

Are Church and State Truly Separate?

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Abstract

This paper will explore the question of if church and state are truly separate. More specifically, how religion affects discrimination. This question is relevant to current ongoing events, as the United States has just recently overturned Roe v. Wade, a law that guaranteed a woman's right to make choices concerning her own body. Other topics will be explored, such as, the restrictions that have been placed on the LGBTQIA+ community other laws that have not granted all people equal human rights. Interviews will be conducted to ten people from each state; the sample selected will result in maximum variation sampling because of the wide range of characteristics that will be included in the study. Interview questions will address how Christian belief has led to laws that discriminate against the participants. Thus, finding how human rights are being affected by laws that are enforced by religious beliefs.

Introduction

The fact that the separation in church and state is beginning to lessen should be a great concern for all people. Without the separation of church and state, women's rights will become weaker, as well as the rights of the people in the LGBTQIA+ community. The First Amendment actually guarantees freedoms concerning religion, expression, assembly, and the right to petition (First Amendment, n.d.). The First Amendment allows citizens to practice any religion of their choice, and also prevents the government from favoring any religions when it comes to political matters.

This research is relevant at the current time because the overturning of Roe v. Wade. This law allows a woman to have an abortion and carry out the procedure privately without the government being able to weigh in on her choice. This law is being overturned because of the people who believe human life starts at conception. Political officials are even beginning to go as far as saying that abortion is murder. Some people will back this statement with scripture, Jeremiah 1:5, "Before I formed you in the womb I knew you, and before you were born, I consecrated you; I appointed you a prophet to the nations." If these precedents were overturned, government officials would have a harder time respecting the diverse range of religious teachings about when life begins, they said ("What Would", n.d.). This giving an example of how church is interfering with state.

As it goes for the LGBTQIA+ community, the people suffered from their lack of right to marriage for so long. As people believed that this immoral and a sin through the words of the bible. Leviticus 18:22 states, "Do not lie with a man as one lies with a woman; that is detestable." However, there are so many other passages in the bible that detest this statement. If

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the scripture is to be taken literally, then people would find that all sex is sin, that it is sin to have tattoos upon one's body and dismiss the consumption of pork and shellfish. States have an obligation to guarantee to everyone, including women, girls and LGBT+ people, an equal right to freedom of religion or belief, including by creating an enabling environment (Use of Religious, 2020). Thus clarifying that a person cannot be discriminated against because of their sexual orientation, regardless of what another person's religious beliefs are

Research will go to show instances in which church has interfered with state. It will also allow for ways of communication to be ethical when speaking of sensitive subjects. This research is aimed to achieve political communication; this because of the current concerns and ideas that are taking place in America. As some of the subjects are something that I am very passionate about, I will aim to communicate effectively as these topics are very controversial. There is a lack of research on the topic that I have selected; however, there are sources that show bias towards both sides of the argument. With research being done on the topic of the separation of church and state, it will show scenarios in where the separation has led to human rights and where it has led to the lack thereof.

Literature Review

In the literature review of the question if church and state are truly separate, the following topics will be researched: the first amendment, theocracy, religion and abortion, human rights, and LGBTQIA+ rights.

The First Amendment

Contrary to popular belief, the phrase "Separation of Church and State" does not exist anywhere in the U.S. Constitution ("Does the Separation", 2017). The First Amendment

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actually guarantees freedoms concerning religion, expression, assembly, and the right to petition (*First Amendment*, n.d.). The first amendment has not been altered since it was written. However, research on how it has been interpreted has been changed. Because of the way it was written there has been a constant combat. The first amendment ensures religious freedom and the right to expression. Expression including how one orients themselves, but religious freedom allows for discrimination of the way people are expressing themselves.

Theocracy

Religion influences politics through the political process called “theocracy,” also known as “God’s rule.” The effect of religion on both domestic and foreign policy is immense. It influences decisions made in international relations about human rights, trade agreements, economic sanctions, peace treaties, military intervention/withdrawal, war-making, murder of civilians, and many other issues. Religiously influenced politics to impact education, taxation, and public safety, the environment, animal rights, and human life (Vasquez, n.d.). Although most Americans think that there should be an absence of theocracy in the United States, this still takes place. For example, 61 percent of white born-again Christians say religion should play a role in LGBT issues, while only 33 percent of Catholics and 14 percent of unaffiliated Americans agree (“The Role”, 2020). Research shows that there is still theocracy present in the United States, further research will be done in order to show where this is more prevalent.

Religion and Abortion

Current debates revolving around *Roe v. Wade* leads to the discussion of Church and State needing to remain separate. By ruling that the Constitution guarantees access to abortions for at

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least part of a pregnancy, the Supreme Court paved the way toward aggressive political and legal attacks on people of faith who believe life begins at conception, argued the Becket Fund for Religious Liberty in its brief. Some faith-related proponents of abortion rights, on the other hand, argued the opposite: that *Roe v. Wade* and other abortion rulings have reduced religious conflict (“What Would”, n.d.). Abortion is separated from many medical practices because of the arguments about when life truly begins. There is scripture that states that God knew you before you were created in your mother’s womb. However, others argue that life does not begin until one is born, and this argument remain unsettled. While a theocracy may impose the view of the dominant religion on abortion legality, a pluralistic society in which church and state are separate must follow the precepts of religious tolerance and place the abortion decision with individual women. Thus, the US Supreme Court's *Roe vs. Wade* decision presents the essence and the ultimate test of religious freedom (Cross, 2006). If *Roe v. Wade* is overturned there will be many arguments that follow claiming that there was religious interference in the decision.

According to Jewish law, abortion is required if the pregnant individual’s life is endangered by the fetus. The fetus is not considered to be alive, especially by what is written in the Torah, Exodus 21:22-23 (“My Jewish Learning”, 2022). This making the overturning of *Roe V. Wade* a direct abomination of those of the Jewish religion. The law does not allow the people to practice Jewish law freely, which intersects with the fact that church and state are not being kept separate in the United States.

Prior research shows the debate between when life starts and if that should have an impact on a woman’s right to an abortion. Further research once a decision is made on the overturning of *Roe v. Wade* will show if there was a religious influence on the decision that was made by political leaders and lawmakers.

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LGBTQIA+ Rights

Media narratives have given the idea that anti- LGBTQ people are motivated by their religious convictions. They take what scripture has said and turn what they think is sin into a belief that people cannot express themselves freely. How Religion and LGBTQ Rights Intersect in Media Coverage, a study's top finding is that news media coverage of religion and LGBTQ rights more often cites religiously identified sources that oppose LGBTQ equality. Also included in this same article, it is quoted that, *The Republican firebrand, who as chief justice defiantly opposed gay marriage and defended the public display of the Ten Commandments, has maintained a following among some religious-minded voters. "Our religious liberty is presently under assault as Christians," he said.*¹ (How Religion and LGBTQ, 2020). The fundamental human rights of LGBTQ people have been negatively affected by religion and opposing religious views.

Religious freedom is a fundamental American value that many citizens protect and defend. However, because of these rights to religious freedom, LGBTQ people are seeing a troubling push to allow anyone, including businesses, to use their religious beliefs to discriminate against people of the LGBTQ+ community (*Religion-Based Discrimination Against LGBTQ People*, 2022). American people have been fighting for their right to practice who they are freely, and people's religious beliefs should not be able to discriminate them from their place of work, refuse them from a business, nor evict them from their homes. LGBTQ people have made many large leaps in the past decades, this including the right to same sex marriage. There have also been laws and bills passed that do not allow discrimination against a person for being themselves. No person is allowed to deny a person of goods or services because of their sexual orientation. A study that shows religious exemptions and discrimination against LGBTQ people

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in the United States indicates that **laws** already enacted in eight states and the bills still under consideration in many more do not strike a proper balance between the freedom of religion and the equal rights of LGBT people under the law. And in fact, few if any of these laws even represent a serious attempt to do that. Lawmakers at the federal, state, and local level should work to ensure that LGBT people are protected from discrimination in employment, education, housing, healthcare, adoption and foster care, and public accommodations, and should repeal religious exemption laws that give government support to those who would discriminate based on their religious or moral beliefs (“All We”, 2018). Information was found through telephone interviews for this project, interviewees were also given the option to use pseudonyms to protect their identity in this research.

Research done previously on the topics of LGBTQ discrimination due to religion shows that people have been denied access to fundamental human rights due to their sexual orientation. Questions of same sex couples rights to adoption still needs further investigation, as the process for same sex couples differs from that of a straight couple. Further investigation needs to be done on the states that still allow discrimination against those of LGBTQ people because of opposing religious values and beliefs.

Human Rights

Research done by Project Muse Mission find that the governments supply different levels of protection for different human rights. The authors argue that societal religiosity is an important factor reducing the level of societal demand for many human rights. Using quantitative indicators of societal religiosity and respect for human rights, the findings of this study show that (a) most human rights practices are worse in societies where citizens are more religious and (b) Muslim

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majority nations provide less respect for almost all human rights (Cingranelli, et. al., 2019).

There is still currently gender-based discrimination because of underlying religious beliefs.

“Women and LGBT+ people experience discrimination and violence inflicted in the name of religion by State and non-State actors that impedes their ability to fully enjoy their human rights, including their right to freedom of religion or belief... States have an obligation to guarantee to everyone, including women, girls and LGBT+ people, an equal right to freedom of religion or belief, including by creating an enabling environment where pluralist and progressive self-understandings can manifest” (“Use of Religious”, 2020). Research shows how human rights have developed over the previous decades, further research needs to be done on why there was discrimination against women and not allowing them to equal rights. Research will show if this had a religious annotation.

Research Questions

After reviewing the previous research, the following research questions have been posed.

RQ1: How does religion affect discrimination?

RQ2: How does religion play a role in law?

RQ3: How are human rights being affected by laws that are enforced by religious beliefs?

RQ4: How are religions prioritized when enforcing laws in the United States?

Methodology

Because of the critical paradigm being followed for this research qualitative methods will be used in gathering information from marginalized voices. Interviews will take place to examine how laws in the United States discriminate against women, people of color, and those of the LGBTQIA+ community. Interviews will be the best method to conduct research on this topic. Responses from people will be kept separate, resulting in a polyphonic interview style. Interviews will reveal more information aside from the questions that are being answered by participants. The thoughts and perceptions of the participants will be unveiled from what they are comfortable with disclosing as they will be having a conversation with the researcher. As well as this, researchers will be able to build from the participants nonverbals and read more from the body language and cues of the participant.

Sample/ Participants

This research that will examine how religion affects discrimination will require qualitative sampling. Purposive sampling will include women, people of LGBTQIA+ community, and people of color to strategically fit the criteria of the research. The sample will include a total of ten people from each of the fifty states in America to total out to 500 participants. From each state there will be three women sampled, three LGBTQIA+ people sampled, two people of color, two women of color who identify themselves as part of LGBTQIA+ community, and two straight white males sampled. The sample selected will result in maximum variation sampling because of the wide range of characteristics that will be included

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in the study. The decision to sample these specific groups of people result from the discrimination that they face in America. Women suffer from laws being carried out that decide how their bodies will be controlled and regulated by the government, LGBTQIA+ people suffer from laws and restrictions allowing same- sex marriage and adoption, people of color have faced discrimination in America in an assortment of ways, and the two straight men will be sampled to avoid a bias and include their beliefs and opinions of how religion does or does not have association with discrimination.

Procedure

Interviews used for this research will be structured. There will be introductions, an orientation that will include the purpose of the study, then the interview itself, and a summarization of the results and feedback as well as debriefing or dehoaxing. The questions will be organized with the inverted funnel format, beginning with closed-ended questions to get the interviewee comfortable with the questions and will then be followed with more in-depth open-ended questions (Bressler, 2022). Prior research used a method of using questionnaires and answering questions with a rating of one to five (McFarland, 1989). This method does not allow for room to participants to share their personal experiences; thus why qualitative interviews are the better choice to study this topic. Sample questions will include: Why do you find that Christianity is the dominant religion in the United States? How has Christian belief had an influence on laws that affect you as an individual? What laws do you feel that the government has passed directly affect you?

Prior research uses textual analysis as a form of data collection (Blee, K.M., 2017). While this is beneficial, the textual analysis focuses more on the history of the issue rather than the present

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problem. Allowing interviews and gathering testimonial from participants will give further insight into the current issues and discrimination that people are facing with religion-based laws.

Limitations/ Ethics

Confidentiality will be confirmed to the participants. The researcher will be the only person to know the identity of the participant and the responses will not be able to be traced back to the participants. Pseudonyms will be used in place of the names of the participants.

Dehoaxing, a type of debriefing will occur after the interview. This will be done in order to assure that the participant has not been deceived to any ideas as all of their answers will have been given with consent and truthfulness.

Limitations to this study may include that of changing laws and regulations that include or reduce the discrimination of people in the sample. Current examples include the overturning of *Roe v. Wade*, a law that allows a woman to make choices that concern her own body without government interference. As well as mention of *Griswold v. Connecticut* facing the possibility of being overturned, this case stating that the state's ban of the use of contraceptives violates the right to marital privacy. With the overturning of *Roe*, people fear that *Lawrence v. Texas* and *Obergefell v. Hodges* may be the next victims of the Supreme Court. These cases state that all same-sex relations and marriages are legal in all fifty states. These are all plausible limitation to research because the decision from the supreme court is still unknown.

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Limitations include the breadth of this research. Prior research has been done to find the contrasting opinions on abortion (Wilcox,1992). However, there is very little research that reveals how religion has association with discrimination. Disadvantages of interviews may include that of social desirability. This could entail people answering in a way that best suits them, examples would be not unveiling all information in fear of judgement or exaggeration of answers on how laws have discriminated against them. Interviews are not generalizable as each person has a different narrative to their responses for the questions

Conclusion

Religion has come to have direct correlation with discrimination of people and not granting them of equal human rights. It has been seen many times, repeatedly in the United States. There have been laws that discriminate against a person and allowing them to have the right to be their true selves. Along with this, there have been many matters that have discriminated against women and allowing them to have the choice to make decisions based upon their own bodies. It is not only that religion plays a role in discrimination, but that Christianity plays a superior role in the decisions of the Supreme Court. The United States have created laws that interfere with other religions, for example that of Jewish law that states a woman must have an abortion if the mother's life is in danger during pregnancy.

Further research may go to show that laws become stricter and discriminate even more against people than in times prior. The results of further research will depend upon the decisions of the Supreme Court. In the instance that contraceptives become banned we may see a spike in participants revealing how religion has not granted them equal rights in the United States. More United States citizens may come to believe that they are discriminated for their religion or lack

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thereof and result in finding themselves outnumbered by the beliefs of the Christian people.

When this happens, further research will include more activists protesting for equal rights and sharing their testimonials. Further research would also entail the use of textual analysis. The use of a textual analysis will be able to compare documents declaring laws of discrimination and comparing them to scripture that is seen in the Christian bible.

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