

Prayer in the town hall: Is it constitutional?

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Town hall in Greece, New York. [Some rights reserved](#) by [DanielPenfield](#).

Amid all the intricate legal arguments about the interplay of church and state in this country, one constitutional guideline is clear: government may not endorse, prescribe or coerce prayer. Voluntary prayer may take place in a public school or town hall, but governmental entities can't do the praying. If they do, they are "establishing" a religion in violation of the First Amendment.

Adhering to that guideline, the U.S. Supreme Court should find it easy to side with the plaintiffs in *Town of Greece v. Galloway*. For more than a decade, the town board in Greece, New York, has opened meetings with prayers from an invited local minister, who is sometimes referred to as "the chaplain of the month." For nine years every prayer was led by a Christian. Then two town residents—one a Jew, the other an atheist—objected and filed a lawsuit.

The plaintiffs noted that residents who attend meetings to conduct business could not avoid sitting through the Christian prayers. In order to be involved in their town government, the two complained, citizens were forced to be part of a particular religious act. In response to the complaint—and in hopes of bolstering the constitutional basis for the prayers—the town board began to include non-Christians among the praying clergy.

Judging by the questions raised when the case was argued before the court last month, some justices may seek to preserve a space for some form of governmental prayer. One way to do that would be to let the town continue with the prayers but specify that the prayers be “nonsectarian.” But this approach is problematic for two reasons. First, American society is so religiously diverse that a truly nonsectarian prayer—one that does not privilege any religious (or nonreligious) tradition—would be so vague as to hardly constitute a real prayer. Second, as Judge Anthony Kennedy observed, if the court were to give the town board the task of scrutinizing prayers to ensure they are properly nonsectarian, it would involve the government even more deeply in establishing a religion.

The better decision for the court is to find the town board’s practice unconstitutional. The town board could, if it wished, begin its meetings with a moment of reverent silence—as was its practice before 1999.

Beyond the legal details of this case lies a deeper question for Christians about the nature and purpose of their public witness, whether under the umbrella of government or in the political sphere more generally. Should the church seek or claim a privileged status in government or society? Should the church embrace a chaplaincy role? What is the public face of Jesus in a pluralistic society? What public witness is consistent with the witness of Jesus? Theologian Jennifer McBride takes up these vital questions in this issue (see [“The witness of sinners”](#)) and comes to a decisive conclusion: the true public witness of the church is in repentance and confession, and it is the opposite of triumphalistic.