

The Supreme Court's Civil Theology

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WE HAVE PLAINLY reached the nit-picking stage in the discussion of religious liberty in the United States. The Justices of the Supreme Court, dominated as they are by the secular-liberal ideology (as L. Brent Bozell has named it), have reached for power against history and tradition, against the historical allocation of powers provided in the Constitution, and against the religious feelings of perhaps a majority of the nation. The ultimate in non-judicial absurdity was probably reached in the DeKalb, Illinois, prayer decision early in 1968, in which a verse recited by kindergarten children was declared unconstitutional and contrary to the First Amendment. The lines recited by the children said, *inter alia*: "We thank you for the flowers so sweet, etc." One might add that this decision was accepted by a docile people, just as the same docile people seem unwilling to organize a political drive for the so-called Prayer Amendment sponsored by Senator Dirksen of Illinois.

No doubt there are numerous reasons for the failure of busy people to organize

against the Supreme Court's suspension of the decision of public questions by majorities. The issue extends from local government, the local school board, and state governments to the freedom of Congress to deal by internal (and popular) majority with issues under the First and Fourteenth Amendments. The decisions of the Supreme Court have removed important religious freedom issues from a customary and long-established tradition of majority control in the different levels of American government.

Aside from other reasons, we have been taught from our childhood that we have the most wonderful system of government in the world and that under it we have more freedom and more democracy than any other people on the face of the earth. We shudder at the rampaging barbarians in our streets, but we do nothing. We wait patiently for stuffy party pronouncements, verbose political speeches, and the relatively meaningless elections (in terms of the course of events) which every biennium and every quadrennium bring forth.

Our belief in the greatness of our system

is, no doubt, the most persuasive of reasons for inaction. But there are others. We seem to be persuaded that all men are good (like Rousseau's teaching of the Vicar of Savoy) and that education merely gives skills that are added to their innate virtues. The people who burn, kill, and camp in our cities in our summertimes are not evil; they are misguided and they need more kindness by the police, more federal money, and no harshness in the courts in the punishment of criminals. In a little while, some say, there will be a restoration of national consensus. Yet are there not darker reasons? Have we not really lost our religious faith, and do Christians really believe in the articles of their faith? We cannot organize and act publicly because we have little belief in anything. Toleration has become so latitudinarian that we may at times believe more in the doctrines of the other fellow than in the platform which we publicly profess. By the same token we have ceased to teach the Constitutional tradition; instead we accept the proposition that the Constitution is just what the judges say it is at the moment.

And what great doctrines of the American constitutional past do we affirm today? Surely not federalism, but there does seem to be some revival of "locality" government sentiment by the minorities who are seeking to control their local schools. The spokesmen of the traditional and formerly dominant middle class hardly say a word in defense of local government as a foundation of democracy—or of religious liberty! The "angry conservative" has come to believe that our heritage is being frittered away in policies generated by liberal ideology. But it is an ideology that our founding thinkers, like John Adams, would faintly recognize in the mind of some of the French philosophers of the eighteenth century.

THE LIBERAL ideology has in recent years taken its stand on the theory of the "open society." Liberals have often defined themselves simply as the defenders of liberty which in turn has been identified with the open society. The open society doctrine seems to say that all questions must be considered open questions. But it does not do so in fact, for at least the denial of the open society is not an open question. Not only is the use of history in the open society theory confused (was there ever an open society? or, did it end with Plato?), but the interpretation of the "classics of the open society" leaves much to be desired. The theorists or advocates seldom discuss the exceptions to the open society in the literature, and even so there are suspiciously few documents on which these ideas can rely. List the "Trial and Death of Socrates," Spinoza's Chapter XX in the *Tractatus Theologico-Politicus*, Locke's late *Letters on Toleration*, Milton's *Areopagitica*, some sentences from Jefferson and Tacitus, and J. S. Mill's *Essay on Liberty*, and you have just about covered the historical material. If you start with what the authors of each will not tolerate, one comes to the conclusion that even the so-called advocates of the open society operate with many closed issues. Like Locke and Rousseau, they seem to say: "We will tolerate those who are committed to toleration, but this is something we must judge. If we say that someone is not to be tolerated because he will not tolerate, we will not admit by that judgment that we ourselves become intolerant, however logical it may seem to the authoritarian-minded critics of liberty."

Whenever the state starts out to give liberty a paradox is involved. For the liberty that is given to some is denied to others. Liberty is, thus, transitive; "to give liberty" is not an intransitive expression. The

public liberty given to some implies the duty of others to recognize and to sustain it. The burden of respect for the enjoyment of others involves very often the threatened imposition of civil and criminal responsibility. The anarchist may say that a removal of legal duty and enforcement will give liberty to all, except that the record of the anarchist is a cruel madness, as in Spain under the Second Republic or in the anarchist murders of the nineteenth century. Prince Kropotkin retired to his English flower garden during his last years and all who talked with him loved him. But this was not so with the American anarchists in the Chicago Haymarket in 1886, or in the violence of the Sacco-Vanzetti brotherhood just after World War I. Have we forgotten that an anarchist was blown to pieces by his own bomb in front of Attorney-General Palmer's house in Washington, just about the time of the anarchist crimes in Massachusetts?

Liberty at best is a dark paradox. It is nowhere more contradictory than in dealing with religion, that is, in the modern efforts to expand and contract religious liberty. A world that is governed by our Supreme Court is governed by bitterly aggressive liberals like Earl Warren and the left-wing lawyers who have come from the left-wing law schools of the Ivy League. These legal minds have matured in posts of power in the bureaucracy, in the foundations, and in the higher learning in America.

Anyman's and Everyman's doctrines and practices of liberty should logically begin with the liberties that would be denied. Let us ask of any theory of liberty, or any conception of the so-called open society, who are the people or advocates who would be condemned first intellectually; and second, who are the people on whom the power of government would be used to deny the liberty they seek?

My proposition is that we are, under the current sovereignty of the courts, giving more liberty to secular rebels, including Communists, than to Christians. The liberty of Christians to get together to build their communities, either under the pennants of majority rule or under their utopian withdrawal from activity in the community has been restricted. The politics of liberty centers greatly on the politics of the child and the family. Because of our emphasis on public education, the contradictions keep coming angrily forward. For example, there seems to be no reconciliation in the New York City schools between the professional educators on school boards, nor in Washington, D.C., including the teachers' union, which struggles to control the public schools, and the rising demand of Negro parents to determine what their children shall be taught and who shall teach them. Legislatures seem to struggle in vain toward the resolution of such issues. At the same time the professor of education may point to the private school and say: "There is the really divisive force in our society." Their manifesto has long declared: "There shall be only one public system of education in America." But this single educational system shall be controlled by the epigoni of John Dewey and by those who profess a secular philosophy of education. (It would appear that the next stage in the resolution of this problem is to appropriate public money for the support of nonreligious private education. It might be possible to spend tax money as a subsidy for families to spend on education for their children as they may decide. But direct support of religious private education seems a long way in the future. In the fifty states of the American Union there is notable variation in the relation of the government to private education, religious and otherwise.)

II

THE PROPER way to begin the consideration of any theory of liberty or toleration, therefore, is to find out who will not be tolerated. There is apparently no theory of human order which allows complete liberty in the choice of expression and behavior. Not even the philosophical anarchists have such a theory. Under these circumstances every theory of religious liberty is a theory of the denial of liberty in some of its details. But a distinction must be noted. In modern speculation the *libertas philosophandi* has been defended more vigorously than the rights of religious bodies. For Immanuel Kant, the one secret article in the treaty for lasting peace was that the philosophers should be allowed to speak their piece. Otherwise, the transcendental principle of freedom was that all governmental actions and public documents must be compatible with publicity. The philosophers, with a customary modesty, put their own liberty above that of any others, just as today the academic community places its assertion of "academic freedom" above the freedom of others who are not orthodox, secular liberals. Theories of religious toleration, of the open society, and of intellectual freedom generally, seem always to have some limitations. These limitations are, in the eyes of proponents, compatible with the proper extent of liberty. In these cases at least the statement of freedom is also the statement of the limitation or the denial of freedom, and the support of liberty is also the defense of the non-liberty of those who may be restricted. In the totalitarian regimes we expect the expansion and contraction of liberty in both expression and behavior. We note with scholarly appreciation the thaw in Communist regimes, and recently we have begun to speak of the maturity of anti-democratic systems, as well

as the development of consensus within them.¹ While in democracies there are specific restrictions, for example, the advocacy of racism, there is a voluntary, though implicit and unexpressed, censorship of the means of public communication.

The liberal practice of our times is to turn primarily to seventeenth-century writers, such as Hobbes, Spinoza, and Locke. But perhaps the most widely assigned documents in university classes in this area is J. S. Mill's *On Liberty*, and some of the "Trial and Death of Socrates" literature. But that liberal practice seldom notes the limitations on freedom that crop forth in the "freedom literature." J. S. Mill, for example, said his theory was unsuited to barbarians who should be governed despotically. Nor was it suitable for those under the age of full legal capacity.

Just why Hobbes should be a favorite of the secular-minded, I am not sure, except that religion is made a function of the state under both a positive and a negative civil theology, and liberty is defined under positive law primarily as the silence of the law or pretermitted action. The non-religious and pro-political personality can live pleasantly under a state according to Hobbes; for him, obedience to the sovereign is not repugnant to the laws of God.

We have here one version of the "natural theology" argument, for the theology allowed to exist outside the power of the state is limited indeed. As Rousseau said, let us have a few simple doctrines, and before him Hugo Grotius tried to limit the state to a few understandable and acceptable doctrines. But in Hobbes we also have a version of "deism," which was the name the atheists and libertines of an earlier time took in order to protect themselves against the thrust of official religion. To anticipate our argument, we may say that today we have much in common with Hobbes, for a

Christian in America should believe in a Christianity that is being defined negatively by the First Amendment decisions of the Supreme Court. When we obey the Supreme Court are we not obeying aright the word of God? Our deistic, natural theology grows faster by judicial enactment than by the discourses of theologians, or by the decrees of church councils.

The peculiar form of intolerance that is being propagated by the Supreme Court has, as I have suggested, historical roots. It has been said that we took the Whig tradition from the English and made it the foundation of our constitutional liberty. Few Americans have ever questioned the assassination of character perpetrated on James II and the Stuart kings by Thomas Babington Macaulay. We still repeat the "slings and arrows of outrageous" Whig propaganda as historical truth. In this sense, James II and Senator Joseph R. McCarthy have much in common. One thing must be noted: However valuable the Whig tradition has been to us constitutionally, there was little religious liberty in it in the seventeenth century when it was being formulated. On June 8, 1789, when James Madison was discussing his proposals for a bill of rights, he observed: "In the declaration of rights which that country [Great Britain] has established, the truth is, they have gone no farther than to raise a barrier against the power of the Crown; the power of the legislature is still left altogether indefinite. . . . Their Magna Charta does not contain any one provision for the security of those rights, respecting which the people of America are most alarmed. The freedom of the press, the rights of conscience, those choicest privileges of the people, are unguarded in the British constitution."

The Whigs made no effort to modify the long and inglorious series of penal statutes against the Irish and their Catholicism, nor were the laws against Catholics in England

taken from the books, though they were enforced irregularly in the eighteenth century. Toleration by the non-enforcement of penal stipulations is an old practice, as many a Latin liberal can testify. Whiggery served well in the American Revolution, and even the opponents of Andrew Jackson sought to restore the force of the name of Whig, as in the political activity of David Crockett, or among those who established the Whig Party in the United States. But whatever the practice of Whiggery in practical politics and in constitutional history, it served little purpose in the development of modern views on religious pluralism. One may say that the continent was generally ahead of the British in the establishment of religious liberty in principle in public policy. Religious liberty came in America perhaps primarily as a matter of nonenforcement of law, or as a recognition of social necessity. It is really freedoms began to be incorporated in the only since 1925 when the First Amendment Fourteenth Amendment that the Supreme Court has added its version of religious liberty to what we call the Whig tradition.

In Hobbes' *Leviathan* there are many passages which affirm the right of the sovereign to judge what doctrines are fit for the public peace, and there is hardly a distinction between doctrine and the public practice of religion. Spinoza took much the same view in Chapter XIX of his *Tractatus Theologico-Politicus*. "God has no special kingdom among men except in so far as he reigns through temporal rulers," he said. All outward observances must be in accordance with the public peace, "if we would obey God aright." The Kingdom of God exists among men through the means of sovereign power; however, we must keep our religious dogmas sharply separated from philosophy, for the philosophers, according to Chapter XX, have their special freedom of the mind.

John Locke's various *Letters on Toleration* are commonly cited as the beginning of the modern Anglo-American doctrine of religious liberty and the separation of church and state. The recent publication of Locke's early tracts shows that in 1660 at least he was not interested in religious toleration,² though by the time of the publication of the *Epistolae* he had modified his earlier Whig intolerance. In the *First Letter*, which is today cited virtually to the exclusion of the other three, there is clearly a doctrinal and practical toleration to a much greater extent than before. Catholic doctrine is regarded as speculative, but Catholic practice, he thinks, is very probably seditious. Thus, Catholics who break oaths and atheists who do not know the meaning of an oath are not to be tolerated. He stated in his *Letter* the formula later used by Rousseau that only those who tolerate are to be tolerated. One should observe, of course, that Locke did not give a religious conscience the right publicly and legally to declare that it is right.

Locke's views must be regarded as a significant advance over Milton's *Aeropagitica*, for it seems clear than Milton would tolerate only English Protestants who did not break "the unity of Spirit." Toward the end of the *Aeropagitica*, Milton says:

"Yet if all cannot be of one mind, . . . this doubtless is more wholesome, more prudent, and more Christian that many be tolerated, rather than all compelled. I mean not tolerated Popery, and open superstition, which as it extirpates all religions and civil supremacies, so itself should be extirpated, provided first that all charitable and compassionate means be used to win and regain the weak and the misled: that also which is impious or evil absolutely either against faith or manners no law can possibly permit, that intends not to unlaw itself: but those neighboring differences, or rather

indifferences, are what I speak of, . . . which though they may be many, yet need not interrupt *the unity of spirit*, if we could but find among us *the bond of peace*.

While Milton favored suppressing speculative theology, Locke was trying to reach the conclusion that only seditious action should be suppressed. Whether he reached such a point may well be debated, but it is surely one of the ground-rules of contemporary argument for suppression: We have no obligation to tolerate those who are seditious or who are actively trying to overthrow the political system. The Supreme Court agreed in 1968 that those occupying public posts may be asked properly to take a positive oath to support the Constitution of the United States.³ In general, the critics of Communists argue that they are inherently engaged in a conspiracy against public order and the constitutional system. Membership in the Communist Party in and of itself commits the Communist to revolutionary action designed to overthrow the American system of government. It would seem obvious that the effort to say that only those who tolerate may be tolerated will not stand the test of application, for those who judge others to be intolerant become themselves intolerant and subject to self-condemnation. Obviously, Rousseau's phrase that we will not tolerate those who do not preach tolerance "in mere matters of religion" is remote from any empirical or legal application, unless, of course, the determinations of the doctrines of a negative civil theology, such as Supreme Court rulings, are accepted as four square with true Christianity, or perhaps with non-sectarian Christianity. Such a degeneration of "natural theology" and deism into a negative civil theology, not unlike that of Hobbes, Spinoza, Locke, and Rousseau, is for us a kind of twentieth-century final stage of deism.

III

NO DOUBT, MANY of our "natural theology" ideas of today fit into Jacques Maritain's notion of contemporary atheism: It is a practical atheism which is lived or practiced without the bother to affirm or deny any doctrine. From doctrine in the past we have moved to moral theory and to ethical doctrines, and today we have passed from an ordinary Christian morality to a morality that tastes of socialism. We have become silent on traditional sex standards and hostile toward the religious family. But if we are silent on sex, we have become noisy on racial equality, and equality in housing and property. Such a shift among non-religious speakers and writers has long been underway, but today religious radicals have turned from the historical foundations of the Creed to economic reform.

Who defends today the historic Constitution, now an archaic document, which in its historical form is dead, according to L. Brent Bozell? Deists do not believe in prayer, and of course they would be hostile to the proposed Prayer Amendment, but do the masses of presumptively religious people believe in prayer today? We seem no longer to support a firm theological position, while we are taught in mass communication to feel guilty about the inequalities we may enjoy. We certainly no longer enjoy watching the privileged enjoy their privileges. The death of God theology carries with it the death of property. We would not even settle today for Bertrand Russell's proposal in 1918 that anyone might be entitled to a vagabond wage. And the crisis for the ordinary man is repeated in the crises of the clergy, where some of them even became involved in Guatemala with Communist revolutionaries in 1967. In curious contrast, for some rebellious students an anti-theological position has gone with an anti-political theory of the social

revolution; but the anarchism of students will end as for other rebels against government in becoming totalitarian in fact.⁴

The sources of modern heresy and social revolt seem clear enough. It is both the best and the worst of the thought of the eighteenth century. It has been given expression in hundreds of forms, and its opposition has been stated in like volume. The criticism of the Enlightenment is found in the arid Toryism and traditionalism of David Hume, and in the warm love of the past and of national tradition to be found in Edmund Burke. But the secular-liberal intellectuals have not gone to Hume or Burke for inspiration. As much as any, Rousseau has symbolized the liberalism and optimism of the eighteenth century, which is a source of much of the present-day antagonism toward religious liberty, that is, the liberty of the churches to carry on their preaching, the administration of the sacraments, and education, especially in the whole vast Communist empires.

The warmest, most eloquent document of the modern attack on tradition is Rousseau's piece on the ideas of the Vicar of Savoy. Few defenders of natural theology, deism, the goodness of human nature, and the inevitability of progress have risen to the height reached by Rousseau in his *Emile*. In the profession of faith of the "Vicaire Savoyard" we have a priest who continues to administer the sacraments, but who surely believes not a word of it in the sense at least in which the Catholic Church has taught its doctrines. The Savoy Vicar, no doubt, has his counterpart in the modern deviationism of Teilhard de Chardin, who was once in recent years condemned by the Pope but who is now explicated in some Catholic seminaries. The Vicar of Savoy contemplated the order and sublimity of the universe, and he saw goodness and intelligence in man as he stands upon the earth as part of the earth.

One needs no Bible, which is written in languages the ordinary man does not understand, but one does need to contemplate the beauty and order that is all about him. Both the Vicar and Teilhard de Chardin see beauty and purpose in the world, and both apparently believe that progress is inevitable.⁵ It has been said that Rousseau did not believe it was necessary to educate man in the virtues of reason and morality. Perhaps Teilhard de Chardin is not far from such a position. At any rate they both make a mighty appeal to the secular and non-religious intellectual. Rousseau argued in the *Contrat Social* that the government should establish a few simple dogmas as the civil religion, with the death penalty for those who dared to resist. The decisions of the Supreme Court on what the Justices believe is religious liberty come close to being this kind of civil religion, without, however, the death penalty for those who disagree. If all this is true, Rousseau and his eighteenth century were never closer to corrupting us than today. As with Rousseau, the function of the American school is to teach the simple and noble doctrines of a civil order which has departed from any acknowledged and historical form of theology.

IV

WHAT ARE THE doctrines of our negative civil theology? The affirmations of religious liberty in America, or in the traditional forms of Latin anti-clericalism, have a peculiarly negative aspect. It is affirmed that the members of a community may not do certain things as an expression of their religious consensus. Thus, there is affirmed as well a conflict between the decrees of the sovereign and the "members of the consensus," a conflict in which the only reconciliation of the religious with the sovereign is submission to the statements

of the law. The irreconcilable element has sometimes produced disobedience to the decisions of the Court. This has often been the case with the decisions of the Court against religious instruction in public school buildings. Of course, the decision was strictly observed in Champaign County, Illinois, where the issue first arose. The later approval of released-time religious teaching away from the school premises gave rise to the possibility of confusion between the two situations.

What we have first of all is the doctrine that the teaching of Western religions, including all forms of Christianity, is compatible with the Court's interpretation of the First and Fourteenth Amendments. Thus, like Hobbes and Spinoza, we can say that if we would obey God we must obey the sovereign. Though this became the authoritarian doctrine of the seventeenth century, it has always been a Christian doctrine in the sense that when there is no conflict between the Emperor and the Church, it is the will of God that we should obey the government. However, there is an important distinction between Gelasian dualism and the Hobbesian doctrine of civil theology, for in Gelasian dualism it was the Church which determined if there were a conflict between the word of God and the command of the Emperor. If we consider Justice Douglas' statement that our institutions presuppose the existence of a Supreme Being, we must also be willing to accept the worthy Justice's definition of God. I would hazard the guess that what he had in mind was some form of deism, some idea of God as the benevolent architect of the universe, or God as the great watchmaker who started the universe and then went off about his business. Might we not ask if the ambiguity of the dictum of the Court has any the less failed to imply that a radical deism has become a kind of state religion for America? Of course, one

might say that these negative determinations of religious freedom are, on their positive side, a kind of affirmation that an ecumenical view of religion is the truth of Christianity, as well as of Judaism, and Mediterranean remnants of Classical religion. But it would be a truth that logically all of the sects and divisions of Christianity must accept as the truth of our time. And logically it might be said that any sectarian Christian denial of these principles would be a heresy from religious truth as formulated in the Constitution.

Furthermore, the decisions of the Court have stated in effect that the separation of church and state as defined by the Court is the true religious liberty of the Christian. An idea of the distinctness of religion and government is ancient indeed, and it is found in the Classical religious tradition, as well as in the Judean and Christian versions of the religious life. There are two orders of life, two ways of life, and two final authorities who state the principles that govern us. But if we take the seventeenth-century Puritan view, the Church defines morality, and sin that may have a criminal flavor, while the magistrates undertake to enforce these standards under the formulation of the positive law, such as the Common Law and the liberties and statutes enacted by the legislative body. For example, the Church has defined the moral code under which we should live, and it has been the duty of the government to enforce this code, as far as possible, in the education and behavior of the young. Let us be clear: The historic separation of church and state was something very different from the separation as it has been defined by the Supreme Court. Our Supreme Court speaks more like a Roman Emperor before the rise of Christianity than like an Emperor in the days of Ambrose or of Augustine.

Thus, the separation of church and state has become to us, in its judicial definition,

a common doctrine of the sovereign and the church. It has meant that religious belief has become almost wholly a private or family matter without public implications. As with Locke, Hobbes, or Spinoza, one may not affirm the rightness of his conscience in a public capacity, that is, in the law as it is enforced by the sheriff and the police. It is said that the state should not offer support to churches, though the Education Act of 1965 provided support for children who may incidentally be associated with parochial schools. But what about chaplains in the armed forces, or in Congress, or religious words on the coins of the realm? Should not one say that chaplains are ecumenical chaplains, and that in so far as they have public money in their salaries for public functions under the law they are not acting in any orthodox or doctrinal capacity? In our public ceremonies, pluralistic religious views are supposed to be recognized, with the understanding that those who pray at commencement and other ceremonies will appeal only to God and not to Christ, as a Christian might. It is understood that the state shall not support churches, but what about the building of chapels on military posts or on the grounds of military and naval hospitals? The inter-faith chapel has become compatible, it might seem, with the deistic ecumenism of the Justices of the Supreme Court. Catholic, Protestant, and Jew will worship in the same building.

In 1925, the Supreme Court declared the right of private schools to exist, provided adequate standards of secular education were observed in conformity with compulsory school laws. The child is the greatest of all political issues, and the battles over education through the centuries are evidence of it. Many of our current definitions of religious liberty involve the school, and they involve, generally, prohibitions or restrictions on what may be done in a school

in a religious sense. These prohibitions are, in effect, restrictions on the citizens of a community who in accordance with their tradition may want to include some observance of religion in the content of their publicly-supported educational program. The proposition of ecumenical deism is that religion must be separated from public education, and if private education should receive public funds it must observe many of the same restrictions.

The secularists state that religion must be separated from education, though presumably some elements of civil and Biblical virtue may be taught along with reading, writing, and ciphering (as it was said in the eighteenth century). The believer in religious education may want money to support his school, but he surely wants religious freedom to teach his faith more than he wants affluence at the expense of the taxpayer.

The Supreme Court has been willing to admit that Sacred Writings may be used in education for literary and historical purposes, but the Bible is not to be taught as the word of God. The believer in religious

education must demand that the Bible and church doctrine be taught as the truth, and not mere myth, fiction, symbol, or literature. If we may not pray in school, there is hardly any use in teaching the Bible as a book of history or poetry. But the logic of the Supreme Court would suggest that we obey God aright when we take the Bible in education as literature and not as the word of God. What saves us from bitter religious controversy in American education is that the family is generally free in religion.

We do, indeed, have enough religious freedom to enable us to accept the theology of the judicial stretching and pulling of the Constitution. Should we come to an acute constitutional crisis, we might have a wide-ranging development of private education. Such a development could restore religion to the schools and it could avoid the more rasping aspects of the race conflict. If there is energy enough in localities and communities, public support for religious schools ought in the end to be a relatively inconsequential matter.

¹Carl J. Friedrich, "Totalitarianism: Recent Trends," *Problems of Communism*, XVII (May-June 1968), pp. 32-43.

²John Locke, *Two Tracts on Government*, edited with an introduction by P. Abrams, 1967.

³There is an extensive and notably controversial literature on the issues discussed here. My point is that the exceptions to liberty or toleration are properly and necessarily a part of the teaching of these writers. Among the distinguished studies of toleration are some of the writings of the late Willmoore Kendall. See "How to Read Milton's *Areopagitica*," *The Journal of Politics*,

22 (1960), pp. 439-473; "The Open Society and its Fallacies," *The American Political Science Review*, LIV (1960), pp. 972-979, which is largely a critical study of J. S. Mill.

⁴See Donald A. Zoll, *The Twentieth-Century Mind*, 1967, for an important philosophical and political statement of our times.

⁵One should include in this comparison George Santayana's *The Idea of Christ in the Gospels or God in Man* (1946). Santayana in his interpretation of the New Testament is, obviously, closer to Teilhard de Chardin than to Jean Jacques Rousseau.