

The Dynamics of Faith-Based Policy Initiatives

A Roundtable
Symposium*

Gerson Moreno-Riaño
Regent University

Alexis de Tocqueville once wrote: “In the end each nation is no more than a flock of timid and hardworking animals with government as its shepherd.”¹ Perhaps no statement is as apt in characterizing the current state of relations between charitable organizations and government in the United States. Americans take charity and giving seriously. Close to \$250 billion was given to charitable causes in 2004 with \$88 billion going to religious organizations, making these the largest receptors of contributions. Furthermore, \$187.92 billion of the total amount came from individuals, not corporations, thus making the former the largest contributors to the American charitable sector. Beyond the hard-earned dollars of American donors, there are an estimated 1.2 million non-profit organizations in the United States with an approximate 734,000 health, education, and scientific organizations; 140,000 civil leagues and social welfare organizations; and 354,000 religious congregations, with all of these organizations employing an approximate 10.9 million individuals.²

All of the amazing activity of individuals and organizations interested in charitable causes, however, does not occur in a context-free ether. Government shepherds the hardworking individuals and charitable organizations through the provision of a complicated context involving tax codes and other legal structures.³ Such a context shapes not only the giving behavior of donors but also the activities of charities and other non-profit organizations, the expectations of service providers and service clients, and government itself as it relates to this vast and important economic sector. Perhaps the most important aspect

of government's shepherding role is that in the provision of this context government not only affects the lives of millions of needy Americans but also shapes the social understanding of the role government should assume regarding charity and social assistance. It is this educative function that is crucial because, through the provision of a context for charities, government also socializes Americans to think, consider, and act toward charities in particular ways.

At no time has this educative function of government in regard to charitable giving become clearer than in the discussions surrounding faith-based policy initiatives. Through Executive Order 13199 (January 29, 2001), President George W. Bush established the White House Office of Faith-Based and Community Initiatives for the purpose of assisting the "Federal Government [to] coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their (i.e., faith-based and other community organizations) capacity to better meet social needs in America's communities."⁴ According to the President, such organizations should be welcomed as "partners," and such an initiative should be "results oriented and should value the bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality."⁵ Since this time, five other executive orders have been issued, helping to create eleven Centers for Faith-Based and Community Initiatives within the federal government.

One could mistakenly assume that one of the chief purposes of President Bush's initiative is to provide more opportunities for religious-based charities and to assist these in being more effective. This is certainly part of the rationale. There is no doubt that the President believes in the power and effectiveness of such organizations to assist in remedying many social ills. However, President Bush and his advisors are much more foresighted than this. Beyond mere positive results and an increasing involvement for such organizations, the President believes he is helping to shape how American's think of themselves, others, charity, and government. Consider, for example, his most recent speech at The White House National Conference on Faith-Based and Community Initiatives at the Washington Hilton Hotel on March 9, 2006.⁶ Herein, President Bush linked faith-based policy initiatives to a broader shift in the American conscience. He stated:

In my State of the Union—I stated this, and I believe it firmly—that America is witnessing a quiet transformation, a revolution of conscience, in which a rising generation is finding that a life of personal responsibility is a life of fulfillment. Part of being personally responsible in America is to love a

neighbor like you'd like to be loved yourself. And for those of you who are finding those who have heard the call to help interface with those in need, I thank you from the bottom of my heart. You represent the true strength of the United States of America.

Even more direct were President Bush's comments regarding his faith-based policy initiatives and the current bureaucratic political culture:

The other thing that we're trying to work hard is to change the culture here in Washington. The faith-based program is relatively new, and it takes a while for cultures to change, and we want people throughout the bureaucracies to not fear the involvement of faith programs and community-based programs in the compassionate delivery of help. And one of the real challenges we have is at the state and local governmental level. We've made good progress, by the way, here at the federal level, on competitive grant money.

There is no doubt that the President and his administration are focusing on outcome driven results. Much of the speech highlighted various social programs and the decreasing rates of crime, abortions, and other social ills, but the President was clear here, as well at other venues,⁷ to emphasize the shepherding and educative role of government in continuing to shape the American conscience to the importance of charity and religious faith in addressing social problems.

Since the President's introduction of the federal faith-based initiative, numerous concerns have been voiced regarding such a partnership between government and faith-based organizations in the provisions of social services. These concerns focus upon four general areas: (1) legal ramifications of government and faith-based organization partnerships (GFBOP), (2) capacity and effectiveness of faith-based organizations to deliver services, (3) effects of GFBOP upon religious life in America, and (4) effects of GFBOP upon the separation of church and state in America.⁸ The order in which these areas are presented is not indicative of their relative merit or importance. Each raises complicated theoretical, political, legal, and practical questions with an expected overlap of issues discussed.⁹ Issues three and four really focus on the important cultural question of the place of religion and secularity in American society and politics and, ultimately, address the place, if any, of religious faith and belief in social policy. This has been perhaps one of the most central and long discussed questions in American history, with GFBOP providing one of the most current and controversial contexts for discussion. Issue one

encompasses numerous legal questions regarding the legal status and definition of faith-based organizations with the most controversial questions surrounding civil rights violations in the hiring practices of faith-based social service entities. While issues one, three, and four concentrate on sociopolitical questions, issue two concerns the effectiveness and readiness of faith-based organizations to provide services and to meet federal funding guidelines as well as nonprofit industry standards.

To address these issues with as much specificity as possible, Cedarville University invited four policy experts to comment on these serious questions.¹⁰ The speakers included Krista Rush Sisterhen, Director, State of Ohio Office of Faith-Based and Community Initiatives; Stephen Veltri, Professor of Law at Ohio Northern University's Pettit College of Law; Dr. John Forren, Assistant Professor of Political Science, Miami University (Ohio); and Mr. David Zanotti, President, The American Policy Roundtable.¹¹ Each speaker was given the dual task of presenting the historical and political landscape of one of the particular themes mentioned earlier and addressing various questions both from the audience as well as from fellow-roundtable speakers. The lectures were excellent, the discussion lively, and the questions astute and thought-provoking.

The articles that follow are revised and expanded versions of the comments presented by the speakers during this forum. Krista Rush Sisterhen and Ryan Stalker open the forum with a spirited defense of the effectiveness and readiness with which faith-based organizations not only provide services but also achieve resounding results. The authors are well aware of the federal emphasis that GFBOP be outcome driven. Citing such organizations as Rachel's House and Teen Challenge, Sisterhen and Stalker provide evidence of successful faith-based organizations that provide solutions to very personal and intimate problems while, as the authors suggest, acting well within appropriate constitutional boundaries.

Stephen Veltri's article follows, addressing the legal complexities that GFBOP present. Veltri makes the important contribution that the most difficult issues surrounding GFBOP are not necessarily centered on First Amendment issues (e.g., Establishment Clause), given the Supreme Court's jurisprudence of neutrality over the last two decades. Rather, Veltri suggests that it is general laws, particularly at the state and local level, that may adversely affect faith-based organization in their social work. State and local laws, for example, in the domains of hiring and employee benefits often serve to diminish the autonomy of religious groups, thereby violating their freedom. Veltri thus presents a tension within the legal landscape of GFBOP. On the one hand, the principle

of neutrality currently governs the relationship between the federal government and faith-based agencies, allowing the latter to enjoy freedom to act and the former to provide no aid for sectarian purposes. However, at other levels of the American federal structure, general laws and statutes restrict the freedom of faith-based organizations. Veltri suggests that the federal courts have failed to protect churches from interference by general state laws and thus have failed either to apply the First Amendment in such cases or to understand the substantive import of the First Amendment.

In the last article of the symposium “Government Support of Faith-Based Social Services: A Look at the Pitfalls,” John Forren primarily investigates the fourth concern highlighted above, namely, the degree to which GFBOP undermine the time honored principle of separation of church and state. While many have suggested that GFBOP are nothing more than a repackaging of previous partnerships between government and faith-based organizations, Forren argues that upon a closer look GFBOP have dramatically changed church-state partnerships and in doing so have led to possible violations of the U.S. Constitution. Citing various cases from throughout the GFBOP landscape, Forren’s article should cause one to consider carefully the concerns raised by critics as well as possible moderate solutions to such quandaries.

These articles provide a sound analysis of some of the most important issues surrounding GFBOP, but much more should be done to investigate the variety of issues that such faith-based partnerships raise. For example, the federal initiative, including its implementation in states, is founded upon a three-prong moral base: outcomes and results (e.g., lower rates of a variety of social ills) and constitutionality (e.g., First Amendment protection). The first prong is a very pragmatic defense of an important policy decision that seems to sidestep a variety of legitimate constitutional and political questions while silencing criticisms of ineffectiveness and inefficiency. The second prong stresses the argument that GFBOP provide a level playing field for all social service organizations and thus provide a truly constitutional system of funding. The final prong is perhaps the most attractive but also the most elusive. This is the argument that GFBOP are part of and a catalyst for an important cultural shift toward a society that values human life, dignity, and compassion. President Bush clearly enunciates this theme through many of his speeches, and it is a theme that is often voiced by state officials responsible for faith-based initiatives in their particular states. While many critics exist, advocates of GFBOP have much evidence in support of the efficacy of such organizations to address some of America’s most pressing social ills, and critics are not going to argue against the importance of a compassionate and humane society. The immediate

concern is whether or not acquiring such a society comes at the expense of important constitutional principles. The larger concern, though, is the question of whether or not it is possible to have a humane and compassionate society without the bedrock principle of the Judeo-Christian faith, namely—to love God with all of one’s being and to love one’s neighbor as one loves one’s self. Is it possible to accomplish this within the current constitutional parameters while involving government and various types of organizations? If not, should we pursue a more generous constitutional interpretation or a reconsideration of time honored constitutional principles? These are just a few of the questions that hover in the background. Other and just as difficult questions would include the nature of social ills, the relationship between human beings and their environment, and the entire question of human responsibility and spirituality. All of these queries are integral to an adequate evaluation and response of the issue of GFBOP. The degree to which our society can thoughtfully discuss, deliberate, and decide these questions will determine, to a large extent, the direction in which our society is taken. Such opportunity will be decided by appropriate leadership. Thus, more incentive exists for appropriate involvement.

Notes

- * I wish to thank Stephen Grabill for his excellent assistance and encouragement in facilitating the completion of this project. Thanks are also due to the roundtable participants for their excellent lectures and frank and open discussion.
- 1. Alexis de Tocqueville, *Democracy in America*, tran. G. Lawrence, ed. J. P. Meyer (New York: Anchor Books, 1969), vol. 2, pt. 4, chap. 6, 692.
- 2. See “The New Nonprofit Almanac IN BRIEF: Facts and Figures on the Independent Sector 2001” (New York: Independent Sector, 2001).
- 3. An example of this is Congress’s current investigation into the charity sector that may lead to a drastic overhaul of the nation’s tax-exempt charitable status laws. See, for example, Brad Wolverton, “Congressional Unit, White House Seek to Curb Abuses of Charity Tax Breaks,” *Chronicle of Philanthropy*, February 17, 2005. (Online edition: www.philanthropy.com/premium/articles/v17/i09/09002201.htm).
- 4. Executive Order 13199, “Establishment of White House Office of Faith-Based and Community Initiatives,” January 29, 2001. Full text found at www.whitehouse.gov/news/releases/2001/01/20010129-2.html.
- 5. Ibid.

6. The complete speech can be found at www.whitehouse.gov/news/releases/2006/03/20060309-5.html.
7. See, for example, the President's comments at Paul Public Charter School, Washington, D.C., on April 1, 2005. The complete speech can be found at www.whitehouse.gov/news/releases/2005/04/20050401-1.html.
8. Parts of this classification originally appeared as part of a series of seminars cosponsored by The Urban Institute's Center on Nonprofits and Philanthropy and Harvard University's Center for Nonprofit Organizations in 2001. See Carol J. De Vita and Sarah Wilson, "*Faith-Based Initiatives: Sacred Deeds and Secular Dollars*" (The Urban Institute, 2001, www.urban.org/url.cfm?ID=310351). I have expanded the original classification to include the question of the separation of church and state.
9. For example, consider the excellent and overlapping discussion in "*The Faith-Based Initiative Two Years Later: Examining Its Potential, Progress, and Problems*," a forum sponsored by The Pew Forum on Religion and Public Life, March 5, 2003. A full transcript of this event can be found at www.pewforum.org/events/print.php?EventID+41.
10. These speakers were part of a symposium entitled "The Ethics of Faith-Based Policy" sponsored by the Center for Political Studies at Cedarville University on April 12, 2005.
11. David Zanotti's lecture is not included in the following articles. Gerson Moreno-Riano served as the moderator of this event.