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## *God and the Constitution*

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**The Godless Constitution: The Case Against Religious Correctness**, by Isaac Kramnick and R. Laurence Moore. *New York and London: Norton, 1996, 166 pp. \$22 cloth.*

When Admiral Jeremy Boorda's suicide became known to President William Clinton, the president made a point of expressing his sympathy for the family of the deceased. Among the comments he made was the assertion that Boorda had gone to heaven, and those who had loved and respected him on earth could take some solace in that.

Clinton's public evaluation of the spiritual lot of the admiral, while perhaps understandable in light of his concern for the admiral's grieving widow and children, raises an interesting historical question: when did the idea that everyone goes directly to heaven at his death come to be so common in American culture? Ruminations similar to Clinton's in the aftermath of Boorda's death were elicited only a few weeks earlier by the death in Yugoslavia of Secretary of Commerce Ron Brown. Left or right,

conservative or liberal, it seemed that politicians and commentators of all major American tendencies could agree on the basic proposition that Brown was in the presence of God.

The Boorda and Brown episodes clarify the theology (understood in the vernacular, not the theological, sense) of the American intelligentsia. That theology has nothing in common either with the main line of Christianity in the East or with its Augustinian offshoot in the West. In Christian thought, men who commit suicide, to put it mildly, do not proceed directly, within twenty-four hours, into God's presence. The same goes for men whose lives have been devoted to the accrual of political power and accumulation of personal wealth. Apparently, then, the liberal idea that one should judge public policy according to its originators' "intentions" rather than according to

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its actual results has bled into the elite's understanding of human responsibility: if one is a "good" (e.g., politically or culturally "acceptable") person, he is destined for eternal bliss. (My apologies to Joseph Campbell.)

Only one who has grasped this attitude toward spiritual endeavor—that it is essentially unnecessary, because all "good" people (even, evidently, suicides and men under active investigation for financial wrongdoing) end up in Paradise—can understand a book such as Professors Isaac Kramnick and R. Laurence Moore have written. The goal of Professor Kramnick, the Marxist political scientist responsible for, among other things, books showing that both Lord Bolingbroke and Edmund Burke were simple defenders of their own class, and of Professor Moore is to "remind" Americans that the United States constitution's religion clauses are best understood as erecting, as President Thomas Jefferson put it in his letter to the Danbury Baptists, a "wall of separation between church and state."<sup>1</sup> In order to do so, they provide a very impressionistic history; anyone familiar with the record of the events to which they point will realize that a more exhaustive or less impressionistic history would not suit their purposes.

Kramnick and Moore dedicate their book "To Thomas Jefferson, Roger Williams, and Their American Principles of Church and State," and let forewarned be forearmed. Their

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<sup>1</sup> *The Portable Thomas Jefferson* (New York: Penguin, 1975), 303-04.

point is essentially that conservative Christians—Christians whose social views are consistent with 1,900 years of Christian social teaching (such as that abortion is morally equivalent to murder<sup>2</sup>)—should keep their views to themselves. They deem it acceptable, of course, for figures only nominally Christian, associated with, say, subordinationist Trinitarian positions (e.g., that of Martin L. King), to enter politics with policy goals inconsistent with Christianity. Some of the most ridiculous parts of the book are those devoted to saying why that is acceptable.

The American federal constitution, Kramnick and Moore would have it, is "godless" by design. Most of their evidence for that assertion comes from the writings of Thomas Jefferson, who is elevated by them to the status of a "framer" (181). Exactly how a man who never attended a constitutional convention, submitted a draft adopted by a constitutional convention, or wrote an amendment affixed to a constitution can be called a "framer" is never made clear. Even to raise the question would, of course, raise the question of what relevance Thomas Jefferson's religious views (which were kept private by Jefferson in the knowledge that his compatriots would find them nox-

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<sup>2</sup> The earliest surviving evidence of this Christian teaching is "The Teaching of the Twelve Apostles [The Didache]," *The Apostolic Fathers* (Minneapolis: Light and Life Publishing Company, 1978), 308-19, at 309; the same point has been made by Orthodox Fathers—whether in canons of local councils, in canons of the Ecumenical Councils, in pastoral writings, or in other fora—in virtually every century since.

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ious) can have for anyone trying to understand the United States Constitution, and that would be a losing rhetorical game for Kramnick and Moore. Indeed, Jefferson's opinion on the question whether the First Amendment's establishment clause should have been understood to have any applicability vis-à-vis the states—that is, whether virtually any of the questions that so bother Kramnick and Moore were federal issues—is simply non-controversial; the answer is a resounding “no.”<sup>3</sup> Kramnick and Moore completely dodge this question.

Since Justice Hugo Black culled the throwaway line to the Danbury Baptists from that letter of President Jefferson's, the idea of a “wall” has received great attention from academics and members of the legal profession. It is a fascinating image, I admit. Our fascination with it helps to illustrate one of the central problems in American historiography today.

Since the 1960s, when Bernard Bailyn, Gordon Wood, and J. G. A. Pocock took the academic historical profession by storm with their idea that America's had been an ideological, not a materialist, revolution, the reputations of men like Thomas Jefferson and, especially, James Madison have grown like Topsy. The reason is simple: they left extensive

collections of private letters and public utterances, records endlessly interesting. Historians and political scientists find it convenient to sit down in an office or library and spend weeks or months with the wonderful printed collections of their papers.

The problem is that Jefferson, Madison, and their ilk were highly unrepresentative. The very factors that intellectuals find so alluring (and I confess to having succumbed from time to time myself) also made those men peculiar. One couldn't get much of a book out of, for example, John Jay's or Patrick Henry's religious views, because they weren't, well, weird. Jefferson's were (as he knew), so there are libraries of volumes on his every act.

This explains why Kramnick and Moore have to make Jefferson a “framer.” The American politicians of the Revolutionary period, both in the states and in the Philadelphia Convention of 1787, were a far less Enlightenment-inspired lot.<sup>4</sup> They were not willing to accept the idea that one should not seek to have his religiously inspired views on moral issues incorporated into the law of the land. They were simply not godless.

Nor, indeed, was Jefferson. While men of the self-styled “Enlightenment” set fancied that their humanitarianism had other than Christian roots, their opposition to practices

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<sup>3</sup> The Supreme Court of the United States has overridden the Founders' understanding on this question, and, strangely, Kramnick and Moore are silent about that issue. See Raoul Berger, *The Fourteenth Amendment and the Bill of Rights* (Norman and London: University of Oklahoma Press, 1989), *passim*.

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<sup>4</sup> For a study of the Framers' and Ratifiers' religious views, see M. E. Bradford, “Religion and the Framers: The Biographical Evidence,” in *Original Intentions: On the Making and Ratification of the United States Constitution* (Athens: University of Georgia Press, 1993), 87-102.

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such as infant exposure, crucifixion, euthanasia, and any of a number of other ghastly practices from the pre-Constantinian past is properly seen as residue of bygone Christianity. Their pagan precursors had not banned crucifixion or infant exposure, after all; it took the Christian princes (following the bishops' advice) to do that.

Kramnick and Moore are very angry with the Christian Coalition, and particularly with Southern Baptists, for apparently having jettisoned their old scruples about the state's role in moral matters. They devote a great amount of space (so far as anything in this brief book can be said to consume a great amount of space) to retelling the story of Roger Williams's travails in Puritan New England.

What inclusion of the story of Roger Williams in this book serves mainly to establish is that Kramnick and Moore do not understand Baptists very well. At the root of Fundamentalism (the majority position among Southern Baptists, far and away the largest group of Baptists in the world) is the belief that there is the Bible and there is the individual. Intervening events may be of antiquarian curiosity, but they have essentially no weight in Baptist moral teaching.<sup>5</sup> Thus, to tell a contempo-

rary Baptist member of the Christian Coalition that his position makes a mockery of Roger Williams's prescriptions (assuming, for the sake of argument, that it does) will have no effect. As to the weight Williams's experience should be accorded by anyone endeavoring to understand the minds of the men who wrote or ratified the United States Constitution, it is nugatory. One has the sense in reading this book that the good Professors are merely trying (and you'll pardon my saying so) to mystify their audience. Perhaps their avatar, Jefferson, was right in according little respect to academic titles.

In a chapter entitled "The English Roots of the Secular State," which evidently is largely Professor Kramnick's work, the authors attempt to bootstrap their policy preferences onto the backs of some of the leading figures in the history of English liberal thought.<sup>6</sup> As in the ascription of "framer" status to Jefferson, so here, they evidently do not understand that it is the ratifiers or

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<sup>5</sup> I do not assert that the Baptists' position here is coherent, for obviously their understanding of questions such as the relationship between the Father, the Son, and the Holy Spirit and the effects of the Fall are culled almost directly from Roman Catholicism. That fact does not affect my point—that Baptists *think* intervening events are irrelevant.

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<sup>6</sup> The authors are at great pains to define "liberal" as a preference for freedom and to distinguish the contemporary usage from the usage in the time under consideration. What they never address, though, is why anyone who believes their argument that the American Founders were liberals generally should feel constrained to keep his own religious views out of politics (assuming, for the sake of argument, that that were possible) while Professor Kramnick should be permitted to be a socialist in matters economic. As they note, liberalism is of a piece, yet what they want is for the reader to grant them liberalism in religion and to ignore the fact that liberalism in economics is, shall we say, grist for another authorial mill.

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legislators of a certain legal provision whose understandings shape its meaning, not those of some philosopher—however influential he may have been—a hundred years before.

All of this is not to say that Kramnick and Moore do not have one point dead right: some views expressed by leaders of the “Christian right,” such as Pat Robertson’s statement at the University of Virginia recently that Thomas Jefferson was a Christian, are simply historical fantasies. Unless we want to deny a given religious group the right to define its own belief system, unless we want to deny that seventeen centuries’ Apostolic teaching and explication of the Christian Scriptures decide the question what Christianity is, we must say that Thomas Jefferson—disbeliever in the Virgin Birth, the Resurrection, the Assumption, and all the prophecies of both the Old and the New Testament, and a bowdlerizer of the Christian Scriptures besides—was no Christian at all. Yet Kramnick and Moore accept that anyone who finds anything positive to say about anything in Christian teaching is a Christian. The architect of the “Jefferson Bible” has as much claim to speak for Christianity as anyone else; thus, everything is Christian; thus, it is “intolerant” and simply sinful to echo Saint Paul in rejecting the possi-

bility of the morality of alternative views in areas such as abortion, homosexuality, euthanasia, and (let’s face it) pedophilia, infanticide, and other eugenic practices.

In the end, “the godless constitution” rests on the supposition that Truth is simply unknowable. It may be that some Protestants once agreed with that argument (although that is not how I understand the record<sup>7</sup>), but that does not mean anyone must retain that view now. If it was a good thing for Martin L. King to found a political movement on a new-fangled notion of social justice (160-62), Kramnick and Moore are simply hypocrites to deny that the same basis would support “Christian” opposition to ineluctable socialization. It may be, though, that their intellectual isolation—evident in their assertion that Patrick Buchanan’s reference to “a religious war” at the 1992 Republican Convention was prescriptive rather than diagnostic (163)—simply leaves them unable to understand the motives compelling the “Christian right.” As they would have it, the only public positions Christians may legitimately base on their Christianity are Left positions. Adherents to anything resembling Orthodox Christianity are simply to keep their opinions to themselves (143).<sup>8</sup>

Kramnick and Moore base their book on what is essentially a religious proposition, which is that the Roman See was right and the East was wrong (14) and that Church and

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<sup>7</sup> Speaking of the record, Kramnick and Moore give their readers a real howler when they call Vice President Richard M. Johnson of Kentucky—who was notorious in his day for his wanton fathering of mulatto bastards by one of his slaves, even for bragging about it—“a devout Baptist.” *The Godless Constitution*, 139.

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<sup>8</sup> Even nineteenth-century private efforts involving evangelism come in for criticism as insufficiently godless.

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state are properly understood as separate. The trouble is that all arguments about “church-state separation,” with their pretense of religious neutrality, simply assume away the legacy of the emperor-saints of the East, starting with St. Constantine, through St. Theodosius, and down to the last Romanov emperor of Russia. Mere dismissal of the Eastern position—even if ignorant (and the book is full of evidence suggesting that neither Kramnick nor Moore doubts the following version of church history: that Christianity started in Jerusalem, that Sts. Peter and Paul

went to Rome, and here we are)—is not neutral, and hardly scholarly. If some Protestants recognize, along with the eminent historian Robert Wilken, that the society whose policy is to keep God out of political life will suffer for its disobedience to the First Commandment<sup>9</sup>, that may be a salutary development. If “the godless,” those whose first priorities are political, find that discomfiting, so be it. No one promised heaven on earth.

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<sup>9</sup> Robert Wilken, “No Other Gods,” *Remembering the Christian Past* (Grand Rapids, Mich.: Eerdmans, 1995), 47-62.