



Secular Chaplaincy in Contemporary America: Presence, Constitutional Validity, and Public Value in a Pluralistic Society

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Abstract: Chaplaincy in the United States occupies contested terrain between constitutional principles separating church and state and the practical reality that human beings require emotional, spiritual, and existential support during illness, incarceration, military service, disaster, and ordinary crisis. James Madison's "Detached Memoranda" articulated the earliest and most rigorous constitutional critique of publicly funded chaplaincy, arguing that governmental appointment and compensation of religious ministers violates the Establishment Clause and burdens taxpayers of every belief. This article examines the evolution, benefits, and constitutional validity of contemporary chaplaincy, arguing that properly structured secular chaplaincy, including publicly funded models, serves legitimate governmental interests without establishing religion. Drawing on constitutional jurisprudence, empirical research on chaplaincy effectiveness across healthcare, military, correctional, and educational settings, and philosophical analysis of secularism and human flourishing, we show that chaplains contribute measurably to mental health, institutional functioning, and crisis response while honoring religious pluralism. We address Madison's specific objections by distinguishing historical, denomination-specific chaplaincy from contemporary pluralistic models grounded in professional formation, worldview neutrality, and individual autonomy. We conclude that secular chaplaincy is both a constitutionally sound and socially valuable response to universal human needs for meaning, presence, and dignity amid suffering.

Keywords: *secular chaplaincy, Establishment Clause, religious pluralism, spiritual care, public funding, constitutional law.*

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I. Introduction

Chaplains are called into hospital rooms, prison cells, military barracks, university offices, and disaster zones to stand beside people confronting fear, grief, trauma, moral conflict, illness, and loss, questions that policy, medicine, and procedure alone cannot answer (Cadge, 2012). The persistence of chaplaincy within American public institutions reflects a deeply human need not to face such moments alone, even as it exists inside a constitutional framework built on concerns about religious establishment and governmental neutrality toward religion.

James Madison's "Detached Memoranda," drafted between roughly 1820 and 1830, offered the earliest and most rigorous constitutional critique of publicly funded chaplains. Reflecting on the congressional chaplaincy he had witnessed as a legislator, Madison asked whether appointing chaplains to the two Houses of Congress was "consistent with the Constitution, and with the pure principle of religious freedom," and answered that "in strictness the answer on both points must be in the negative" (Madison, 1946). He argued that the law appointing chaplains "establishes a religious worship for the national representatives... paid out of the national taxes," concluding that congressional chaplaincy was "a palpable violation of equal rights, as well as of Constitutional principles" (Madison, 1946). He proposed that legislators who wanted a chaplain pay for one privately and observed that governmentally sponsored devotions were already "degenerating into a scanty attendance, and a tiresome formality" (Madison, 1946).

Madison's critique never prevailed; congressional chaplaincy continued uninterrupted, and courts have consistently upheld it (*Marsh v. Chambers*, 1983). Yet his concerns about establishment, compelled taxation, denominational favoritism, and empty ritual resurface every time a hospital, prison, or public university funds a chaplaincy program, now within a far more religiously diverse landscape. Nearly 30% of Americans identify as religiously unaffiliated (Pew Research Center, 2021), and Establishment Clause jurisprudence has evolved through multiple, sometimes contradictory frameworks (Feldman, 2005), even as decades of research document chaplaincy's measurable contributions to mental health, institutional functioning, and crisis management (Fitchett & Nolan, 2015; Gibbons & Miller, 2018).

This article argues that secular chaplaincy, professional accompaniment through suffering and existential uncertainty that respects diverse worldviews without privileging religious over non-religious frameworks, is a constitutional and socially valuable response to needs that do not disappear within a pluralistic democracy. Properly structured secular chaplaincy, including publicly funded models, serves

legitimate governmental interests in health, welfare, rehabilitation, and institutional effectiveness without violating the Establishment Clause. We proceed in four steps: clarifying what chaplaincy does and how secular models differ from denominational ministry; reviewing evidence of chaplaincy's effectiveness; analyzing the constitutional objections Madison raised; and discussing how secular chaplaincy answers those objections while honoring the human realities chaplaincy exists to address.

What Chaplaincy Is: From Ritual to Relational Presence

Chaplaincy is often reduced, in the public imagination, to a clergy member in uniform or a ceremonial prayer preceding a legislative session. In practice, it is better understood as the disciplined practice of accompanying people through vulnerability, grief, moral conflict, and existential need with discernment, humility, and steady presence (Yalom, 1980). Much of the work involves reading a room, recognizing suffering that remains unspoken, and knowing when a person needs silence, reassurance, or simply another human being willing to stay; in crisis, listening often matters as much as speaking.

Modern chaplains frequently train alongside physicians, police officers, firefighters, and crisis-response teams, studying trauma response, suicide prevention, moral injury, and crisis stabilization (Fitchett & Nolan, 2015; Litz et al., 2009), reflecting recognition that people in high-stress professions often do not know how to seek support and may fear the stigma of asking (Kopacz et al., 2016). As one of the present authors, Shelley Goldberg, who has served as a chaplain during periods of civic unrest in New York City has observed, "chaplaincy under real crisis conditions rarely resembles scripted ministry: some moments call for prayer spoken boldly, others for quiet reassurance, and others for nothing more than a person capable of recognizing the fear or moral exhaustion someone carries beneath the surface." That discernment, rather than doctrinal certainty, is what chaplaincy training is built to cultivate.

Secular chaplaincy is an emerging model within this broader practice, emphasizing existential, ethical, and emotional support without assuming or privileging religious belief (Epstein, 2010). Secular chaplains may identify as humanist, atheist, agnostic, or simply non-religious while holding training in counseling, ethics, and worldview diversity, and they serve religious and non-religious individuals alike (Pinn, 2016). Secular chaplaincy is not anti-religious chaplaincy; it is non-preferential chaplaincy serving diverse populations through an inclusive frame (Cadge & Bandini, 2015). "Secular" here denotes non-religious rather than anti-religious, mirroring the constitutional understanding of secular government as neutral toward religion rather than hostile to it (*Lemon v. Kurtzman*, 1971): just as secular government serves citizens

of every faith and none, secular chaplaincy serves existential and emotional needs without requiring or promoting religious belief.

II. Historical and Constitutional Background

Chaplaincy in American public life predates the Constitution: the Continental Congress appointed chaplains in 1774, and the First Congress did so again in 1789, a practice continuing to the present (*Katcoff v. Marsh*, 1985). Courts have repeatedly treated this continuous practice as evidence that the Framers who wrote the Establishment Clause did not understand it to prohibit chaplaincy (*Marsh v. Chambers*, 1983), and Madison's later private reservations never displaced that settled consensus (McConnell, 1992).

The First Amendment's religion clauses create an inherent tension: government may neither establish religion nor prohibit its free exercise (Laycock, 1981). The Lemon test, from *Lemon v. Kurtzman* (1971), asks whether governmental action has a secular purpose, whether its primary effect neither advances nor inhibits religion, and whether it creates excessive entanglement between government and religion. Later frameworks added a coercion inquiry asking whether government pressures religious participation (*Lee v. Weisman*, 1992), a historical tradition exception for long-standing practices (*Marsh v. Chambers*, 1983), and a neutrality principle permitting religious accommodation so long as government treats religious and secular options equally (*Trinity Lutheran Church v. Comer*, 2017).

Applying these frameworks, courts have generally upheld chaplaincy while imposing real limits. *Marsh v. Chambers* (1983) upheld legislative chaplaincy on historical grounds but required that chaplains avoid proselytizing and that prayers remain non-sectarian, and *Town of Greece v. Galloway* (2014) reaffirmed this while warning that legislative prayer may not "denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion" (p. 1823). Military chaplaincy has received even more consistent approval: in *Katcoff v. Marsh* (1985), the Second Circuit held that it is "the least restrictive means of assisting free exercise of religion" (p. 716) for service members whose deployment prevents access to civilian religious communities, and courts have extended similar reasoning to prison chaplaincy given incarcerated people's restricted liberty (*Cruz v. Beto*, 1972).

III. Evidence of Effectiveness: Institutional and Human Value

Across healthcare, military, correctional, and educational settings, decades of research document chaplaincy's contribution to outcomes that fall squarely within legitimate governmental interests: mental health, institutional order, rehabilitation, and crisis management.

In healthcare, chaplains accompany patients and families through vulnerable moments when serious illness and end-of-life decisions raise fears that medicine alone cannot resolve. Studies link chaplain visits to reduced anxiety and depression and higher patient and family satisfaction (Balboni et al., 2013; Bay et al., 2008; Marin et al., 2015), and chaplains are often present for the conversations that help families process what is deeply human before it is ever clinical (McCormick et al., 2012).

In military settings, chaplain support is linked to lower rates of depression, suicidal ideation, and post-traumatic stress, and to improved family functioning during deployment (Jervis, 2009; Waggoner, 2014). Because chaplains, unlike clinical providers, generally do not report to command, they offer a confidential space to discuss combat trauma without career consequences (Waggoner, 2014). Chaplains have also become central to addressing moral injury, the psychological harm following from violating one's own moral code; chaplain-delivered interventions improve moral injury symptoms in ways clinical treatment alone often does not reach (Bergen-Cico & Showers, 2017; Litz et al., 2009; Kopacz et al., 2016).

In correctional settings, chaplaincy is associated with greater emotional stability and, in some studies, reduced recidivism (Clear et al., 2000; Dammer, 2002; Johnson, 2004). Behind prison walls, questions of guilt, remorse, and identity are unavoidable, and chaplaincy's deeper significance may lie less in any single measured outcome than in its capacity to create one of the few spaces where a person is treated as more than the worst thing they have done, a recognition of humanity that is itself a public good in an otherwise dehumanizing environment (Sullivan, 2009).

In higher education, chaplains support student mental health and interfaith understanding, and structured interfaith engagement mediated by campus chaplains reduces prejudice and builds religious literacy (Cherry et al., 2001; Rockenbach et al., 2017), often making chaplains trusted figures during transitions that cannot be resolved academically alone (Parks, 2000; Schmalzbauer, 2013).

This evidence answers a question implicit in Madison's critique: does chaplaincy serve any legitimate governmental purpose, or does it exist only to advance religion? The record shows chaplaincy advancing health, safety, and institutional functioning in ways that are secular in the constitutional sense, whatever spiritual language individual participants may use to describe the encounter (Fitchett & Nolan, 2015). Studies comparing interventions find that patient-centered, worldview-sensitive approaches benefit religious and non-religious individuals comparably, suggesting secular models can deliver these benefits without privileging religious over non-religious perspectives (Balboni et al., 2013; Cadge & Bandini, 2015).

IV. Constitutional Analysis: Answering Madison

Madison's critique rested on four claims: that chaplain appointments establish religious worship for public officials; that taxing citizens of every belief to pay religious ministers is inherently unequal; that the majority selection of denominational chaplains privileges dominant faiths; and that governmental sponsorship degrades genuine devotion into empty ritual (Madison, 1946). Secular chaplaincy, properly structured, addresses each concern while preserving chaplaincy's documented benefits.

On establishment, secular chaplaincy satisfies the Lemon test's secular-purpose and primary-effect prongs by defining its purpose as existential and emotional support rather than religious worship. That chaplains address mortality and meaning does not transform a secular purpose into a religious one, any more than teaching philosophy with religious content amounts to religious instruction (*Lemon v. Kurtzman*, 1971). Programs that transparently serve diverse worldviews and emphasize voluntary access reduce any reasonable perception that government is endorsing religion (*Town of Greece v. Galloway*, 2014).

On taxation and denominational favoritism, secular chaplaincy reframes chaplains as professionals delivering a service available to believers and nonbelievers alike, rather than denominational ministers subsidized for coreligionists (Feldman, 2005). Pluralistic staffing, professional rather than theological credentialing, and worldview-competency requirements let institutions select and supervise chaplains without evaluating doctrine, which also limits the "excessive entanglement" Lemon's third prong forbids (Cadge & Bandini, 2015; Fitchett & Nolan, 2015). Bodies such as the Association of Professional Chaplains have developed clinical and ethical standards that function much like licensure in other helping professions, letting government assess competence without adjudicating theology (Carey & Cohen, 2009).

On coercion, *Lee v. Weisman* (1992) held that government may not exert even subtle coercive pressure toward religious participation on a captive audience. Properly structured chaplaincy avoids this through voluntary, confidential access, private rather than ceremonial settings, and chaplains representing multiple worldviews, including secular ones, so no one seeking support must accept religious content to receive it (Cadge & Bandini, 2015). Coercion analysis cuts both ways, however: in "total institutions" such as prisons and military bases, where people cannot readily access outside support, withdrawing chaplaincy altogether can itself burden free exercise and equal access to care (*Cruz v. Beto*, 1972; *Katcoff v. Marsh*, 1985).

Finally, on Madison's fear that sponsorship would degrade chaplaincy into "a tiresome formality," the record cuts the other way: contemporary chaplaincy shows high utilization driven by genuine need and measurable outcomes rather than ceremonial obligation (Fitchett & Nolan, 2015). What Madison objected to was denominational establishment; secular chaplaincy, defined by professional credentialing and worldview pluralism, is designed specifically to avoid it.

V. Discussion: Chaplaincy in a Pluralistic Society

One of the defining challenges of contemporary public life is learning to care for one another across profound differences in belief and moral understanding. Hospitals, universities, military installations, and correctional systems no longer serve culturally uniform populations; they serve Christians, Jews, Muslims, Hindus, Buddhists, atheists, agnostics, and people who have never considered themselves religious at all. Yet certain experiences remain universal: people still grieve, still fear death, and still wrestle with guilt, loneliness, and the search for meaning in suffering (Park, 2010; Yalom, 1980). Chaplaincy persists because pluralism does not make these realities disappear; it only changes how institutions must respond to them.

Recognizing pluralism does not require draining chaplaincy of spiritual seriousness. Many chaplains remain rooted in particular religious traditions and understand their work as inseparable from prayer or conscience. The challenge for a democratic society is not to eliminate spiritual conviction from chaplaincy but to practice it in ways that honor the dignity of people whose beliefs differ, sometimes profoundly, from one's own (Lee, 2015; Pinn, 2016). People facing crisis rarely arrive as abstract theological positions; they arrive carrying unresolved grief or quiet desperation that may not yet have words, which is why discernment, not doctrine, is the operative skill, and why the chaplain is entrusted not simply with offering answers but with protecting human dignity at moments when a person may feel fractured or profoundly alone (Cadge & Bandini, 2015).

Beyond individual encounters, secular chaplaincy offers particular benefits for democratic institutions. It models religious pluralism in practice, facilitates interfaith understanding, and demonstrates that existential support can transcend religious division rather than depend on it (Lee, 2015). It also extends institutional care to the growing share of Americans who identify as religiously unaffiliated, ensuring that government-funded services serve entire populations rather than privileging a religious majority (Pew Research Center, 2021). Accountability mechanisms, including outcome measurement, satisfaction surveys disaggregated by worldview, and clear grievance

procedures, let public institutions fund chaplaincy responsibly while remaining answerable to the constitutional principles Madison sought to protect (Fitchett & Nolan, 2015; Marin et al., 2015).

VI. Conclusion

The question of publicly funded chaplaincy ultimately requires balancing several values at once: constitutional principles separating church and state, the documented benefits of chaplaincy, respect for religious pluralism, and government's responsibility for the wellbeing of the people it serves. Secular chaplaincy honors all of these values simultaneously, providing professional existential support through inclusive frameworks that serve diverse worldviews without establishing religion. Eliminating chaplaincy entirely to avoid constitutional risk would sacrifice documented benefits in health, institutional functioning, and crisis response, and it would fall hardest on people who cannot access private spiritual care of their own, including patients, prisoners, and deployed service members. In those "total institutions," withdrawing chaplaincy is not neutrality; it is its own burden on free exercise and equal access to care.

Madison was right that government must not establish religious orthodoxy or compel citizens to underwrite ministry they do not share. Secular chaplaincy honors that principle rather than abandoning it, treating every worldview as equally worthy of respect and defining its purpose in terms of human flourishing rather than religious promotion, a form of chaplaincy defined by professional formation and evidence of genuine benefit rather than denominational obligation.

Beneath the constitutional argument lies a simpler, more enduring reality. Hospitals, prisons, military settings, universities, and public crises continue to reveal the limits of technical systems alone when confronted with the full depth of human vulnerability. People do not stop needing presence, reassurance, or dignity simply because society becomes more pluralistic. Chaplaincy, at its best, is not the imposition of predetermined belief but the disciplined practice of remaining present with human beings in moments of suffering and uncertainty, knowing when words are needed and when silence itself is enough. A constitutional democracy that funds that presence responsibly, without favoring any single faith, has not compromised the principles Madison defended; it has found a way to honor them while still meeting the people it serves where they are.

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