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The Separation of Charity and State **by Jacob G. Hornberger**

The primary function of the federal government these days is to help out others with federal welfare assistance. The assistance is dispensed in a variety of ways — directly, in the form of a money payment (Social Security); indirectly, by helping people with payments to third parties (Medicare and Medicaid); subsidies to government entities and private organizations (grants to public schools or corporate welfare); and in-kind benefits, such as housing or food. After the recent Hurricane Katrina disaster, federal officials even went so far as to disburse bank debit cards to hurricane victims.

Federal welfare assistance to Americans has become such an ingrained part of our lives that most Americans hardly give it a second thought. While “waste, fraud, and abuse” have become a standard part of the welfare-state lexicon, the answer for many is simply, “The system needs reform.”

Yet when recommended reforms are instituted, “waste, fraud, and abuse” inevitably rear their ugly heads again, which then generates the call for new reforms, perpetuating an endless cycle of problems and reforms.

All this fiddling avoids the central issue: Why not separate charity and the state, in the same manner our ancestors separated church and state? Why not get government totally out of the charity business? I’m suggesting that we do much more than simply repeal all welfare-state programs. I’m suggesting that we go further and elevate our vision to the same level as that of our American ancestors when they separated church and state. I’m suggesting the following amendment to the Constitution: “The federal government shall not provide any subsidy, grant, welfare, aid, loan, or other special privilege to anyone.”

(The amendment could, at the same time, bar the states from engaging in the same activity, pursuant to the principles of the Fourteenth Amendment, but for purposes of this discussion, the amendment will be limited only to the federal government.)

After all, think about what our ancestors bequeathed to us by providing similar language in the Constitution regarding religion. They could have provided for a system in which the federal

government subsidized and regulated churches and other religious activity. If they had, today we would have the same cries of “waste, fraud, and abuse” that we hear about welfare-state programs and the same calls for “reform.”

Instead, the Founding Fathers raised their vision to a higher level and asked a much more fundamental question: Why not get the federal government totally out of the religion business? No subsidies and no regulations. And, thus, no “waste, fraud, and abuse” and no perpetual calls for “reforming” the system.

“But who will build the churches if the federal government doesn’t help out?”

“Where will the poor go to church, since they don’t have the money to build churches?”

“Who will protect us from unscrupulous church ministers?”

“Who will keep the churches operating?”

“What if rich people don’t give money to the churches?”

“What if everyone rejects God and religion?”

To our ancestors, what mattered above all else was freedom, even if the results of that freedom were not what everyone hoped for and anticipated. In other words, even if the result of a constitutional prohibition against federal assistance and regulation of religion was that no churches were built, or the poor had no churches to attend, or that rich people refused to donate to the churches, or that there were unscrupulous ministers, or that everyone rejected God and religion, those were consequences with which they could live. Even if every one of those consequences materialized, our ancestors would not have reversed their position against federal involvement in religious activity.

Of course, as history has shown, their decision to separate church and state not only produced religious freedom — that is, freedom from the federal government — it also produced a wondrous outcome in which there are hundreds of thousands of churches and countless religious activities for both rich and poor alike, all voluntarily funded and self-regulated. And those who don’t believe in God or who reject religious activity are free to follow their convictions as well.

Force and charity

Why not have the same vision with respect to charity?

After all, what meaning does charity have when it is engaged in by government? Charity connotes a willing heart of one person that reaches out to help another person. Yet government is based on force, and how can force be reconciled with any meaningful concept of charity?

Think of the process involved in government-provided welfare. The government requires everyone to send it a certain percentage of his income in order to provide the financial means for it to give welfare assistance to others. This requirement is not voluntary. Despite what any tax protester may tell you, if you don’t pay your taxes you are subjecting yourself to the distinct possibility of being hounded by the IRS and by federal prosecutors.

I repeat: the payment of your income taxes is not voluntary. In other words, it's not like making donations to your church. If you stop donating to your church, the minister is not going to put a freeze on your bank account, garnish your wages, or put a lien on your home. The IRS, once it catches up with you, will do all those things. And it will enforce those levies and liens, even to the point of a foreclosure sale of your home. And if you resist with force (e.g., guns) the marshal's enforcement of the foreclosure sale, which requires you to vacate your home and deliver possession to the new owner, you will be shot dead.

“But if people have democratically voted to impose such taxes on everyone so that the government can provide welfare for people, doesn't that mean we're free?”

Well, consider this: If people had democratically voted to impose taxes on everyone so that the government could provide financial assistance to churches, would that mean that we're free? Of course not. Freedom pertains to individuals and it entails the right of people to decide what to do with their own money. If a bunch of us get together and vote to donate your money to our church, how does that make you free? The same principle of individual freedom with respect to the funding of churches applies to the funding of charity. Why shouldn't each person have the right to decide that matter for himself with his own money? Isn't that what genuine freedom is all about?

Proponents of the welfare state sometimes suggest that when federal officials dole out money to people, it reflects the goodness and compassion of the American people. But how can that be? When your employer withholds part of your income to send it to the IRS, does it reflect compassion for others either by you or your employer? Or does it instead reflect fear of IRS retaliation for nonpayment of taxes?

And when a federal bureaucrat sends money to someone in need, how does that make you a compassionate and caring person? It doesn't. And it also doesn't mean that the bureaucrat is a good and caring person, because he's not donating his own money but instead doling out the money that the IRS has forcibly exacted from American taxpayers.

Welfare and morality

In fact, while proponents of the welfare state imply that their system is founded on moral principles, the situation is actually the opposite. The welfare-state system constitutes a grave violation of the principles of morality, not to mention the principles of freedom and free will.

Think of it this way: Suppose I hold a gun to someone's head and force him to take \$5,000 out his bank account at an ATM. I then go into the poorest part of Washington, D.C., and I give every cent of what I took from him to poor people.

Would anyone say that I had performed a moral or compassionate act? No. Everyone would clearly see that I had conducted myself in an immoral manner. If I want to help the poor, then I should do it with my own money or with money that people have voluntarily donated to

me for that purpose. To use money that I have forced other people to give me doesn't make me a caring and compassionate person and, for that matter, it doesn't make the person from whom I've forcibly taken the money a caring and compassionate person, even though his money was given to the poor. It simply makes me a thief and him a victim of theft.

While everyone can clearly see the moral implications of that scenario, for some reason people's reasoning becomes cloudy when government enters the picture. If government does the same thing, the feeling is that what would ordinarily be considered an immoral act is somehow converted into a moral act. Or the feeling is that if a majority of the people vote in favor of the action, somehow it becomes moral.

Isn't that what the entire concept of the welfare state is based on: a perversion of moral values as well as a denial of the freedom of the individual to decide what to do with his own money? What would be wrong with a system in which people keep their own earnings and decide for themselves which charities, if any, they wish to donate to or which people they wish to help?

“What if no one donates to charity?”

“What if children turn their backs on their parents?”

“What if everyone hates the poor?”

“What if people refuse to help those in need?”

But aren't those the same types of questions that would be asked in response to freedom of religion, that is, the separation of church and state? Sure, it's theoretically possible that everyone will refuse to help others, but how likely is that? Anyway, if that really were the case, how likely is it that all those selfish people would democratically approve of a welfare state in which the federal bureaucrats have the power to take their money and give it to others?

What we need more than ever in this country at this point in our history is a rebirth of liberty. That entails Americans' igniting a spark for individual freedom within themselves. It also entails the necessity of their gaining a sense of confidence and trust, not only in themselves but also in others and in freedom itself. Just as Americans don't fear religious freedom and the potential adverse consequences that come with such freedom, they need to lose similar fears regarding charitable freedom. Once that day comes, Americans will be prepared to do with charity what our ancestors did with religion — separate charity and state.

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