

# RELIGION, EDUCATION, AND THE PRIMACY OF THE FAMILY

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The title of my Essay is *Religion, Education, and the Primacy of Family*. Enola Aird, in her excellent remarks, has set out the challenges to the family in general, and to the African-American family in particular.<sup>1</sup> She has laid out the dire statistics, and explained why the family needs to be rebuilt if African America is to survive and thrive. She has also set out a path to begin the task of rebuilding, in the African-American community, the ability to love ourselves—an ability largely crushed by two centuries of slavery and another of Jim Crow. I agree with her that no other path will lead to the desperately needed regeneration.

Having said that, I wish to take the conversation in a slightly different direction. I will focus in my remarks on what have been historically the sustaining pillars of the African-American community, and how threats from across the political spectrum are systematically undermining them.

African America, since the days of slavery, has been sustained largely by two institutions: the family and the black church. Aird has talked a great deal about the family. I will talk a little about the family, but, mostly, I will focus on the interaction between the African-American family and the African-American church.

## I

It is no easy matter to build and sustain community when you have only two strong institutions. When you live in a nation where each is being undermined, it becomes harder still.

Consider, first, the family, the subject of Aird's important paper. In the late years of the nineteenth century—that is, in the early days of the Great

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<sup>1</sup> Enola G. Aird, *Toward a Renaissance for the African-American Family: Confronting the Lie of Black Inferiority*, 58 EMORY L.J. 7 (2008).

Migration from South to North—the marriage patterns of African Americans were similar to those of other first generation immigrants. Not only were the marriage patterns similar, but the religion patterns were similar as well. People tended to found new churches populated heavily by people like themselves.<sup>2</sup> So there were black churches just as there were identifiably Italian churches, identifiably German churches, and so on.

What is striking is how long these institutions have endured, even as now they suffer and the community suffers with them.

It has become a commonplace of sociology to note that African Americans, on virtually every measure of religiosity, are the most religious group in America, and, say some, the most religious group in the Western world.<sup>3</sup> In many urban communities, the black church is the only place where it is possible to do serious organizing. Whether for politics or for any other purpose, inner-city organizing tends to run through the church because the church—weakened and under threat though it may be—is often the institution that has survived.

To understand why this matters, consider the many complaints about political candidates campaigning in churches, often receiving the implicit endorsement of the pastors. Perhaps the outrage this intermixing of church and state generates is understandable. In the African-American community, however, a candidate who does not campaign in the churches does not campaign. Nowhere else is it possible to reach significant numbers of black people. Another way of putting the point is this: With respect to political organizing, white America and black America are not similarly situated.

I told you that story to tell you this one. A few years ago, at a conference in Miami, I served on a panel discussing religion and politics. After the panel, two young African-American women came up to me and told me that they were political liberals, but were also members of the Christian Coalition. When I professed confusion, they explained that they had been involved in

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<sup>2</sup> See, for example, the discussion in JON BUTLER, *AWASH IN A SEA OF FAITH: CHRISTIANIZING THE AMERICAN PEOPLE* (1990), especially chapters 1 and 6. See also NATHAN O. HATCH, *THE DEMOCRATIZATION OF AMERICAN CHRISTIANITY* (1989).

<sup>3</sup> The proposition is sufficiently commonplace that it presumably needs no support. For those interested in the data, I discuss some of it in my book, STEPHEN L. CARTER, *GOD'S NAME IN VAIN: THE WRONGS AND RIGHTS OF RELIGION IN POLITICS* (2000), especially in chapter 2. It is not clear that these data will hold as the community, so to speak, youthsens, but there is still reason to think that the median black American will remain, for instance, more religious than the median white American.

politics for several years, volunteering with various groups on the liberal side of the spectrum, and had discovered, time after time, that their open and joyful evangelical Christianity made them objects of suspicion among those with whom they agreed politically. Here was the nub. They wanted to be involved in politics, but felt forced to choose between those who liked their politics and hated their faith and those who liked their faith and hated their politics. They decided to go with the people who liked their faith and hated their politics.

When I tell that story, I often find that people find it difficult to believe. They insist that the two women must have secretly been conservative. But that response bespeaks a materialistic disbelief that faith can ever be the principal driver in one's choice about how to spend one's time. Nobody would ever decide to reject the company of their political fellows (so the argument must run) in favor of the company of their religious fellows.

This line of thinking represents a sad example of the trivialization of religious faith, a trivialization that is today a hard and unfortunate fact of American public life. The contemporary tendency to treat faith as relatively unimportant, even dangerous, is devastating to the African-American community. Where faith has been a sustainer, to find it constantly derided—treated as the filthy pollutant in the otherwise unadulterated waters of politics—is a staple of liberal politics; it is also a slap in the face, and a very hard one, to the African-American tradition.

Faith has long been the sustainer of African America. During the colonial era, African slaves tried at first to preserve their religious traditions. Over time, despite the resistance not only of the slaves but of many of the slaveholders, Christianity began to displace the traditional forms of belief.<sup>4</sup> The American Revolution sparked an upsurge in conversions of slaves to Christianity, and the founding of the first black churches.<sup>5</sup> When slaves were permitted to form churches, the slaveholding culture tried to press them, as Aird has mentioned, to preach obedience.<sup>6</sup> The slaves, over time, did their best

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<sup>4</sup> Slaveholders resisted evangelizing efforts among their slaves because of the uncertain theological status (and, for a while, legal status) of enslaving fellow Christians. See EDMUND S. MORGAN, *AMERICAN SLAVERY, AMERICAN FREEDOM: THE ORDEAL OF COLONIAL VIRGINIA* 328–33 (1975). Some historians think the larger fear was that, if the slaves were Christianized, the North would be roused to free them. See, e.g., Robert P. Forbes, *Slavery and the Evangelical Enlightenment*, in *RELIGION AND THE ANTEBELLUM DEBATE OVER SLAVERY* 68 (John R. McKivigan & Mitchell Snay eds., 1998).

<sup>5</sup> This history is recounted in many places. See, e.g., JON BUTLER, *NEW WORLD FAITHS: RELIGION IN COLONIAL AMERICA* 91–109 (2008).

<sup>6</sup> Aird, *supra* note 1, at 11–12.

to fashion a theology of liberation, identifying closely with the story of Moses and the people of Israel. The religious faith of the slaves helped to spark their rebellious sentiment, lending it a conceptual power.

Skip ahead to the Civil Rights Movement, where, once more, we see the role of the black church as sustainer. Indeed, there is a sense in which the creator of the movement was the church. E.D. Nixon, one of the architects of the Montgomery bus boycott, said years later that when he began searching for leadership from among the town's black professional class, he found that Montgomery had two black lawyers, three black doctors, one black dentist, and ninety-two black preachers.<sup>7</sup> This ratio—not at all unusual in the black community of the day—made it natural to search for leaders among the preachers.

The Civil Rights Movement, of course, established great leaders who were preachers motivated by their faith. The one we all know best is the Reverend Martin Luther King Junior. King's activism on behalf of civil rights is best described as a public ministry. True, from time to time, one reads in learned volumes by various scholars that the Civil Rights Movement was in truth a secular movement overlaid with a kind of religious disguise. But if King meant to disguise the essential religiosity of his message, he did a poor job of it.

King's great public speeches, the ones that we remember, were sermons. Many were based on sermons that he himself had given in the past and sermons that were part of the tradition of black preaching, in particular, and of Baptist preaching in general. Consider a couple of small examples. It was King who said of rights that they do not come from argument. "To discover where they come from," said King, "it is necessary to move back behind the dim mist of eternity, for they are God-given."<sup>8</sup> That was no throwaway line. It was central to his public theology. Four years later, at the conclusion of the march from Selma to Montgomery, King borrowed from the prophet Micah: "Let us march on ballot boxes, until we send to our city councils, state

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<sup>7</sup> See DAVID HALBERSTAM, *THE FIFTIES* 546, 548 (1993). For more on the role of the fascinating and oft-overlooked Nixon in the bus boycott, see TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS, 1954-63*, at 132-37 (1988).

<sup>8</sup> Martin Luther King, Jr., *The American Dream* (1961), in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 208, 208 (James Melvin Washington ed., 1986).

legislatures, and the United States Congress men who will not fear to do justice, love mercy, and walk humbly with their God.”<sup>9</sup>

Fannie Lou Hamer, one of the Movement’s great heroes, the founder of the Mississippi Freedom Democratic Party, was plainly moved by her faith. Hamer belonged to a small fundamentalist church in Mississippi. To understand how Hamer’s work, like King’s, constituted a public ministry, consider her famous encounter with Hubert Humphrey in 1964.<sup>10</sup> Her Mississippi Freedom Democratic Party challenged the seating of the lily-white Mississippi delegation at the Democratic National Convention, putting up an alternative integrated slate of delegates, and threatening a floor fight. Lyndon Johnson, who wanted no stain on his coronation, sent his vice president-in-waiting, Senator Hubert Humphrey, to negotiate with her—or, more precisely, to buy her off. When Humphrey asked her what she really wanted, she responded, “[T]he beginning of a New Kingdom right here on earth.”<sup>11</sup> Johnson was a powerful man, but this was not within Humphrey’s mandate. So the Senator tried again. He spoke of his longtime advocacy for equal rights, and suggested that black America could have no greater friend in the White House. Her response is a small classic, and deserves quotation in full:

Senator Humphrey, I know lots of people in Mississippi who have lost their jobs for trying to register to vote. I had to leave the plantation where I worked in Sunflower County. Now if you lose this job of vice president because you do what is right, because you help the MFDP, everything will be all right. God will take care of you.<sup>12</sup>

She added a promise to “pray to Jesus for you.”<sup>13</sup>

The point is that Hamer was less interested in whether Johnson and Humphrey were elected than whether justice was done. Her driving force was not the politics of the moment, but her interpretation of God’s will. If what God wanted and what man decreed were different, then Hamer, like King, believed that her responsibility was to press the world closer to the vision of the Kingdom. In this they followed a long line of radical religionists, from the

<sup>9</sup> Martin Luther King, Jr., *Our God Is Marching on!* (1965), in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.*, *supra* note 8, at 227, 229.

<sup>10</sup> This story is told many places. My account is drawn from CHARLES MARSH, *GOD’S LONG SUMMER: STORIES OF FAITH AND CIVIL RIGHTS* 39–40 (1997).

<sup>11</sup> *Id.* at 39.

<sup>12</sup> *Id.* at 39–40.

<sup>13</sup> *Id.* at 40.

time of Biblical Israel down to the present day, demanding of those in authority that they wield their authority according to the will of God. Sometimes the radicals lose, sometimes they win; either way, their presence in the body politic helps sustain vibrant public argument.

## II

But where do they come from, these radicals and rebels and reformers who see the world so differently than their fellows? How does the church help create them? The simplest answer is that religious communities, at their best, are able to serve as centers of resistance to the dominant culture, precisely because they try, to some extent, to wall themselves off from the dominant culture. Another way of putting the point is this: What creates these religious rebels is a proper understanding of the separation of church and state. I have argued elsewhere that it is a major responsibility of democratic government to leave space for people to be different.<sup>14</sup> James Madison, in *The Federalist No. 10*, wrote of the importance of avoiding a society in which people held “the same opinions, the same passions, and the same interests.”<sup>15</sup>

Here is where the two sustaining forces of African America, the family and the church, become interlinked. One of the least quoted but most important Supreme Court decisions of the twentieth century was *Pierce v. Society of Sisters*.<sup>16</sup> The 1925 decision unanimously struck down an Oregon law that all but outlawed private schools. Why was the law unconstitutional? Because, said the Justices, the statute interfered with “the liberty of parents and guardians to direct the upbringing and education of children under their control.”<sup>17</sup> Added the Court:

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.<sup>18</sup>

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<sup>14</sup> See STEPHEN L. CARTER, *THE DISSENT OF THE GOVERNED: A MEDITATION ON LAW, RELIGION, AND LOYALTY* (1998).

<sup>15</sup> THE FEDERALIST NO. 10, at 78 (James Madison) (Clinton Rossiter ed., 1961).

<sup>16</sup> 268 U.S. 510 (1925).

<sup>17</sup> *Id.* at 534–35.

<sup>18</sup> *Id.* at 535.

Here is the place where difference is created—through families nurturing their children, refusing the state the opportunity to “standardize” the next generation. And although families might resist standardization on many grounds, the strongest traditional ground—and perhaps the strongest today—is religious conviction.

Thus, one might argue that what African Americans need most is the liberty to direct the upbringing and education of children under their control, including the religious upbringing of those children. They need the space to try to raise children away from some of the pernicious influences that so damage both the family and the church. They need the space to raise rebels, against both the culture and the state. Indeed, I do not see how we are to do the hard work that Aird has laid out for us in her paper unless we can find that space, that island, and there protect and nurture children to be different. Roger Williams, in his seventeenth-century metaphor of the garden and the wilderness, would have called that space the garden, the place where the people of faith gather, protected from the unevangelized wilderness by a high hedge wall.<sup>19</sup> That wall of separation, in this early American usage, was intended not to protect the wilderness from the garden, but to protect the garden from the wilderness.

African America needs the space to plant its garden.

### III

The African-American family and the African-American church are the institutions that have sustained the community in its everyday life, in its ability to protest and be different, in its ability not to be flooded over by the twin forces of racial discrimination and neglect on the one hand, and, on the other, the destructive values of contemporary cultural life. In African America, no other sustaining institutions exist; and these two are fading. I do not see how sustaining the community will be possible unless we begin to understand the responsibility of the government to help us carve out spaces for the nurture of young people who will be raised to be different from the norm.

Does this mean that I believe in, for example, vouchers to allow children of struggling families to attend religious schools? Yes. Fifteen years ago, I was against them. Subsequently I began describing myself as an agnostic on the

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<sup>19</sup> See CARTER, *supra* note 3, at 75–81.

subject. But today I am not sure how else the community can be saved. There are no longer constitutional barriers to the programs,<sup>20</sup> and I think perhaps morality now demands them. Parents with resources may purchase educations intended to help shield their children from whatever influences they deem most destructive. If parents without resources are denied the same freedom, their ability to exercise the fundamental liberty described in *Pierce* will wither; and, along with it, the African-American community itself.

In politics, everybody professes to be for the family. At the same time, the family, as a concept, has become freighted with meaning, serving a symbolic function in many arguments that are really over other things. I do not choose to join those arguments here, and I think it at the very least unfortunate that they distract us from the challenge of racial justice that was once at the heart of our political life. We need a greater respect for the role of religion in our public life, and less derision of the force of religion in our private lives. It may seem Pollyannish of me to say so, but I think we need to begin thinking of parents and children and families not as throwaway lines in politics, but as actual places to nurture difference and dissent, to help create the next Fannie Lou Hamer, the next Martin Luther King Junior, the next prophetic voice to reject the limits of the vision imposed by the culture and challenge the rest of us to do better. Only by creating these gardens in which families can decide what sort of children they want will we have any hope of raising a generation of young people able, as Aird says, to love themselves. Strong families need walled gardens. African America, which has suffered so, deserves no less.

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<sup>20</sup> See *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).