholic Church, the Episcopal Church USA, United Methodist Church, and the Baptist Joint Committee have all opposed the faith-based initiatives policy. These four church bodies were opposed to faith-based organizations receiving government funds to perform social services while only hiring employees of the same faith. These religious bodies were also concerned that the federal government was backing away from its responsibility to help and assist the poor.<sup>21</sup> Finally, not least among the concerns, these religious bodies believed that giving government money to faith-based organizations would lead to a greater potential for fraud and the misuse of the funds by the religious institutions.

Frustrated by Congress' lack of action on his faith-based initiative policy and the lukewarm support he received from Christian churches, President Bush signed an executive order on December 12, 2002.<sup>22</sup> He announced that this executive order would clear the way for federal aid to flow to religious charities, even if they discriminate in their hiring practices on religious and moral grounds. It also ordered federal agencies not

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<sup>20</sup> White House Office of Faith-Based and Community Initiatives, *Protecting the Civil Rights and Religious Liberty of Faith-Based Organizations: Why Hiring Rights Must Be Preserved* (December 2002).

<sup>21</sup> "A Call to Renewal Concerns About Faith-Based Initiatives," a letter to President Bush from leaders of the Evangelical Lutheran Church of America, United Methodist Church, Disciples of Christ, Reformed Church in America, Presbyterian Church USA, American Baptist Church, and United Church of Christ. The text of the letter can be found at <http://www.umc.org/fbiletter.txt>.

<sup>22</sup> Executive Order no. 13,279, "Equal Protection of the Laws for Faith-Based and Community Organizations," *Federal Register* 67, no. 241 (December 2002): 77139-77144.



to discriminate against religious organizations in awarding money to community and social service groups for programs to assist the needy.

In order to keep faith-based initiatives at the forefront of his domestic policy, President George W. Bush has mentioned faith-based initiatives in every State of the Union address and has made a concerted effort to speak to faith-based groups throughout the country. Relying primarily on his executive powers as the president and not on Congressional legislation, President Bush has only been able to affect one-third of the federal bureaucracy into utilizing his faith-based initiative policy.

## The Theological Problems of Faith-Based Initiatives

Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods. Government cannot be replaced by such organizations, but it can and should welcome them as partners. The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by the law to compete on a level playing field, so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty. This delivery of social services must be results oriented and should value the bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality.<sup>23</sup>

In executive order 13,199, President Bush laid out his Administration's views and purposes for creating the White House Office of Faith-Based and Community Initiatives. If we knew nothing else about faith-based initiatives, this section of the President's Executive Order would be enough for us to critique this policy theologically.

The crucial theological issue for the church intrigued by the possibility and promise of President Bush's faith-based initiatives is the unsuitable role of the church in providing social services on behalf of the federal government. The issue is not whether the church may or may not have a soup kitchen, English as a second language program, or a children's day care program. There may be times when it is appropriate for individual churches to provide such services. Nor is the issue simply that the church may become distracted from her true mission of preaching the gospel and administering the sacraments. If this were the case, then the church would only need to be warned about the dangers of participating in faith-based initiatives, as opposed to being advised to

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<sup>23</sup> Executive Order no. 13,199, "Establishment of White House Office of Faith-Based and Community Initiatives" section 1, *Federal Register* 66, no. 21 (January 2001): 8499.

avoid their use. The real issue over President Bush's faith-based initiatives is that, through them, the federal government denies the church full opportunity to perform her unique and fundamental task of preaching the gospel and administering the sacraments whenever she provides government funded social services. The church, however, understands that "the first social ethical task of the church is to be the church—the servant community."<sup>24</sup> Thus, the issue over faith-based initiatives comes down to the peculiar function and mission of the church and the government's unwillingness to let the church be the church.

Augusburg Confession XXVIII (AC XXVIII) establishes the function of the church in God's world. The point of contention for AC XXVIII is stated at the very outset of the article.

In former times, there were serious controversies about the power of bishops, in which some people improperly mixed the power of the church and the power of the sword. Tremendous wars and rebellions resulted from this confusion, while the pontiffs, relying on the power of the keys, not only instituted new forms of worship and burdened consciences with reservations of cases and violent excommunications but also attempted to transfer earthly kingdoms and to take away from emperors the right to rule. Devout and learned people have long since condemned these vices in the church. That is why our people have been compelled, for the sake of instructing consciences, to show the difference between the power of the church and the power of the sword. They have taught that because of the command of God both are to be devoutly respected and honored as the highest blessings of God on earth.<sup>25</sup>

Here the Confessors provide three important insights. First of all, "some people have improperly mixed the power of the church and the power of the sword" and the confusion of the two has led to many military battles. Clearly, then, this was an

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<sup>24</sup> Stanley Hauerwas, *The Hauerwas Reader*, eds. John Berkman and Michael Cartwright (Durham: Duke University Press, 2002): 374.

<sup>25</sup> AC XXVIII.1-4. All quotations of the Augsburg Confession taken from Robert Kolb and Timothy Wengert, eds. *The Book of Concord* (Minneapolis: Fortress Press, 2000).

important issue at that time. Second, this confusion of the powers has led the Reformers to address the problem of the church interfering in the affairs of the secular powers. It is noteworthy that little is said in AC XXVIII about the secular powers interfering with the powers of the church. Finally, AC XXVIII affirms that both the power of the church and the power of the sword are to be “held in reverence and honor.”<sup>26</sup>

Having stated the issues in dispute and briefly mentioned the Lutheran position, the Reformers continue by clearly laying out the function of the church in the world.

However, they [the Confessors] believe that, according to the gospel, the power of the keys or the power of the bishops is the power of God’s mandate to preach the gospel, to forgive and retain sins, and to administer the sacraments. For Christ sent out the apostles with this command [John 20:21-23]: “As the Father has sent me so I send you...Receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained.” This power is exercised only by teaching or preaching the gospel and by administering the sacraments either to many or to individuals, depending on one’s calling. For not bodily things but eternal things, eternal righteousness, the Holy Spirit, eternal life are being given. These things cannot come about except through the ministry of Word and sacraments, as Paul says [Rom. 1:16]: “The gospel...is the power of God for salvation to everyone who has faith.” Therefore, since this power of the church bestows eternal things and is exercised only through the ministry of the Word, it interferes with civil government as little as the art of singing interferes with it. For civil government is concerned with things other than the gospel. For the magistrate protects not minds but bodies and goods from manifest harm and constrains people with the sword and physical penalties. The gospel protects minds from ungodly ideas, the devil, and eternal death.<sup>27</sup>

The church, then, has the unique power of the keys. With this power, the church is to proclaim the gospel, forgive and retain sins, and administer the sacraments. These three things constitute the church’s external marks. By these marks people know and

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<sup>26</sup> AC XXVIII.4.

<sup>27</sup> AC XXVIII.5-11.

recognize the church.<sup>28</sup> Through these marks the church bestows eternal, spiritual blessings of faith, forgiveness, and eternal life. These eternal, spiritual blessings cannot be attained anywhere else than in the church or in any other way than through the proclamation of the gospel and the administration of the sacraments.<sup>29</sup> Thus the church does not interfere with the secular power because the church and the secular power are concerned about different things. The church is primarily concerned about eternal, spiritual matters, while the secular power is concerned about physical, material matters. The church looks out for people's spiritual wellbeing; the secular power looks after its citizens' physical and material wellbeing by protecting them, by providing for the needy ones, and by punishing the lawbreaker.<sup>30</sup>

Therefore the church realizes that she has a special role in the world. The church provides those things, namely eternal, spiritual blessings, that no one else is able to provide. Through the person and work of Jesus Christ, God's Kingdom has irrupted into the world. It is Jesus' life, death, and resurrection that form the basis of the church's existence. The church is built only on the foundation of Jesus Christ (Eph. 2:20). In order to make it clear to society that God's Kingdom of hope and salvation is found only in Jesus Christ, God has called His church to be the visible sign of His reign over the world. Thus the church as the sign of God's Kingdom has a unique message to share with the world. Also, the church as the sign of God's Kingdom is a unique community within the world with her own set of values, principles, and practices.<sup>31</sup>

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<sup>28</sup> Kurt Marquart, *Confessional Lutheran Dogmatics Volume IX: The Church* (Waverly: International Foundation for Lutheran Confessional Research, 1990): 20.

<sup>29</sup> AC XXVIII.8

<sup>30</sup> AC XXVIII.10-11.

<sup>31</sup> Cf. Stanley Hauerwas, *A Community of Character* (Notre Dame: University of Notre Dame Press, 1981): 11.

While the government could see the church as a unique community with the unique authority to utilize the power of the keys, the government, based upon its own “bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality,”<sup>32</sup> refuses to do so. The government, then, does not recognize or care that the church has the power of the keys. Rather, the government sees the church only as another civic institution gathered around external rites and ties. In order for the government to acknowledge the unique message and function of the church, it would have to abandon its own “bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality.”

### The Church Has a Unique Message

When the church participates in faith-based initiatives, then at least to the government and likely to others, she becomes just another civic institution through which the government achieves its goals. The church understands that her task is to witness to the truth about Jesus Christ and to proclaim forgiveness, life, and salvation in his name. In this truth message, the church proclaims that through the person and work of Jesus Christ God has redeemed the world from its sin and, in the message of forgiveness, actually furthers Christ’s kingdom. The church makes known to the world that it is only through membership in this Kingdom, through faith in Jesus Christ, by which one is assured of contentment, peace, and joy. The church is confident that her “bedrock principle” of the truth of salvation in Jesus Christ is true for all times and all places. The church proclaims this truth about Jesus Christ in her words and actions to a world that is in desperate need of something that is firm and foundational.

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<sup>32</sup> Executive Order no. 13,199 section 1 (January 29, 2001).

The government, however, desires that the church participating in faith-based initiatives achieve “valid public purposes”<sup>33</sup> through her social services. The government is not interested in the truth found in Jesus Christ. And, perhaps, in one sense the government doesn’t need to be. Nevertheless, the government is only interested in the church as a social institution that is willing and able to help provide social services to needy people.

The government wants to use the church without having to encounter the church’s message of salvation through Jesus Christ. The church cannot allow herself to be divided that way. The institution of the church and her message of salvation in Jesus Christ are inseparable. Dividing the institution of the church from her message of salvation in Jesus Christ gives the church two missions. One mission is undertaken when the church is providing government funded social services; the other mission is discharged when the church is performing her “inherently religious activities.” But the church can never stop being the church. She cannot *voluntarily* lay aside that which makes her the church, namely, the power of the keys, which is the authority to proclaim the word of God and to administer His sacraments.

The church may well support the “valid public purposes” that the government is attempting to achieve. The church may choose to work, under certain circumstances, to achieve those valid public purposes as well, but she must do it in her own way and with her own funds. The church must object when the government desires to use the church to provide social services to the needy but with the stipulation that the church separate herself from her message of salvation in Jesus Christ.

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<sup>33</sup> Executive Order no. 13,199 section 1, (January 29, 2001).

Although the government is not interested in the mission of the church, the president frequently uses the language of the church to talk about faith-based initiatives. President Bush often talks about faith-based social services as giving people “hope”<sup>34</sup> or “saving lives”<sup>35</sup> or “transforming a community one heart and one soul at a time.”<sup>36</sup> The president’s use of these terms about government funded faith-based social services speaks against the truth that is found in the person of Jesus Christ. The church’s message needs to be that “hope” and “salvation” and “a transformed heart and soul” only come through a life lived in faith in participation with the Holy Spirit given through the word of God and His sacraments. Any social ministry that the church performs does not establish the truth in men’s hearts. The truth of Jesus Christ is not found at the bottom of a soup bowl or by reaching a personal breakthrough in a counseling session. The truth of Jesus Christ is to be experienced only through God’s word and sacraments.

Unfortunately, some churches and ministers are too quick to give up the power of the keys in order to participate in faith-based initiatives. As a Baptist minister said:

“Now I’m a minister, but if I have to remove the Bible, remove the cross from the wall, remove the Ten Commandments to get that government money, I’ll do it. If God is in me, that is good enough.”<sup>37</sup>

The issue at hand is not whether the pastor has God in his heart. The point is that the church exists to exercise the power of the keys for the purpose of dispensing God’s eternal gifts. The church cannot separate who it is in Christ from what it does in terms of social ministry. The church must be allowed to do confession/absolution with a pregnant,

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<sup>34</sup> Speech by President Bush, Power Center, Houston, TX (November 1, 2003).

<sup>35</sup> Speech by President Bush, Power Center, Houston, TX (November 1, 2003).

<sup>36</sup> Speech by President Bush, Oak Cliff Bible Fellowship Youth Education Center, Dallas, TX (October 29, 2003).

<sup>37</sup> Derek Davis, “President Bush’s Office of Faith-Based and Community Initiatives: Boon or Boondoggle?” *Journal of Church and State* Summer (2001): 414.



unwed mother. The church must be allowed to tell the man in the soup-kitchen that “man does not live by bread alone, but by every word that comes from the mouth of God.”

(Dt. 8:3) And the church must be allowed to proclaim to the poor, “Blessed are the poor in spirit for theirs is the kingdom of heaven.” (Mt. 5:3) The church cannot participate in any program, government or otherwise, that sets out to restrict the church’s utilization of the keys.<sup>38</sup>

This position then raises the question of how to view the work of para-church organizations such as Lutheran Social Services or Catholic Charities of America. These organizations have given up much of their Christian character in order to receive government funds to provide social services.<sup>39</sup> They essentially remain “Lutheran” or “Catholic” in name only. Their partnership with the federal government to provide social services presents its own unique problems and issues that go to the heart of the purpose, aim, and goal of these organizations. Nevertheless, a Lutheran church and Lutheran Social Services are distinct entities with separate missions. The church has the task of proclaiming the gospel and administering the sacraments for the purpose of dispensing God’s eternal gifts. This task no one else can do and the church can never lay it aside. The para-church organizations, on the other hand, understand their task to be one of helping those in need and not necessarily one of exercising the power of the keys.

The problem with faith-based initiatives is that they require the church to ignore her task of exercising the power of the keys. The result is that the church then serves a function like that of Lutheran Social Services or Catholic Charities of America.

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<sup>38</sup> Cf. Martin Luther, “Temporal Authority: To What Extent it Should Be Obeyed,” trans. J.J. Schindel, *American Edition: Luther’s Works* Volume 45 (Minneapolis: Fortress Press, 1962): 111.

<sup>39</sup> Cf. page 3-4 and 45 of this paper for a discussion of this topic.

While it is debatable whether a Christian para-church organization, such as Lutheran Social Services or Catholic Charities of America, should operate completely separate from the sponsoring church bodies and their message of Jesus Christ, the issue is clear for the church. The church can never be “Lutheran” or “Catholic” in name only. Rather, the church is always to be a community with her own unique message of salvation through Jesus Christ which inspires her unique values and practices.

In the final analysis, the understanding that the church has of her role in the world is quite different from what the government desires the church to be. The church has the unique message of salvation in Jesus Christ. The church must fully realize that her mission is to exercise the power of the keys in order to distribute God’s eternal gifts. The government, through faith-based initiatives, desires the church to be one that disregards this mission while providing federally funded social services. Despite this fact, President Bush has used the language of faith to persuade faith-based organizations that their work provides “hope” and “transforms and saves lives.” The church, in response to the president’s rhetoric, must make it clear that hope, transformation, and salvation are given only through the eternal blessings of God’s word and sacraments that are grounded in the life, death, and resurrection of Jesus Christ.

### The Church As a Unique Community

Since the government does not now recognize the church’s truth claims about Jesus Christ, the government believes that the church is just another social institution in society. As such, the government fails to perceive that the church is a unique and distinguishable community within the society. The church does not operate with the same values, principles, and assumptions as the rest of society. On the contrary, many of

the church's values, principles, and assumptions are contradictory to society's mode of operation. God gives these values, principles, and assumptions to the church through His Word. The church is only effective as a sign of God's Kingdom while it strives to be committed to them.<sup>40</sup> The problem with faith-based initiatives is that they assume that the government and the church share identical values, principles, and assumptions.

The church, however, is a community of people transformed by God's Word and sacraments who have become God's own people (1 Pet. 2:9). Jesus has called his people into the church as a new and unique society with its own rules, practices, and structures.

Wolfhart Pannenberg says:

As the body of Christ the church is the eschatological people of God gathered out of all peoples, and it is thus a sign of reconciliation for a future unity of a renewed humanity in the Kingdom of God. Jesus Christ is the revelation of the divine mystery of salvation because from his death and resurrection proceeds the reconciliation of humanity with a view to God's Kingdom. The church, however, is a sign of humanity's future in God's Kingdom by its participation in the divine plan of salvation that is revealed in Jesus Christ, and it participates in this plan as it exists as the body of Christ.<sup>41</sup>

The church founded on the resurrection of Jesus Christ, which is also called together and enlightened by the Holy Spirit, is a sign to the world of God's plan of salvation for all people. The church is not called to proclaim itself as a sign; it is called to be a sign before the watching world. While the church is not to be equated with the Kingdom of God, the church still points to and anticipates the Kingdom of God.

As a sign and toll of the coming Kingdom of God the church has its end not in itself but in the future of a humanity that is reconciled to God and united by common praise of God in His Kingdom.<sup>42</sup>

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<sup>40</sup> Stanley Hauerwas, *A Community of Character* (Notre Dame: University of Notre Dame Press, 1991): 73-74.

<sup>41</sup> Wolfhart Pannenberg, *Systematic Theology Volume 3* (Grand Rapids: William B. Eerdmans Publishing Company, 1998): 44.

<sup>42</sup> *Ibid.*, 45.

At the same time, the term “sign” underscores the positive relationship between the church and the Kingdom of God. The function of the sign is to point to the signified reality. The church points to the Kingdom of God by being the Kingdom’s present reality.

Even though the church points to the reality of God’s Kingdom on earth, the church has nothing in itself with which to draw the attention of the world. The power of the keys exercised through the church and its eternal benefits are simply gifts given to the church by God. The church does not generate these gifts on her own. As the “city set on a hill” (Mt. 5:14), when the church acts as a sign, people will be drawn to that city. The more the church becomes a sign the less the church will need to clamor for the attention of the world.

Unfortunately the church has not always been the sign that God intends for her to be. As a case in point, Alan Wolfe, professor of political science at Boston College, remarked in a roundtable discussion concerning the role of faith-based organizations in the social welfare system:

Those who argue that faith-based organizations should avoid becoming more connected to government ignore the fact that congregations and other religious institutions are not the “counter-cultural” force that many consider them to be. I see an American religion that doesn’t want to resist the rest of the culture, but wants to be a part of the rest of the culture.<sup>43</sup>

This is a tragic commentary on the role of the church in the world from one man’s perspective. There is a problem in the church when she tries to assimilate into the surrounding culture. The church is not a sign of God’s Kingdom when it adopts the

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<sup>43</sup> The Roundtable on Religion and Social Policy, 2003 Spring Research Forum, *The Role of Faith-Based Organizations in the Social Welfare System* (Spring 2003): 3-4.

vocabulary, methods, philosophy, and appearance of the society atlarge. Stanley

Hauerwas laments:

Yet I think more important has been the increasing recognition that even if such churches remained socially and politically powerful, they would have nothing distinctive to say as Christians about the challenges facing this society. That such churches have nothing distinctive to contribute is not surprising, since their social and political power originally derived from the presumption that there was no or little essential difference between the church and the principles of the American experiment. That presumption may, of course, also help to explain the decline of such churches, because it is by no means clear why you need to go to church when such churches only reinforce what you already know from participation in a democratic society.<sup>44</sup>

The church must always remember that she is not called to be like the world. As she is a sign of the Kingdom of God, the church is not to be identified with any government or social institution. Yet the church becomes identified with the United States government when President Bush speaks of the partnership between faith-based organizations and the government:

Government cannot be replaced by faith-based organizations, but it can and should welcome them as partners.<sup>45</sup>

Government cannot be replaced by charities, but it can welcome them as partners instead of resenting them as rivals.<sup>46</sup>

It cannot be denied that government money can provide the resources necessary for churches to help more people through their social ministries. Every church that performs social ministry and recognizes the multitude of people in need of help is interested in finding money for social ministry programs wherever it can be found. Yet the church must inquire into the nature of this partnership with the government and

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<sup>44</sup> Stanley Hauerwas, *A Better Hope* (Grand Rapids: Brazos Press, 2000): 25-26.

<sup>45</sup> Executive Order no. 13,199 section 1 (January 29, 2001).

<sup>46</sup> President Bush, Speech at the National Prayer Breakfast (February 2001).

understand its ramifications and implications. The church must understand that not all partnerships are always entered into with the two parties on equal ground. There are several factors that come into play when analyzing the positive and negative aspects of a partnership.

The first issue the church needs to address in this partnership with the government is, "Who needs whom?" The government would like to utilize local churches in order to provide social services to people in areas that have had little or no social service provisions in the past. Until the Bush administration's plan of faith-based initiatives emerged, the church had to fund her own social ministry programs. The churches that desired to run social ministry programs have struggled, yet have continued to find ways to keep their operations running. When there is no guarantee of federal funding with faith-based initiatives, the churches must still struggle to meet their budgets. Thus, whether these churches receive government funding or not, they will continue, to the best of their abilities, to offer their social ministry programs. From this perspective, it appears that the government needs the church much more than the church needs the government.

A second issue to analyze in this partnership is to determine which party has the authority. Since the government intends to financially fund the church to effectively administer social services through faith-based initiatives, it is the government who claims the authority. The government determines what churches and programs will be funded, the government sets the rules for how the money is to be spent, and the government sets the regulations for how churches can qualify for and use the government funds. The church can only proceed with the application process, hope that it receives funds, and then comply with the government's rules and regulations governing those funds.

Finally, the church must examine what compromises are being made in order to enter into this partnership. The only compromise the government is making is to allow churches to apply for government money regardless of their religious affiliations. The church, however, in order to receive those funds must agree not to have any religious content in its social programs. Any religious activities or instruction must be voluntary and held at a separate time and place from her social services. The church is required to ignore the fundamental character of what makes it the church—the proclamation of the truth of Jesus Christ—in order to receive government money to provide social services.

Not only must the church examine her relationship with the government according to the three criteria described above, but a partnership further implies that both parties agree on and are working toward the same goals and share the same values. Just because churches and the government perform the same type of social services, however, does not necessarily mean that they share the same goals and values. In fact, between the church and the government there are fundamental differences in the goals and values each side attempts to fulfill when providing social services.

It is apparent from President Bush's plan for faith-based initiatives that the government values the independent person above all. The rights of the individual are most important. In this way, the person seeking social services is seen as an individual consumer. If someone seeks help from a church receiving federal funding, that individual consumer has the right, according to the government, not to come into contact with religion. This, essentially, makes religion or morality a matter of the private realm. The church that participates in the government's faith-based initiatives, then, becomes

one more consumer-oriented organization. The church's only reason for existence becomes merely to encourage individual development or fulfill individual needs.

Yet, the church, values not the individual but community. It is through participation in this community that one comes to know and experience Jesus. The individual is not the authority in the church community. The authority in the church community is the Word of God.<sup>47</sup> This Word teaches members of the community how to live and how to witness to the Son of God. The church as a community doesn't perform social ministry only because she has a desire to help people. She also performs social ministry because that is what life in the community is all about—living out the testimony of Jesus' Lordship by helping others. Therefore, the church should not contribute to or embrace government's regard for the individual consumer. Rather, the church should live the life of a dedicated community so that those who need help may be drawn to the church and learn to appreciate the value of the church's community.

The government values its foundational principles of pluralism, nondiscrimination, evenhandedness, and neutrality. These are values that the government should uphold. AC XXVIII defines the role of the secular power:

For civil government is concerned with things other than the gospel. For the magistrate protects not minds but bodies and goods from manifest harm and constrains people with the sword and physical penalties. The gospel protects minds from ungodly ideas, the devil, and eternal death.<sup>48</sup>

Thus AC XXVIII recognizes that the government is called by God to protect and secure peace and justice for all of its citizens. By upholding these "bedrock principles,"<sup>49</sup> the

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<sup>47</sup> Cf. Formula of Concord 528-9.9 of Kolb and Wengert, *The Book of Concord*.

<sup>48</sup> AC XXVIII.11.

<sup>49</sup> Executive Order no. 13,199, "Establishment of White House Office of Faith-Based and Community Initiatives," section 1, *Federal Register* 66, no. 21 (January 2001): 8499.



government ensures that all of its citizens are physically protected and safe. The responsibility of the government, then, is to provide for the physical well being of its citizens. This responsibility, as taught in AC XXVIII, includes physical protection of body and possessions, the punishment of criminals, and the care of those in physical need. These four “bedrock principles” help the government to achieve those purposes for all members of society, regardless of their religious affiliation.

The church, however, cannot always uphold the principles of pluralism, nondiscrimination, evenhandedness, and neutrality. The church, in certain contexts, values none of these qualities as understood by the government. The church cannot value pluralism in religion. God’s Word and revelation lead to one God/man—Jesus Christ—and to one faith, Christianity. The objective truth of the gospel of Jesus Christ necessarily discriminates against those who refuse to accept Jesus Christ as their Lord and Savior. Because the objective truth of the gospel necessarily discriminates against those who do not believe in Jesus Christ, the church cannot be evenhanded in matters of faith. The church knows that it has the whole objective truth about God and salvation. The church does not acknowledge that other religions have the truth or even a part of the truth. Finally, this means that the church is not neutral. The church does not agree that other religions are just as valid as Christianity.

While the church cannot value pluralism, nondiscrimination, evenhandedness, and neutrality as the government does, this does not mean that the church cannot work with the people of other religious faiths to provide social services to the needy people in the community. The church, under the appropriate circumstances, may wish to partner with other religious groups to achieve similar goals. The Christian church, however, must be

careful that such joint work is not perceived as work done by differing faiths of equal validity. This is one problem with faith-based initiatives. The government assumes that the religious claims of Christians, Jews, and Muslims are all equal and valid. Also, faith-based initiatives may inadvertently lead to the promulgation of Jewish or Islamic religious teachings and practices. The church should not participate in or promote a government program that may lead others away from the gospel to follow a false religion.

The government values competition and all of its work is results oriented.

The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by law to compete on a level-playing field....This delivery of social services must be results oriented....<sup>50</sup>

President Bush's metaphor of a level playing field is apt. On a field, people compete to win prizes and trophies. Not only does the government expect people to compete for funds, the government wants to know who has the better program and which program does the most good. Moreover, the government has a utilitarian standard for all of its social service providers. The government is concerned about results and effectiveness. The government has no time or patience for programs that do not produce visible results. This puts churches in a precarious situation. While they may receive government funding one year, the next year the church's funding may be cut because they cannot compete with other churches or they didn't produce the clear cut results that government needed to see.

The church, conversely, is not motivated by competition with other churches. The church, rather, is motivated by God's love for her and her desire to make sure that all

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<sup>50</sup> Executive Order no. 13,199 section 1 (January 29, 2001).

people, as a part of God's creation, receive the help and care that they need.<sup>51</sup> The church should also consider that her participation in faith-based initiatives might be hurting more than helping people. The church is not just concerned with her own people and immediate community. The church cares about how her actions may affect other churches. For example, while one church receives government funds for her social service program, another church is shutting down her program because her government funding was cut and the church can no longer afford to support the program. Even more, the church understands that there are also secular non-profit organizations that are effectively helping needy people through their social service programs. The church recognizes that her competition with these secular non-profit organizations may affect their government funding and their capacity to help others as well. Instead of competing with other churches or secular non-profit organizations for government funding, the church may decide, after careful consideration of the issues, to support the other religious or secular non-profit organizations in their common social ministry. This support from the church may be official in that the church is contributing money and resources to support a joint project with other social service providers. Or, the church may unofficially support other social service providers by encouraging her members to participate by donating their time or money to support the social services offered through these other organizations.

Since the government values competition, it values its capitalist system. The government, through faith-based initiatives, is trying to buy the help of churches in the hopes that some of their "good morals" will influence the people who receive social services from them. The church's competition and participation in faith-based initiatives

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<sup>51</sup> Cf. Gustaf Wingren, *Luther on Vocation* (Evansville: Ballast Press, 1999): 27-28.

makes the church simply another commodity. The church becomes just another product that the government can choose to purchase or not. Also, because the government is “purchasing” the church for the purpose of providing social services, the government believes that it can set the terms of purchase. The government feels free to stipulate that the church can have her religious character, but not her religious content or message when providing government funded social services. The government believes it is able to select and pay for only those things that it desires from the church.

The church knows that she is not just another commodity in the world that can be bought or sold. She knows that meeting social needs through government funding does not make Christians. Beyond that, the church is well aware that the capitalist system is involved in the problem that the government is trying to solve. Because of the imperfection of the capitalist system and those that participate in it, there is an unequal distribution of wealth in society. While the church may exist quite comfortably in the capitalist system, as opposed to other forms of government and economic systems, the church is in no position to become a silent or willing partner to its negative aspects.

President Bush often speaks of the partnership between government and faith-based organizations. It is certain that this partnership benefits the government more than it benefits the church. Needless to say, the church and the government do not share the same values and goals. A partnership between the church and the government through faith-based initiatives would be detrimental to the nature and mission of the church.

The idea that the church will lose its relevancy in the world if it does not conform to society is incorrect. The church that remains a faithful witness to the truth of Jesus Christ will be even more relevant to the world. The church must be the sign to the world

that God wants it to be. Dr. Marquart writes: “But to the state as state the church as church has nothing to say.”<sup>52</sup> This is misleading. There is no doubt that Dr. Marquart is referring to direct conversation between the church and the government. The church, however, does not always have to speak directly to the government or even partner with the government to be an agent of change in society. Through the words and actions of her community, the church as the community of Jesus can say much without ever directing a word to the government. This is especially seen in the fact that the government already recognizes the role and work of churches in helping needy people and desires to fund their social ministry. It is a testament to the work of religious groups that the government finds their work influential enough to want to support them financially. It is understandable, then, that LCMS churches (and other faith-based groups) would be excited by the possibility of receiving government funds to provide social services to their communities. The government restrictions and regulations for faith-based initiatives, however, suppress the church’s unique message of salvation in Jesus Christ. Gerhard Forde writes:

Where the temptation is present to make the church visible in current causes the only result is that the church begins to look more and more like the world. The world certainly does not come to look like the church. However worthy the causes, the church cannot identify itself with them. To be sure, those who belong to the church will want to support and work for worthy causes in the world, but they will do so with the clear-eyed recognition that such causes are not the revelation of what is hidden. The hidden remains hidden to this world and is apprehended only by faith. Revelation comes through the gospel, not the world’s causes. The church preaches the gospel and waits. Its members work to take care of creation and the world in the meantime, but they know that the kingdom comes only by the power of the God of the gospel, not by human endeavor. The church is therefore an absolutely unique body in the world. It is the place where the absolutely strange and unheard-of kind of speaking-gospel

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<sup>52</sup> Kurt Marquart, *Confessional Lutheran Dogmatics Volume IX: The Church* (Waverly: International Foundation for Lutheran Confessional Research, 1990): 188.

speaking-takes place. Thus the church is where the gospel is preached and the sacraments are administered according to that gospel. This is its primary business and this is what it must see to. To those whose perception of the gospel is jaded or dimmed this will not seem like much. But it is really all there is to do. For those who are always impetuously anxious to be about the business of helping the world it must be said that this is also the primary way in which the church can help the world. The world needs above all to know that in the gospel of the crucified and risen Lord it too comes up against its limit, end, and goal. Only where and when the gospel is heard will people be set free to turn back to the world and genuinely care for it. As the "outpost" of the new age, the kingdom of God, the church must proclaim this gospel so that all, including the world, may be saved.<sup>53</sup>

This quote from Gerhard Forde essentially summarizes the argument of this chapter. Generally speaking, Forde is correct to emphasize the church's authority to exercise only the power of the keys. In doing so, however, he seems to have closed the door on any possibility of the church ever performing any kind of social ministry. Such a position is unwarranted. AC XXVIII recognizes, for example, that bishops may hold secular office.

If bishops possess any power of the sword, they possess it not through a command of the gospel but by human right, granted by kings and emperors for the civil administration of their lands. This, however, is a different function from the ministry of the gospel.<sup>54</sup>

Bishops may hold secular office, perform secular functions, and administer secular duties. The bishop, however, does this, not by the power of the gospel but rather by human right. Thus the church or the bishop may perform social services under certain circumstances, but not as the church per se. Instead the church or the bishop functions as a social institution and not as an institution of the gospel. In this instance, the church's purpose is not to disseminate God's eternal gifts by exercising the power of the keys, but

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<sup>53</sup> Gerhard Forde, *Theology is for Proclamation* (Minneapolis: Fortress Press, 1990): 190.

<sup>54</sup> AC XXVIII.19.

rather to provide for the physical needs of hurting people which is typically the job of the secular government.

This position implies that there may be a time when the church could take up the task of providing social services for people in need. When I argue that the church functions primarily with the power of the keys, I do not intend to argue that the church never provides for the physical needs of people. The church should take an interest in the needs of the wider society. Nor do I intend to argue that the church is forbidden to do something to alleviate those needs. In cases where there is a physical need in society that the government is failing to provide for, or in cases of emergency where little help is available from other sources, the church should and is obligated to help. Charles Arand concurs:

It may well be, that as in cases of emergency where a prince is to become a *Notbischof* and provide for the spiritual care of the people, so also in certain cases, the church may have to act as a *Notfurst* and come to the aid of those in need. Indeed, it has always done so. This implies that the church does so in times of emergency, when the orders and agencies of the First Article have abdicated or abandoned their responsibility or where the established orders have simply broken down or are non-existent as in the case of large scale disasters like typhoons, famines, and earthquakes or smaller scale crises where the infrastructure has broken down such as in the inner city. Then the church cannot help but step in to relieve the suffering and need. Second, as an emergency or crisis situation, it implies that this work will more or less be a temporary measure and not a permanent, let alone primary, feature of the church's task. The question naturally arises, when does an emergency or crisis situation become a regular, ongoing feature of the church's work?<sup>55</sup>

There is no way to pre-determine what situations or what events will constitute an emergency or crisis situation. The church and her bishop must be given the right to decide this issue on a case by case basis. All the while, the church and her bishop

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<sup>55</sup> Charles Arand, "Considering Biblical Charity within the Biblical Framework," *A Cup of Cold Water: A Look at Biblical Charity* (St. Louis: Concordia Seminary Publications, 1996): 195.

understands that the first and foremost task of the church is to exercise the power of the keys for the purpose of dispensing God's eternal, spiritual gifts. The church may perform social ministry in emergency or crisis situations, but she must be ready to give up that function when the government or another appropriate agency is able to resume their responsibilities.

In sum, all churches, but particularly those churches of the LCMS, are more faithful signs to the Kingdom of God in Jesus Christ when they do their social ministry with their own funds and in concert with God's will for the church. While the church is capable of doing social ministry to help all people in her community in emergency situations, the church has something far greater to share with people. The church must be allowed to exercise the power of the keys when the opportunity arises. Any restriction on the church's ability to proclaim the truth of Jesus Christ must be disregarded as opposing the will of God for His church.



## The Legal Problems of Faith-Based Initiatives

The Bush administration and supporters of faith-based initiatives believe that faith-based initiatives in no way violate the principle of separation of church and state as interpreted in the First Amendment of the Constitution by the United States Supreme Court. Opponents of faith-based initiatives argue that they are unconstitutional according to the First Amendment because they produce an improper relationship between church and state and violate the government's principle of religious neutrality. Opponents of faith-based initiatives are pushing the courts at every level of government to consider and to rule against government funding of religious non-profit organizations. Unfortunately for churches, no court cases have decided the constitutionality of faith-based initiatives specifically. Based on the past rulings of the United States Supreme Court, however, one can predict how the courts might rule if faith-based initiatives came under judicial scrutiny. While most cases involve government aid to religious schools (also classified as religious non-profit organizations by the IRS) which are not eligible for government funding under President Bush's faith-based initiatives, these cases serve as a backdrop to government aid of other religious non-profit organizations.

There is some difficulty, however, in considering the Supreme Court's views on the relationship between the church and the state. The Supreme Court has been inconsistent in their decisions regarding government aid to religious schools. In their attempts to navigate First Amendment jurisprudence, the Supreme Court has utilized two

different approaches: no aid to religion and a distinction between the sacred and the secular.

### No Aid to Religion

The no aid to religion approach of the Supreme Court was intended to safeguard the government's neutrality towards all religious traditions. This precedent was set in the Supreme Court's decision in the case of *Everson v. Board of Education* (1947). The *Everson* case dealt with a New Jersey law that established a program of state aid for the transportation of children to religiously based schools and public schools alike. The Supreme Court's 5-4 decision established two legal principles. In the first principle, the Supreme Court interpreted the Establishment Clause to mean that no government aid may be given in support of religion, either to any one particular religious group or in support of religion generally. Justice Hugo Black, writing for the Court majority, stated:

The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another....In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state.'<sup>56</sup>

Despite the words of Justice Black and the no aid to religion principle, the Supreme Court held that New Jersey could pay for the transportation of children to religious schools. They believed that the bus transportation was clearly separable from the religious mission of the schools and was similar to general public services such as police and fire protection. Thus it could be supported by public funds. This established a second legal principle. This second legal principle stated that, while public money may

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<sup>56</sup> *Everson v. Board of Education*, 330 U.S. (1947).

not go directly to support religious programs or organizations, it may go to provide services not directly related to the religious mission of religious organizations.

In the last couple of years the Supreme Court has upheld these principles. In February 2004 in the case of *Locke v. Davey*,<sup>57</sup> the Supreme Court reinforced the no aid to religion principle. The Supreme Court ruled that the states have no obligation to provide scholarships to students who are studying theology pursuant to a career as a minister of a religious congregation. According to the Supreme Court, a state's refusal to provide scholarship money to students studying theology does not infringe on the student's right of free exercise of his religious beliefs. Thus the state may choose to be neutral toward all religions by refusing to fund scholarships for any students who are studying theology for a career and it cannot be considered discrimination.

In 2002 the Supreme Court also reinforced the principles established in *Everson* by its decision in the *Zelman v. Simmons-Harris*<sup>58</sup> case. This case dealt with the state of Ohio funding school vouchers in the city of Cleveland. The vouchers were intended to allow students of failing public schools to transfer and enroll at other schools in the city of Cleveland, including private religious schools. The Supreme Court upheld the use of government funded vouchers to pay for private schooling including religious schools on two grounds. First, the voucher program had a valid secular purpose. The voucher program was not designed to promote religious education, but rather to provide educational assistance to poor children in failing public schools. Secondly, the recipient of the government voucher exercised individual choice, and was not coerced to attend a religious school.

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<sup>57</sup> *Locke v. Davey*, 540 U.S. (2004).

<sup>58</sup> *Zelman v. Simmons-Harris*, 536 U.S. (2002).

The Supreme Court has ruled that direct government funding of religious organizations is unconstitutional. Indirect government funding, however, in the forms of vouchers is acceptable if it meets two criteria. Government funded vouchers are acceptable as long as the vouchers pay to provide a valid secular service. Vouchers cannot be used to fund inherently religious activities. Vouchers are also acceptable if the recipient of the voucher exercises individual choice and is not forced to utilize a faith-based organization's services.<sup>59</sup>

This position may seem acceptable to a church who wishes to provide secular social services in exchange for government funded vouchers. The difficulty is that the Supreme Court has not ruled on the constitutionality of how religious non-profit organizations may spend the money that they receive from government funded vouchers. Obviously it is unconstitutional to spend the voucher funds on inherently religious activities. Yet it is unclear whether voucher funds may be used to pay for the training of service providers when the training contains religious instruction, prayer, and Bible study. Again, it is unclear if the church may spend the voucher money on the upkeep and maintenance of their facilities if those facilities also house worship or religious instruction. It may turn out that government funded vouchers would become an acceptable means for churches to provide government funded public social services. Yet until the rules and regulations for the use of the funds these vouchers provide have been clarified by one of the branches of the federal government it would be unwise for the church to advocate the institution of vouchers. Otherwise the church may be in danger of misusing the voucher funds and making herself susceptible to lawsuits and penalties.

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<sup>59</sup> "State of the Law 2003: Developments in the Law Concerning Government Partnerships with Religious Organizations," Albany, NY: Rockefeller Institute of Government (December 2003).

## Sacred/Secular Distinction

In 1971 the Supreme Court decided a case based partly on its principle that government money may be used to provide services that are not directly related to the religious mission of the religious organization. In this case the Supreme Court used its second approach, the secular/secular distinction, to interpret the scope of the First Amendment. The case of *Lemon v. Kurtzman* (1971) dealt with Rhode Island and Pennsylvania programs that were built squarely on this sacred/secular distinction. Both programs supplemented the salaries of teachers in religiously based private schools for teaching secular subjects. The Supreme Court by a 7-1 vote found both states' programs in violation of the establishment clause of the First Amendment. The Supreme Court ruled that the states' programs had two major problems. First of all, it was difficult to ensure that no religious values were being imparted during the secular instruction. In a religious school, where religious overtones permeate the environment, it would be difficult for the schools and the teachers to separate the secular from the sacred during instruction. Secondly, in order to prevent religious values from seeping into the secular instruction, the state would have to monitor the schools very closely. This would lead to an excessive entanglement between the church and the government.

The Supreme Court's ruling in *Lemon v. Kurtzman* (1971) presents a problem for churches that would like to participate in faith-based initiatives. Returning to Amy Sherman's "brownie" metaphor for one type of social service program, it becomes clear that not all social services provided by the church can be neatly separated into its secular and sacred aspects. There are some social service programs that the church provides that should have important faith components. For example, a church's program of Christian

counseling, or aid to single mothers, or a women's abuse shelter should incorporate religious teaching, prayer, and worship. The important parts of programs like those are that they offer a perspective that the secular programs cannot. In the eyes of the church, their unique proclamation of hope and forgiveness in Jesus Christ is what makes those programs effective. If public money may only support what is secular in an organization's activities, yet in actual practice many of the church's activities have religious aspects integrated into them, the church is likely to face overt or subtle pressure to change. The government or other groups may pressure churches to downplay her religious orientation, to pretend that the faith component affects only certain limited aspects of her programming, or to jettison aspects of the religious component altogether. When this occurs, the church relinquishes some of her religious autonomy in exchange for government funding. A church cannot and should not be willing to abandon the religious dimensions of her social ministry.

In the end, the issue is whether the church can always separate the faith aspect from the secular aspect in its social service program. It should not be easy for Christians performing social ministry to separate their faith from the social services they are providing. This simply means that the power of Jesus' message and the implications of faith in that message can permeate all of one's life. The way one speaks and acts, including the motivation for performing social ministry, is inspired by one's faith in the Lord Jesus Christ. The Supreme Court in the case of *Lemon v. Kurtzman* (1971) recognized that separating the sacred and the secular was difficult to do with school teachers who were teaching students "secular" subjects in religious schools. It should be just as difficult in a church's social ministry program to separate the sacred parts of the

program from the secular parts. When people of faith are motivated to help others by their religious convictions, are trained in a milieu of firm religious beliefs, and are providing social services in a religious environment, it is almost inconceivable that religion can be filtered out of that social ministry program. It follows, then, that the government would also have to monitor very closely the church that provides government funded social services. Thus, the church that participates in faith-based initiatives must be certain that no religious content finds its way into her social service programs. A failure to do so can leave the church open to lawsuits and penalties.

“Brownie” types of programs present the church that participates in faith-based initiatives with problems. Yet not all social ministry performed by the church calls for a religious component. Other programs such as a computer skills course, a job-training course, or an English as a second language program are more like “salad” programs. While the church may also provide religious components to these services, the services themselves do not necessarily require participants to have important convictions of faith. In other words, while Christian teachings and principles may be helpful to the program in general, human reason may guide and govern the content of these programs.

Still, that does not mean that churches should be more inclined to do these types of programs and to seek government funding for them. Even if it is possible to neatly separate the secular and sacred aspects of a program, public funding of the secular part of a church’s social service program inadvertently assists the sacred part of the program. It becomes an issue of bookkeeping technicalities. For example, St. John’s Lutheran Church sponsors a homeless shelter. The shelter provides a safe place to sleep and a warm breakfast for those out on the streets. It also offers counseling aimed at helping the

homeless to understand and overcome whatever problems lie at the heart of their homelessness. All of these activities are presumably secular and eligible for public funding. But Pastor Nierman of St. John's Lutheran Church also runs a voluntary Bible study and prayer session each evening and conducts a public prayer prior to breakfast each morning. His activities would be sacred and not eligible for government funding. The shelter originally had no government funding and struggled to meet its \$200,000 budget (of which \$40,000 went to the pastor's salary and to the purchase of Bibles and Bible study materials). The city government, fearing the shelter would close and compound the homeless problem, appropriated \$100,000 to be used towards the \$160,000 budgeted for the secular activities of the homeless shelter. Now the church is only responsible for raising one-half of their budget. Even more, the church can now use the money it had earmarked for the homeless shelter to expand its evangelism program, hire a new pastor, purchase more Bibles, or remodel the sanctuary. Has government aided religion? Technically the answer is "no" because the Supreme Court in other cases has dismissed indirect aid to religion as inconsequential.<sup>60</sup> Yet realistically, in terms of the shelter's financial condition, it makes no difference had the \$100,000 gone to fund the programs of the shelter as a whole, sacred or secular.

The difficult part of the above example is that the Supreme Court has violated its own principle of no aid to religion. While the Supreme Court has ruled that government funding of only the secular part of a program is legal, this position could change when the Supreme Court presides over a case dealing directly with faith-based initiatives. Because the court has been contradictory in its position here, this leaves room for new lawsuits challenging any church that receives federal funds for providing public social services.

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<sup>60</sup> *Roemer v. Maryland Public Works Board*, 426 U.S. (1976).



On the basis of Supreme Court precedent churches must be extremely wary of participating in faith-based initiatives. The rulings of the Supreme Court on the ability of the government to fund religious non-profit organizations leaves churches vulnerable and exposed to dangerous consequences.

### Religious Character vs. Religious Content

While the Supreme Court has appeared to be contradictory in its First Amendment jurisprudence, it has been clear that the federal government can in no way directly support the religious elements of a religious organization. Any church that accepts federal funds to provide social services to the needy people in their community must understand that she cannot use that government money for religious purposes. The Bush administration, however, has not been very forthright with churches regarding this principle. This can be clearly seen in the way the Bush administration addresses the issue of “religious identity.” Specifically, the Bush administration has yet to clearly distinguish between religious character of service—which is permitted—from religious content of services provided—which is not permitted. For example, in its *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government*, issued in December 2002, the White House Office of Faith-Based and Community Initiatives gave the following account:

The United States Supreme Court has said that faith-based organizations may not use direct government support to support “inherently religious” activities. Don’t be put off by the term “inherently religious” – it’s simply a phrase that has been used by the courts in church-state cases. Basically, it means you can not use any part of a direct Federal grant to fund religious worship, instruction, or proselytization. Instead, organizations may use government money only to support the non-religious social services that they provide. Therefore, faith-based organizations that receive direct governmental funds should take steps to separate, in time or location, their inherently religious activities from the government-funded

services that they offer. Such organizations should also carefully account for their use of all government money.<sup>61</sup>

Although the exclusion of worship, religious instruction, and proselytizing from the scope of what the government may directly support is legally accurate, this instruction does not go far enough. Someone reading the document and proposed rules might think that the Constitution prohibits the use of government funds only for worship, proselytizing, or exclusively religious instruction. This reader might then conclude that government funds might be used for social services that have intensely religious content. Such an understanding is legally unsound.

Also President Bush's rhetoric is unclear. In a speech in Dallas, TX President Bush said, "What the faith-based programs say...is that miracles are possible. When somebody puts their arm around a neighbor and says, 'God loves you, I love you...'"<sup>62</sup> Again, in another speech he says, "Our society must not fear the use of faith to solve life's problems. There are lives to be saved; there are soldiers in the army of compassion ready to save them."<sup>63</sup> These remarks are made to audiences involved with faith-based organizations that provide public social services. The truth is that any faith-based organization cannot tell the person that "God loves you" when providing public social services supported by government money. More importantly, when talking to a room full of Christian faith-based social service providers, they will understand the word "save" to mean "save through faith in Jesus." Yet any assertion of that fact is unlawful while providing government funded social services.

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<sup>61</sup> White House Office of Faith-Based and Community Initiatives, *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government* (December 2002): 6.

<sup>62</sup> Speech by President Bush, Oak Cliff Bible Fellowship Youth Education Center, Dallas, TX, (October 29, 2003).

<sup>63</sup> Speech by President Bush, Power Center, Houston, TX, (November 1, 2002).

In the Bush administration's attempt to encourage religious non-profit organizations to participate in faith-based initiatives they have led faith-based groups astray. Their rhetoric and guidance fail to equip churches with an accurate understanding of what they can do religiously while providing government funded social services and remain in the bounds of the law. Churches and other faith-based organizations have a lot to lose if they intentionally or unintentionally violate the rules set down by the government and the Supreme Court. Violations of the requirements for faith-based organizations may result in legal action, loss of government funds, mandatory repayment of government funds received, and payment of any damages awarded through court action.

The church faced with participation in faith-based initiatives is not only concerned with the constitutionality of government funding of a church's social service programs. More importantly, the church is concerned with the risks involved in partnering with the federal government. Legally, the apparent contradictory rulings of the Supreme Court and the ambiguous rhetoric of the Bush administration leaves churches unprotected from possible litigation and vulnerable to misunderstanding their legal obligations when receiving government funding.

## Excursus

The stated purpose of this paper was to examine the implications of President Bush's faith-based initiatives for individual Christian congregations. A comment must be made, however, concerning the California Supreme Court's March 2004 decision in *Catholic Charities of Sacramento, Inc. v. The Superior Court of Sacramento County*.<sup>64</sup> This ruling requires Catholic Charities of America to provide insurance coverage for prescription contraceptives to its female employees despite the Roman Catholic Church's opposition to the use of birth control.

In 1999 the California Legislature enacted the Women's Contraceptive Equality Act (WCEA). Under this act certain health and disability insurance contracts must cover prescription contraceptives. WCEA did allow exemptions to religious employers. WCEA defined a religious employer as an entity that met four criteria: 1) The inculcation of religious values is the purpose of the entity. 2) The entity primarily employs persons who share the religious tenets of the entity. 3) The entity serves primarily persons who share the religious tenets of the entity. 4) The entity is a non-profit organization as described in section 6033(a)(2)(A)i or iii of the IRS code of 1986, as amended.<sup>65</sup>

In a 6-1 decision the California Supreme Court ruled that Catholic Charities in America failed to meet three of the four criteria for a religious employer as defined by the WCEA. The court ruled that Catholic Charities of America was not a religious employer because the charity performs secular services, such as counseling and job training, without attempting to inculcate Roman Catholic doctrines to the social service recipients. Secondly, Catholic Charities of America employs people of many faiths not just people of the Roman Catholic faith. Finally, Catholic charities of America serves people of all faiths, not just those who hold to the Roman Catholic faith. It should be remembered that Catholic Charities of America made these concessions in order to receive government funds to carry out their social "ministry."<sup>66</sup>

Any church that receives federal funds through faith-based initiatives would fail at least two of WCEA's four criteria for a religious employer. The government recommends that churches establish a separate 501(c)(3) non-profit organization to perform government funded social service programs. The purpose of this organization would be to provide secular services and not to inculcate religious beliefs. Second, the church that receives federal funds is required to perform the social services for people of all faiths. It cannot discriminate against anyone for any reason. This ruling of the California Supreme Court presents a dangerous precedent to churches that would participate in faith-based initiatives. On account of this ruling, the church may be required by the courts or the government to perform activities or services that are contrary to the practices and values of the church.

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<sup>64</sup> *Catholic Charities of Sacramento, Inc. v. The Superior Court of Sacramento County*, 90 Cal. App. 4<sup>th</sup> 425 (2004).

<sup>65</sup> *Ibid.*, 3.

<sup>66</sup> Cf. page 3-4 of this paper.

## The Practical Problems of Faith-Based Initiatives

Due to the nature of the legal issues that arise with the relationship between the church and the state, many practical problems surface for churches participating in faith-based initiatives. Not all churches would experience these practical problems. These practical problems, can, however, be counterproductive to the intentions of a church's social ministry. These practical problems present serious distractions to the real work of the church in preaching the gospel and administering the sacraments. To say the least, it takes considerable time and resources to participate in faith-based initiatives. Some churches simply cannot afford to do so.

One practical problem for churches that may arise is their need to establish a separate religious non-profit organization under the 501(c)(3) IRS guidelines. This, in effect, separates the church and her finances from the government money received. This way there is no chance for the church's funds to be mixed with the government funds. While the federal government does not always require churches to establish separate non-profit organizations it does advise that they do so.

Although it will take some time and cost some money, a faith-based organization may wish to establish a separate non-profit organization to use the government's funds it receives. Taking this step can make it easier for a faith-based organization to keep track of the public funds that it receives and spends. It will also be easier for the government to monitor the group's use of grant funds without intruding on the group's internal affairs, in the event that an audit is conducted.<sup>67</sup>

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<sup>67</sup> *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government*, 10.

Some federal grants and state laws, however, require that churches set up separate non-profit organizations. Not only that, but they require that these separate non-profit organizations have a board of directors made up of a group of diverse people besides members of their own faith. The Bush administration's *Guidance* answers the question of whether a faith-based organization can still receive federal funding if the organization requires every member of its board of directors to be of the same faith by writing:

In general, yes. However, there may be some grant programs that depart from this general rule. For example, the law requires Community Action Agencies to have boards that are composed of elected public officials, low-income neighborhood residents, and representatives of other organizations. A faith-based group that is interested in organizing or participating in a Community Action Grant must comply with this requirement.<sup>68</sup>

As another example, the state of New Jersey requires that a church providing a state funded social service program have a separately incorporated 501(c)(3) non-profit organization, with a separate board of directors, separate bylaws, separate records, and a budget completely separate from the budget of the parent church.

There are several practical problems with some of these requirements. First of all, the question must be asked whether the church can afford the attorney and the fees that are necessary to set up a separate 501(c)(3) non-profit organization. One of the purposes of President Bush's faith-based initiatives was to reach the poor neighborhoods that had little or no access to public social services in the past. Most churches in those neighborhoods do not have the resources to establish a separate non-profit organization.

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<sup>68</sup> *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government*, 11.

If they did, those resources would be put to better use in implementing their social ministries.

Second, requiring a separate board of directors for the other non-profit organization may be harmful to the church's intended mission. If the church is required to place outsiders on the board of directors, the church cannot be assured that all members of the board of directors will share the church's message and mission. It is quite possible that this requirement will actually hinder the church's ability to reach her stated goals and to offer the type of ministry that the church desires to provide.

Finally, if the church is required to create a separate non-profit organization with a separate board of directors, one is left wondering if it is really the church doing the social work. When everything has been separated from the church such as her Christian message, the board of directors, and the organization itself, this does not, in any way, benefit the role or mission of the church in the community. It is safe to say that at this point the church is no longer doing ministry, but rather has become just another means for the government to reach its domestic policy objectives.

Another practical implication for churches participating in President Bush's faith-based initiative is the application process. It takes special training to write out grant proposals and fill out other government applications. To apply for a grant the church must put together a budget, describe its programs, and write its own grant proposal. The church will either have to pay someone to complete the application process correctly or she will have to pay to train someone to do it. Again, churches with limited funds may not be able to afford this. The time involved in this application process is extensive. It may not be in the church's best interest to spend time learning how to complete the

process, especially since there is no guarantee that the church will actually receive government funds. Not only does the application process take some expertise, but once the church is awarded government funding, she must be certain that she follows all of the government's guidelines in meeting the requirements for providing the social services. Different types of government funding have different rules and regulations. The church must make sure that she understands and completes everything that is expected of her. If the church fails to keep the government's rules and guidelines, she faces some serious repercussions. Moreover, the church will also be required to have someone on staff that will be able to keep the financial situation in order. The church will have to make sure that the bookkeeper understands that government funds and church funds cannot be mixed and that certain money can only be used for certain things. This task requires a competent bookkeeper or accountant. Either the church will have to pay for someone to do it for her or she will have to procure a competent volunteer.

The church that participates in faith-based initiatives must also have qualified, well-trained, capable people to carry out its social service programs. Counseling services, job training, or teaching English as a second language require skills and abilities that the average volunteer does not possess. Government funding would pay the salaries for such professional personnel provided the programs do not have any religious content. But pervasively religious, "brownie" type programs require that the church pay those professionals out of their own funds. Even more important is the labor pool from which the church hires its employees. It is important for churches to hire employees of the same faith who will be providing the services. Hiring candidates who do not share the mission and message of the church can jeopardize the mission and focus of the church's social



service program. For example, it would be unwise for St. Luke's Lutheran Church to hire a person who holds pro-choice views to be a counselor for its crisis teenage pregnancy counseling program. The church must have qualified personnel who share her views of mission and ministry in order to provide an effective social ministry.

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# Conclusion

Howard Fineman, in a March 10, 2003 issue of *Newsweek*, wrote about President

Bush:

This president—this presidency—is the most resolutely “faith-based” in modern times, an enterprise founded, supported, and guided by trust in the temporal and spiritual power of God.<sup>69</sup>

It is no secret that President Bush is committed to his Christian faith. He credits his conversion to Christianity for changing his life and bringing him to where he is today. President Bush has said, “I would not be president today if I hadn’t stopped drinking 17 years ago. And I could only do that with the grace of God.”<sup>70</sup> There can be no doubt, then, that President Bush’s own personal conversion experience has influenced his decision to promote his plan of faith-based initiatives. He is dedicated to the idea that the answer to societal problems is to give everyone the opportunity to find God so their lives could be changed, too. While President Bush’s intentions may be honorable, faith-based initiatives present important theological, legal, and practical problems for the church.

The theological problems are centered on the role of the church in the world. God has given the church the responsibility of proclaiming the gospel and administering the sacraments according to Christ’s instructions. The church cannot separate her function of preaching the gospel and administering the sacraments from her living out of her faith in the world. In as much as the church fulfills her God-given task, the church is a sign of God’s reign in the world. Any government program that quells the church’s unique

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<sup>69</sup> Howard Fineman, “Bush and God.” *Newsweek* 141, no. 10 (March 10, 2003): 25.

<sup>70</sup> *Ibid.*, 24.

witness to the truth of Jesus Christ and disregards the church as a unique community in the world is unacceptable for the church. Moreover, before the church can enter into any partnership with the government she must be sure of the ramifications and implications of entering into that agreement. The partnership of government and churches through faith-based initiatives is difficult to justify. In the end the church is asked to sacrifice something she cannot (her Christian witness) for the purpose of working with values that she does not share with the government.

Faith-based initiatives also present serious legal challenges. The Supreme Court has been unclear on where it stands in church/state issues. Each generation of the Supreme Court finds new and different ways to interpret the First Amendment religion clauses. It may only be a matter of time before the Supreme Court rules that certain faith-based initiatives are unconstitutional. It would be difficult for any church to rely on her own funds once she has become accustomed to the help of government funds. Also people and groups who oppose faith-based initiatives are willing and able to challenge the role of churches in the public realm. The church that participates in faith-based initiatives does not have the luxury of standing on solid legal precedent. Any legal action taken against a church for alleged improper use of government funds could be hazardous to the life of the church community. Serious monetary damages and legal fees may result when a church defends herself in court.

More importantly, the Bush administration has not been completely honest with faith-based organizations interested in partnering with the federal government. Their advice to faith-based organizations has been deceptive and may lead churches astray. The administration's failure to distinguish religious character of service providers from

religious content of services provided may cause churches to think that they are allowed more religious freedom in providing government funded social services than they really are. Until there is solid legal support and a clear understanding from the White House on the rules and regulations of faith-based initiatives, it would be unwise for a church to participate in them.

Finally, the practical problems of faith-based initiatives are precipitated by the legal issues. Most churches simply do not have the ability or resources to capitalize on the promise of faith-based initiatives. Nearly every step along the way, the church will be required to have someone with a special skill in order to participate in this government policy. Whether it be writing grant proposals, setting up a separate 501(c)(3) non-profit organization, or keeping the financial records in order, the church must either have a trained person do this for them or rely on a competent volunteer. The time and the expense involved in participating in faith-based initiatives, when not assured of receiving any government funding, are not things that a church should be eager to spend. Churches must also wrestle with how to provide special types of services. Not all churches are blessed with the possession of competent, well-trained, and qualified staff to meet the needs certain types of social services require. Many of these practical problems can be overcome with considerable time and effort. Yet if faith-based initiatives are meant to reach into places where government social services have been limited or non-existent, it is unlikely that churches in these areas can afford to participate in them.

It should be evident from this study that President Bush's faith-based initiatives present serious problems to the church theologically, legally, and practically. While arguments may be made to overcome one of the aspects of the theological, legal, or

practical issues, all three aspects, as a whole, make faith-based initiatives a big risk for individual churches. It is far better for the church to perform her social ministry with her own values and unique Christian witness intact and to trust in the God who promises to provide for His people.

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