Preserving Hospitality through Faith-Based Funding

Eric Manchester

One of the ongoing questions encountered in the so-called separation between church and state concerns that of what type of government funding, if any, should go to religious organizations that provide social services. Recently, President Bush has talked about the need to include, and perhaps increase, public funding to «faith-based» social services which provide for a range of services such as drug rehabilitation, prison counseling, elderly care, and so on. Predictably, some call for expanding the number of services for which religious institutions may be funded, while others think any funding to religious organizations should be abolished. But while judgments about the propriety of such programs generally center on either the question of separation of church and state, or the degree to which such programs would alleviate certain social needs, less attention is given to the key question of whether allowing faith-based funding better serves those in need. One may well ask whether the debate should revolve around historical/theoretical distinctions between church and state, or around the question of what the needs of citizens are and what programs extend the most public hospitality to those in need. Is it a violation of hospitality to discriminate against programs with a faith-foundation which may more effectively meet the needs of some people? For example, substance abuse programs often rely on religious or quasi-religious foundations for providing clients with motivation and hope. On the other hand, some are concerned that faith-based funding actually hinders hospitality by the fact that otherwise religiously-solid programs may be enticed to diminish their faith approach in order to remain eligible for public funds, thereby actually harming the religious quality of these programs.

In this work, I will argue that the inclusion of faith-based funding is important in maximizing hospitality to as many people seeking social services. In particular, I will argue that a religious worldview may actually be conceptually essential to the recognition of individual rights, as opposed to mere social utility, in respect to these needs. If, in fact, it is difficult to conceptually justify a notion of genuine basic rights in meeting the needs of certain marginalized persons, then a limitation of government aid to religious social service organizations, simply on the grounds that their services are rooted in a religious worldview, is not merely prejudicial but actually undermines the foundation for recognizing the rights of the very individuals such limitations seek to protect. Fur-

thermore, excluding religious institutions from funding may be a disservice to those people who cannot afford private care but believe they would benefit from organizations that provide care according to a certain belief system and set of values. In this case, the attempt to protect the public from the undue mixture of politics with religion may actually serve to unnecessarily limit the number of care options one can choose, as well as practically restrict the type of care one may receive. Indeed, this could be construed as hindering the free exercise of religion of those with needs. Some possible examples of this will be explored in the first section of this paper.

This discussion will focus on the right to social services for persons who are mentally and physically disabled, though my insights can be extended to other concerns as well. Specifically, I will argue that only a theistic worldview - that is, a worldview that regards people as being intentionally created by a divine Being - is adequately suited to defend basic rights of care to disabled persons. In arguing for the advantages of a theistic perspective, it must be stressed that this method is not sectarian in that it realizes that any number of theistic traditions are well-suited to support this conception of rights. Also, the recognition of the advantages of these systems is meant only to provide for the inclusion of funding to these groups, and not to exempt groups who choose to provide care on purely secular or non-theistic (e.g. Hindu, Buddhist, and so on) grounds.

In defending the importance of extending funding to faith-based institutions, I will first explore two secular conceptions of rights (one rooted in the impersonal theism of Aristotle; the other in the non-religious social contract theory of John Rawls) which I take to be the most compatible with traditional and contemporary American sentiments about «rights,» and show how these conceptions fall short in providing a sound foundation for recognizing basic rights corresponding to the special needs of disabled individuals. Before engaging in these theoretical discussions, though, I will address some of the practical concerns of both those who favor, and those who reject, the idea of faith-based funding.

PRELIMINARY CONCERNS FOR AND AGAINST FAITH-BASED FUNDING

Those who oppose faith-based funding argue that such funding in practice, and possibly in principle, violates Constitutional concerns regarding the so-called «separation of church and state.» These violations can occur in at least two ways: first, inasmuch as funded work (such as in job training programs) may overlap with explicitly religious enterprises, and secondly inasmuch as the provision of social services may be conjoined with religious services, either explicitly or implicitly. In respect to the first concern, while under current standards, jobs may link up with employment offered by religious institutions, the employment itself cannot be religious in nature. For example, persons in job training programs may do janitorial work at churches, but could not be asked to distribute religious materials door to door as part of their training. In respect to the second concern, concrete examples exist of religiously-affiliated social service programs that combine proselytizing with their provision of services. One such example is found in the drug rehabilitation program run by Evangelical Christians called Teen Challenge, which admits to having encouraged the conversion of certain Jewish patients to Christianity. [1]

On the other hand, there are also examples of how publicly-funded care may be accompanied by restrictions on religious activities in a way that is detrimental to those the funds intend to serve. Recently, at an academic conference dedicated to exploring the question of religious liberty in collegiate

settings, one professor commented that his daughter, who served as a resident assistant at a state university dormitory, was not allowed to pray with, or offer any kind of religious consolation, to students who wanted to pray with her in response to a fellow resident who had just committed suicide.[2] One can only wonder if such logic could be extended, for example, to prohibit state-funded caregivers from reading religious works or praying with shut-ins who request this as part of their care.

Ideologically speaking, programs fueled by religious motives are viewed by skeptics as violating the separation of church and state. Certainly it is not hard to imagine that some courts may rule that such programs entail violations of the separation principle. At the same time, such a view may be based on the highly questionable premise that the First Amendment is designed primarily to protect people from unwanted contributions to religious activities, as opposed to protecting the free exercise of religion by forbidding legally enforced religious participation which would in turn hinder their participation in activities of their choice. Put differently, the First Amendment could be read as primarily protecting a positive good (exercise of religion) rather than preventing a negative condition (enforced participation in an unchosen religious activity). While these goals are not entirely mutually exclusive, this difference in emphasis does raise the question of whether it is better to prevent that of which we may disapprove, even at the cost of limiting access to activities we deem good, or to protect access to activities we approve of, even if it means allowing others to participate in activities of which we might disapprove. A look at the wording of the First Amendment, I maintain, suggests that we should not be asking so much whether faith-based funding violates the separation of church and state, but rather whether systematically excluding religious institutions from such funding violates the right to the free exercise of religion in the selection of services.

First of all, the First Amendment of the Constitution does not employ the language of «separation of Church and state,» but only says that the state cannot legally «establish a religion.» Therefore, it is not *prima facie* obvious that the opportunity to receive care from funded programs which have a religious dimension to their social service involves a government-enforced *establishment* of religion in the sense that clients are legally mandated to receive such services, or have no legal recourse to funded programs of alternative, or even no, religious orientation.

Secondly, if it could be shown that a religious orientation is particularly helpful in the success rate of certain programs (as Alcoholics Anonymous relies on the concept of a «Higher Power» as part of their treatment),[3] then it might be considered both morally and fiscally dubious to necessarily exclude certain programs purely on the basis of their religious orientation. Indeed, a poll conducted by the Pew organization reveals that nearly three quarters of Americans believe religious principles enhance the care and compassion of caregivers, and that churches contribute significantly in helping solve social problems .[4] These attitudes are supported by the fact that, according to the same study, individuals with strong religious commitments are three times as likely to perform volunteer work as persons with little or no religious commitment.[5] It is also worth noting that support for faith-based funding is particularly strong in the African-American community; a study reported by the American Atheist society notes that 64% of churches with a majority African-American congregation admitted to favoring faith-based funding, as compared to only 28% of predominantly European-American congregations.[6] (The study did not indicate if the parishioners, or the ministers, were polled.)

The second point raised above - namely, the question as to whether or not religious organizations may in some cases actually be better caregivers–requires delving further into the value of preventing government involvement in the establishment of religion. This is true, as in spite of real or perceived practical advantages

of such funding, one could still argue on moral grounds that a «blurring» between the church and state in social service provision violates the right to avoid contributing to religious causes more than it serves the rights of people with special needs to receive care from a caregiver of their choice (which may or may not happen to be religiously affiliated). The value of preventing government from involvement in the establishment of religion rests, it seems, on any number of presuppositions. One of these seems to be that it is immoral to require someone to participate in funding (through taxation) of ideologies to which they may be morally opposed (or at least to which they have no interest in supporting). But of course, this argument does not get very far, as in a democracy there is always the possibility that tax money will be used to support some cause to which somebody might be morally opposed. Hence, one who argues from the «immorality of required support» angle must show why it is the case that the support of religion is somehow fundamentally different than the support of other activities that may not be explicitly religious in nature. But what is it about religion that would make it fundamentally different in this regard?

One might simply suggest that whereas government is supposed to focus on temporal concerns, religion deals with possibly eternal, and thus more serious, concerns. On this reasoning, the questionable use of funds for secular causes does not carry the same potential eternal significance implied in government involvement with religion. For example, a fundamentalist Christian may fear that some people will be persuaded to join what they take to be a «false religion» if they received care from a religious group whose principles allegedly contradicted those of what some take to be Christianity. Hence, one might argue that it is better to not extend funding to religious organizations so that tax money will not be used in causes which could be construed as comprising the eternal well-being of recipients. Nevertheless, this response does not really avoid the problem noted previously, as many followers of religion find various secular causes supported by government to be violations of eternal laws, so that such activities are not viewed as having merely temporal consequences.

In light of the above analysis, it seems that the concern against government involvement in religion is focused more on the good of allowing people to freely participate in religion without impediment than on the evil of having them contribute to a religious cause with which they may disagree (though this concern is not be ignored). This is evidenced in the First Amendment by the fact that the clause against establishing religion is placed alongside the protection of free speech, including that (presumably) of religious speech. The American value of religious liberty is built on the assumption that it is better to allow a religion one may disagree with in order to protect one's own religion than it is to ban another's religion and thereby run the risk that one's own religion may one day be legally endangered. As long as people were not forced to choose religious care over other funded alternatives, the fact that money may go to organizations of which one disapproves would be less serious than if one did not have ample opportunity to choose care which they found most effective.

To be fair to those who oppose faith-based funding, it is true that some religious advocates are inconsistent in questioning funding for religious groups they fundamentally oppose. One poll reveals that while 75% of Americans favor faith-based funding, only a little more than a third believe that funding should be made available to Muslim or Buddhist agencies, while only roughly half would like to see the Church of Latter Day Saints («Mormons») included.[7] Moreover, approximately two thirds believe that groups that encourage religious conversions should be excluded.[8] Needless to say, even strong advocates of faith-based funding would likely be uncomfortable with the suggestion that government should be called upon to police against conversion activities; even defining what constitutes an attempt at conversion could be highly subjective and require putting constraints on religious organizations that might

outweigh the benefits of funding. On the other hand, this poll does not indicate whether those Americans who do not want funding extended to Muslim, Buddhist, or Mormon agencies would be willing to accept such funding if this were necessary to secure funding for the groups of which they approve; such a statistic is important in understanding the true sense of public opinion on this issue.

When one considers the perspective on the First Amendment offered above, the prohibition against government establishment of religion appears to be based more on the fact that government assistance to one religious faith tends to threaten the practice of other religions. For instance, the establishment of religion historically has often meant that other religions are outlawed, or at least that the adherents of other faiths are treated as second class citizens in some way. In addition, government funding to one religion through taxation takes money away from citizens which they could have spent in promoting the religious (or non-religious) worldview of their choice. Hence, it appears that it is more for the sake of protecting religion in general, rather than protecting citizens against religion, that the First Amendment is designed. In fact, long-standing practices such as the presence of military chaplains and availability of government loans to religious universities support this interpretation. In this case, funding should not be withheld from organizations simply because some religious people are inconsistent in wanting funding for certain groups and not others.

In respect to funding of faith-based social services, the above analysis suggests that extending funds to religious organizations is not tantamount to establishing religion, as long as all religions are eligible, and care is taken to allow funds to be made available to religious groups in proportion to their representation in the general populace, and the extent to which each group provides given services. As long as organizations make their religious orientation clear, clients would be able to choose, or refuse services, based on their own individual convictions, much as exists now in choosing colleges or partaking of chaplain services. In fact, if secular services were exclusively given funding, the tax burden of such a policy may actually restrict one's financial ability to select (or provide) services rooted in a religious orientation. Insofar as some clients may find such services more effective in serving their needs, such a policy would only hurt the people it was intended to help, and would actually produce an unwarranted prejudice against religion. Such a position amounts to saying that it is a greater good to protect society from government involvement of any kind in religion than it is to provide people with equal access to religiously oriented services, the latter of which seems more in spirit with the value of religion inherently recognized in the First Amendment.

Besides the Constitutional acceptability and public opinion one may cite in defending faith-based funding, one can also argue that belief systems that recognize all people as being created by God have philosophical advantages in entrenching in us a sense of moral duty to recognize a fundamental duty on the part of society to care for people with special needs. Although certainly many people who are agnostic or atheistic may feel genuine compassion for people in need (and some religious folks may be indifferent and callous toward these same people), one must ask how much one can safely trust that the right to such care will continue to be recognized if there is not a coherent worldview to explain why people with certain «special needs» have a right to be cared for by society.

Sentiment alone is a shaky basis for protecting the recognition of rights, and it may well be the case that the charitable sentiments of atheists and agnostics borrow largely from the cultural remnants of a worldview that sees all people as being divinely created with equal dignity. Alasdair MacIntyre in his book *After Virtue,* for instance, points out that it is not uncommon for the language and attitudes of a previous cultural para-

digm to continue to exist for a time within a newly emergent paradigm, even when the new paradigm is unable to render a coherence account of the concepts these words and attitudes refer to; «rights» may well be one of these terms that is linguistically and emotionally rooted in American social consciousness, despite the fact that an understanding of what a right is has been largely cognitively lost.[9] I will now focus on the special needs to the physically and mentally disabled to expose the limitations of secular rights-conceptions in contrast to those of a theistic origin.

THE INADEQUACY OF SECULAR FOUNDATIONS FOR DISABILITY RIGHTS

Historically, the concept of «rights» fall into one of two vaguely related categories: first, «rights» to the ownership and use of property (such as one finds in certain late medieval political theses, and in the modern era in the writings of John Locke), and «rights» referring to the basic entitlement of human persons to be recognized as having intrinsic value and dignity, thereby in turn entitling them to the opportunity to provide for themselves, or have provided for them, certain basic care. Philosophically, the question arises as to where such rights come from. It is not adequate to say they are to be valued because society (or most people in society) values them, as this makes such rights purely contingent upon the very societal whims against which rights advocates believe the individual must be protected. In this case, rights would not be «absolute,» or «inalienable,» but merely «positive» and «conventional.»

There are two historical lines of thought that are suitable for developing a secular notion of rights based on certain conceptions of human dignity. The more traditional of these two approaches, which is developed later in both pagan and Christian Natural Law theory (e.g. in Marcus Aurelius, and in St. Thomas Aquinas, respectively), is present in a semi-systematic form in Aristotle (with roots of these ideas tracing back even further into Plato and the Pre-Socratics). As we will see, Aristotle's conception relies upon a fairly developed metaphysical and naturalistic functionalism that might well strike the contemporary mind as being overly speculative and inadequately egalitarian. Consequently, a more contemporary, rationalistic conception of rights is exemplified in the social philosophy of John Rawls, whose modern social philosophy classic A *Theory of Justice* combines certain epistemological schemes from the innovative 18th century of Immanuel Kant with democratic social contract theory and social welfare ideals. The metaphysical, functional approach derived from Aristotle will be reviewed first, followed by a look at the strengths and limitations of the Rawlsian social contract perspective.

ARISTOTLE AND THE FOUNDATION OF «RIGHTS»

An Aristotelian development of «rights» can be called «functionalistic» in the sense that it identifies rights by corresponding certain activities to natural biological and intellectual functions. Working from a teleological assumption of a natural order, Aristotle declares that the primary human aim is to achieve «happiness» *(eudaimonia* in Greek) by habitually performing activities that fulfill one's natural functions. Happiness on this view is entailed by the fulfillment of a human nature which is part of the natural design. Accordingly, one does not have a choice in what makes him or her happy; one must simply work to conform his or her immediate desires to activities that are essential to long-term happiness according to the design of human nature. [10]

While it is anachronistic to apply the term «rights» as such to Aristotle, the framework for recognizing rights is largely in place in his work. In both his natural and metaphysical writings, Aristotle maintains that there is a basic order to nature, including human nature, and society should try to accommodate the ability of people to fulfill these natural functions, in pursuit of happiness. It is important to realize that for him, «happiness» is not defined subjectively by individuals, but only applies to activities that fulfill the proper order of nature; thus, actions that can be shown to be contrary to the design of nature are held to be contrary to happiness (though they may produce short-term pleasure). A conception of «rights» developed in light of Aristotle's scheme, then, would hold that it is «right,» in the sense that it is *naturally proper (i.e.* according to the natural design) for us to perform activities that provide fulfillment in accordance to our nature.

On the above line of thinking, one could deduce any number of rights typically recognized by Americans. A right to freedom of religion, for example, follows from the fact that human beings possess reason which naturally enables them to form ultimate explanations of what gives life ultimate meaning. Similarly, rights to participate in the political process stem from a basic right to self-determination as a product of our reason-guided free will, while the right to association corresponds to a natural sociability found in humans, and so on. At the same time, one would not have a fundamental natural right to perform activities that go against this natural order, no matter how much one may desire them, though such activities may be legally permitted for practical reasons (such as difficulty in policing them without infringing on certain other legitimate rights).

SHORTCOMINGS WITH ARISTOTLE'S VIEW

Aristotelian conceptions of rights are consistent, to a large extent, with conceptual foundations employed later in European and early American thought. John Locke, whose Second Treatise of Government is viewed as being one of the foremost influences on Thomas Jefferson in writing the Declaration of Independence,[11] takes a similar tact to Aristotle in appealing to our natural functions of reason and free will as the foundation to a «natural liberty» (right) to «order our actions, and dispose of our possessions, as we see fit, *within the bounds of the law of nature (e.g.* natural law; chapter 2, emphasis mine). This connection of rights with moral order, and the design of nature, is less developed in its cosmology and anthropology than Aristotle, but is still predicated on elements of teleological reasoning. Locke's foundation, if anything, is less secular than Aristotle's, in that he appeals to a personal God who creates the world with our benefit in mind. (Aristotle, by contrast, sees the universe as being co-eternal with God and uncreated, and sees God as being above concern for the world of «lower» temporal things.) In any case, while one can perhaps ground what one might call ordinary rights on roughly Aristotelian-Lockean grounds, the case is more problematic when one applies this scheme to people who have special needs, as will now be shown.

In his *Metaphysics*, Aristotle explains that the study of nature need not consider all possible cases, but only focus on the way nature operates «for the most part.»[12] In Aristotle's terms, the naturally intended essential design of a creature may, due to «accidental» circumstances, differ from the way in which a creature actually functions. For example, a person may be born with, or develop, a certain disability such as being crippled, but this means that something is askew in his or her functioning. By joining the notion of natural propriety with moral-political natural rights, the view is that all human

persons are entitled to be protected in the pursuit of their natural functions. It may well go further to suggest that where people cannot, through normal effort, accomplish these functions, the government should as much as possible provide for them. Strictly speaking, though, this only refers to services that apply to those who function in a «normal» way, where «normalcy» is defined in terms of how nature behaves «for the most part.» This is true insofar as disabilities are «anomalous» and as such are *unnatural;* even though they occur within nature, they do not occur according to the natural *design*. Consequently, as something unnatural, they do not correspond to any natural rights.

Of course, the fact that there is no natural right to disability care does not rule out providing for such care, if doing so could be accomplished without much sacrifice to the normal functions of society, as this might be seen to better serve «the common good.» But this at most might give disabled citizens, at least in respect to their disability-based needs, a second-tier set of rights in respect to their disabilities. In this case, the right to disability care would rate somewhat lower than «first tier» rights to self-defense, association, intellectual activity, and so on. The notion that disability rights are based on natural anomalies, and are therefore second-class rights at best, could easily lend itself toward social/legal attitudes regarding disabled citizens as second-class citizens, or citizens whose first class status was merely a product of the superogatory benevolence of «healthy» citizens, and did not reflect a fundamental right to such treatment.

RAWLS AND RIGHTS

Obviously, the functionalistic approach rooted in Lockean and Aristotelian premises is unsatisfactory in assuring certain rights to all citizens, as demonstrated above. Could one not argue, however, that it is fundamentally misguided to base rights in something as speculative and complex as particular natural and/or scientific schemes? Can't we just say that people have «rights» to the things that all, or nearly all, of us value as part of a satisfactory life, regardless of the philosophical principles underlying this life? John Rawls thinks so, as we shall now see.

John Rawls appeals to a «common sense» notion of rights by attempting to divorce rights from any particular philosophical framework, In so doing, his position may be somewhat stronger than Aristotle's in that it relies on social contract notions which accommodate themselves more easily to democratic egalitarian values. As he puts it, we should opt for the kind of society that any «rational» person would choose if he or she did not know what his or her ultimate social-political situation is, in terms of income, race, gender, sexual orientation, religion, or, for that matter, physical and mental ability. (Rawls refers to this as choosing our society from behind a «veil of ignorance.») [13]

Philosophically, Rawls borrows his thought loosely on Immanuel Kant's distinction between *noumena* (things as they are «in-themselves,» prior to being conditioned by perception and hence prior to how we know them) and *phenomena* (things as we know them concomitant to the alterations of perception). For Rawls, the «veil of ignorance» portrays the situation that a «noumenal» self, void of any particular knowledge of its sociopolitical circumstances, would choose. Given that none of us know when we might become disabled, it does seem intuitively clear that we would opt to live in a society that would provide us with certain basic care if we should happen to be so disadvantaged. Even so, it is not clear from this line of reasoning why such assistance could not be provided through religious caregivers.

Couldn't one claim that he or she would not want to live in a society where he or she did not have equal access to choosing a caregiver who provided care with a religious orientation?

Of course, one might counter-argue that we would not want to live in a society where our money was used to provide for services that might be of a religion of which we personally disapproved. This returns us to the point raised earlier about whether the value in separating religion from government rests more in protecting us *from* religion, or protecting religion from prejudicial disadvantage. In this case, we can resolve this question by applying the Rawlsian «veil of ignorance.» Simply put, what kind of limitations on aid would we want if we had no idea of the particular ideological emphasis of the caregiver? Here, it seems clear that we would want funding to be available as widely as possible (at least within the scheme of other needs), and would not want to allow such funding to be contingent on ideological affiliation. Hence, a Rawlsian argument, if anything, could be used to support providing funding to religious organizations who serve the disabled, regardless of how the religious services that are provided along with this aid. (There would, of course, still be grounds for checking to see that funds provided for assistance were not used for some entirely other purpose, religious or otherwise.)

Although the Rawlsian viewpoint, as just noted, is better equipped to lay out rights for the disabled in a more pronounced way than the Aristotelian model, it still has limitations. Namely, the Rawlsian approach fundamentally relies upon assumptions about what a «rational» person would will for himself or herself, but it has no standard outside of the subjective desires of individual persons for judging whether or not what a person wills for oneself is «rational.» Is it *prima facie* evident that no «rational» person would choose to live in a society where, say, government funding may not be available for certain disabilities, if funding these disabilities would create a financial strain on taxpayers far beyond the number of people who would benefit from such services? On what basis can a Rawlsian claim that someone is «unreasonable» if he or she was willing to risk suffering without assistance in order to avoid the more certain burden of heavier taxes or responsibilities for upgrading property to be handicapped accessible? A claim that some choices are more «reasonable» than others requires having an objective standard for defining «rationality.» Here is where I will argue that theistic models provide an advantage over others for establishing a foundation for disability rights; what is rational, in this case, is what conforms to the natural order as created by God (including a divine provision for individuals suffering from «anomalous» conditions).

A larger objection to the Rawlsian approach is that it treats people's ideological commitments as being irrelevant to their «noumenal» value as a rational agent, though in fact people may see these commitments as being central to their understanding of what gives life value. This perspective tacitly presupposes that it is a relatively empty abstract conception of humanity that provides us with dignity, thereby relegating personal aspects of lives as being of a secondary importance. Thus, it presupposes that it is the mere physical aspect of the care, and not the religious context in which it may be provided, as being what serves the dignity of the person, to which the religious orientation is an incidental appendage. In fact, however, some people with needs may consider the religious dimension of their care to be central. Rawls' view, therefore, could be seen as devaluing the religious elements of care, and therefore of actually treating those in need with less than full dignity and respect for what they value.

THE ADVANTAGES OF THEISM IN RECOGNIZING DISABILITY RIGHTS

On a model which grounds its notion of human rights on the idea that all persons are created by God, we can say that anyone who comes into existence, with any condition, was allowed by God to live with this condition. Even if some conditions may be «abnormal» in the sense that they do not match up with how people function «for the most part» (to use Aristotle's term), the theist can say that God designed creation still knowing it was possible for people to exist with such conditions. Therefore, it never goes strictly outside of the intended design of God for there to be people who live with such conditions. Moreover, even if one holds to a Christian conception of a «Fall» from grace, where moral imperfection and physical infirmities alike are blamed on a disharmony brought into the order of creation by the misuse of free will, it is still the case that God created with the possibility that people would continue to exist, albeit in a disabled way, in spite of the effects of the Fall. In the sense, it is still within the design of God that people be able to exist with these infirmities, even if it was not God's intention for people to suffer from these infirmities. In this sense, there are no true «quirks» of nature, as there are for Aristotle, but everything is accounted for within the original design of creation.

If one retains the Aristotelian conception that natural rights correspond to the natural design of how things are intended function, it is clear on the creation model that functioning need not be limited to functioning that occurs «for the most part,» but applies to any level of functioning that occurs for anyone. Ironically, on Aristotle's standard, we have no way to deal with a case where an «anomaly» becomes the rule rather than the exception, as this would involve an «abnormality» occurring «for the most part» rather than a normality. In this case, the claim as to whether or not there was a right corresponding to a certain quality of functioning would have to do not with the proper design, or originally natural function of a thing, but with the way in which the majority of people now happened to function. This system therefore runs of the risk of not being able to treat any particular level of functioning as being necessarily or absolutely the source of a right - all rights in this context run the risk of being contingent upon social norms.

In conclusion, theism alone is able to provide an absolute condition - namely, the creative choice of God, and the image of God reflected in creation - for grounding rights corresponding to the level of functioning present for all people. It may be no mere accident that our political predecessors grounded inalienable rights in the work of a Creator. In an effort to avoid religious intrusion, people may hope to retain the benefits of such religious ideologies while doing away with the specifically religious content of such worldviews. In time, however, this may well threaten to remove from public consciousness a sense of absolute accountability to recognize the dignity of all persons in a way that transcends community convenience and subjective notions of what makes a life sufficiently «dignified» and «valuable.» Once again, this approach is not specifically sectarian, in that it recognizes that any number of theistic belief systems are able to support this model of rights. In addition, it does not preclude requiring that caregivers be upfront in identifying the religious nature of their service, so that clients can make a genuinely informed choice. At the same time, there is no need to enforce this requirement by placing substantial restrictions on the religious aspects of the service, as such elements may be desirable to some clients, and as these elements may well be the ones which most reinforce the perpetual recognition of the rights and dignity to disabled, and otherwise marginalized, individuals.

NOTES:

1. This is based on a report by Americans United for the Separation of Church and State, May 25, 2001. According to the report, John Castellani, executive director for Teen Challenge, enthusiastically shared that some Jewish clients who had completed the program had experienced a conversion to Christianity.

2. This was reported at the Midwest Regional Society of Christian Philosophers Conference at University of Dubuque, April 16, 2001.

3. It should be noted that there are disagreements about whether programs such as Alcoholics Anonymous actually are more successful than other approaches in facilitating a «recovery» to addiction. For a discussion of this topic, see, for instance, Stanton Peele's article entitled «A Moral Vision of Addiction,» reprinted in *Analyzing Moral Issues,* ed. Judith Boss (New York: Mayfield Publishing, 1999),413-416.

4. A copy of this poll can be found on the internet at wysiwg: //http://pewforum/0410/report.

5. Ibid.

6. See HYPERLINK «http://www.atheists/org» www.atheists/org, website for the American Atheists, Inc. This is for a web posting on April 8, 2001.

7. See Pew poll at website noted earlier.

8. *Ibid.*

9. Alasdair Maclntyre, *After Virtue* (Notre Dame, IN: Notre Dame University Press,) 1981.See especially his discussion of the historical development of rights consciousness, 66-67; a similar point is raised about the lost content of the word «protest» on page 68-69.

10. This is rooted in the Aristotelian metaphysical conception of final causality. For him, nature has a pre-ordained design for each species, and it is in fulfilling this design that creatures flourish. Human

flourishing is exemplified in the life of leisure, culminated in the life of philosophical contemplation (e.g. Book 10 of *Nicbomacbean Ethics).* However, such leisure requires others to provide for the mundane needs to the philosopher, and hence Aristotle's natural order must assume that some people are designed with lower rational functions, and oriented toward a life of physical labor and (within limits) to less severe forms of slavery (e.g. *Politics 1.3-7).*

11. A number of phrases can be pinpointed in this treatise that underscore the influence of Locke on Jefferson's writing. In chapter 2, Locke asserts that we have a right to be free from harm in our «life, health, liberty, and possessions, and in chapter 9, he proclaims that governments are formed toward the protection of «lives, liberty, and ... property,» corresponding roughly with the Declaration's «inalienable right» of «life, liberty, and the pursuit of happiness.» In chapter 6, section 54 Locke writes that «all men are by nature equal» (similar to «all men are created equal»), and in chapter 18 he speak of a right to revolution when one has suffered a «long train» of tyrannical actions (much like «long train of abuses»).

12. See, for example, Pbysics 2.5.

13. John Rawls, A *Theory of justice* (Cambridge, MA: The Belknap Press of Harvard University Press, 1971), 136-142 (chapter 3, section 24).

Address correspondence to:

Eric Manchester
Philosophy Department
Viterbo University
815 South 9th Street
La Crosse, WI 54601

Back to current electronic table of contents