

and yet he cannot provide a stopping point on the slippery slope of reduction where meaning becomes intrinsic.

What Dennett is arguing is not that his hyper-Darwinism is true, but that we ought to have faith in it, for evolutionism is not simply an important scientific theory, but functions, as philosopher Mary Midgley has said, as a religion. Dennett's book makes it clear, whatever his own thought or intention, that while his hyper-Darwinism does not make revealed religion less credible in some way, but is nevertheless itself functionally a religion. Indeed, Dennett writes often in the middle sections of the book of Darwinian "orthodoxy," which he willingly and explicitly defends against the attacks of its critics, whom he treats not as fellow intellectuals in pursuit of academic truths, but literally as if they are heretics. Remarkably, he treats not religious writers or Idealist philosophers in this way (they are apparently beneath Dennett's notice), but many of the leading scientists and intellectuals of the day, which is in keeping with traditional theological controversy which treats heretics more harshly than those outside the pale altogether. The internal contradictions of hyper-Darwinism make it an incoherent alternative to revealed religion. Which is it easier to say: "I believe in God the Father almighty, Creator of Heaven and Earth"? or "I believe in an ineffable algorithm which exists in Platonic Design Space, on which the universe, all creatures living and dead, and man's thought depend"? As Dennett says at the very end of this book: "You be the judge."

The Godless Constitution

THOMAS E. WOODS, JR.

The Godless Constitution: The Case Against Religious Correctness, by Isaac Kramnick and R. Laurence Moore, *New York: Norton, 1996.*
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CONTROVERSY CONTINUES to surround issues of religion and government because so few Americans understand what the Framers meant by "the separation of church and state." They can scarcely be blamed for their ignorance, for the testimony of the early republic regarding both the role of religion and the proper jurisdictions to which such matters should be referred has been swept away by an imperial Supreme Court, whose antagonism toward religious expression and local control allows for scant deference to traditional constitutional interpretation and historical precedent. In *The Godless Constitution*, Cornell Professors Isaac Kramnick and R. Laurence Moore claim to sort out these issues for the layman, but their book is so rife with serious omissions and partisan attacks that its fruits for the average reader can only be confusion and error.

To their credit, Kramnick and Moore admit that six states in the early republic had established churches: New Hampshire, Connecticut, Massachusetts, Georgia, Maryland, and South Carolina; Massachusetts retained its own religious establishment until 1833. They concede that the "religious clauses of the First Amendment to the constitution placed

THOMAS E. WOODS, JR., a 1995-96 ISI Richard M. Weaver Fellow, is a doctoral candidate in history at Columbia University.

no constraints on individual states." Yet they fail to explore the implications of this striking omission. Since the Constitution was originally intended to apply only to the relatively small number of tasks delegated to the federal government, the state governments were implicitly left with the responsibility of devising an appropriate policy of church-state relations. James Madison explains in *Federalist* #45 that the powers delegated to the federal government under the Constitution are "few and defined," while those remaining with the states are "numerous and indefinite." Federal activity would be confined almost exclusively to foreign affairs. The powers reserved to the states, on the other hand, "will extend to all the objects which in the ordinary course of affairs concern the lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the State." If the states were in fact allowed to make their own decisions in such matters, then even if the federal Constitution were indeed "godless," this fact would be of very little practical import.

Indeed, federalism was so intimately connected with the political controversies that engaged the early republic that no discussion can be complete that fails to take it into account. Yet this is precisely what Kramnick and Moore proceed to do. There can be no disputing their description of Jefferson's religious outlook as a combination of the secularism of contemporary English liberalism and the anticlericalism of the French Enlightenment. Jefferson did indeed consider priests, in our authors' words, to be "the subverters of reason and enlightenment," and it is true that he was "vigilant to exclude religion from public life" (although in an 1803 treaty with the Kaskaskia Indians, President Jefferson promised federal funds to build a Catholic church and to provide a salary for its priest—a fact that Kramnick and Moore

fail to mention).

To cite Jefferson in favor of a strict separation of church and state is all very well, but the honest and competent chronicler will integrate this isolated opinion into the broader framework of Jeffersonian political philosophy. For Jefferson believed too strongly in self-government to propose that states or local communities be restricted by outside forces in whatever religious posture they chose to assume. To the sage of Monticello, the real issue was: Who governs, the locality or the central state?

Jefferson favored a free press, for example, but considered state sovereignty so essential to the maintenance of free government that he was willing to forego the one to maintain the integrity of the other. Thus Jefferson, in an 1804 letter to Abigail Adams, insisted with an admirable consistency: "While we deny that Congress has a right to control the freedom of the press, we have ever asserted the right of the States, and their exclusive right to do so." Jefferson's commitment to federalism is equally evident in his position on religion. "Certainly no power over religious discipline has been delegated to the general government," he wrote. "It must thus rest with the states as far as it can be in any human authority."

In *Albion's Seed* (1989), David Hackett Fischer explains that the establishment clause, far from an instrument of national uniformity, aimed at the delicate task of accommodating several distinct regional cultures within a single national framework. Thus the clause was intended to "preserve religious freedom of Virginia and Pennsylvania, and at the same time to protect the religious establishments of New England from outside interference."

Yet Kramnick and Moore blithely dismiss school prayer as "unconstitutional," without explaining how the First Amendment's restriction on the central

government (“Congress shall make no law...”) precludes state ordinances favoring school prayer, and, incredibly, without even raising the issue of “incorporation” and the Fourteenth Amendment. Fischer observes in his own study that the First Amendment, which “was written to protect regional pluralism,” evolved over time into “a basis for national libertarianism.” The evolution from strict state sovereignty in religious matters, as implied by the First and Tenth Amendments and as explicitly ratified by Jefferson, to an imperial Court’s decision in *Engel v. Vitale* (1962), which prohibited even local school boards from approving nonsectarian school prayers, is never clearly described and is scarcely even acknowledged in *The Godless Constitution*.

But school prayer cannot reasonably be opposed without explaining how this process took place. The authors attempt to escape this dilemma by means of their opening proviso that “we do not in this book attempt to settle the judicial controversies that rage over the religious clauses of the First Amendment.” But this is the very crux of the matter, and in forswearing any such discussion Kramnick and Moore back themselves into the implicit claim that the federal government has always been authorized to strike down even the most benign state support of religion—an argument refuted by their own admission that some states at one time had their own established churches.

The most charitable interpretation of this omission is that the authors take for granted that the Fourteenth Amendment authorized federal oversight of church-state controversies within the states. But the foundation for this frequent claim is weak. In the late 1870s, Congressman James G. Blaine introduced what became known as the Blaine Amendment, by which the First Amendment’s restrictions on the federal government would

be extended to the states. While the measure, introduced again and again in subsequent sessions of Congress, never garnered enough votes to pass, it remains instructive for the student of church-state relations in America. For a Congress not far removed in time from the passage of the Fourteenth Amendment to propose the Blaine Amendment implicitly reveals that the Fourteenth Amendment itself never envisioned any such restriction on the states.

During the first several decades of the twentieth century, moreover, cases involving church-state relations reached the Supreme Courts of Texas, Illinois, Louisiana, Georgia, Minnesota, North Dakota, and South Dakota. In each case, the Court’s ruling either failed to mention the federal Constitution at all or explicitly denied its relevance to a purely state matter.

Even setting aside the matter of federalism, Kramnick and Moore still overstate their case. According to the Unitarian Joseph Story, one of the great nineteenth-century American jurists, the Framers had a much more limited aim in securing the First Amendment and its establishment clause than many twentieth-century constitutional exegetes have suggested. The Constitution and its First Amendment sought to ensure that no particular Christian denomination would be able to exercise unchecked authority over other believers, and to prevent interdenominational squabbles over the spoils of political victory at the federal level. But sympathy and support for Christianity in general, he argues, was assumed:

Probably, at the time of the adoption of the Constitution, and of the amendment to it, now under consideration [the First Amendment], the general, if not the universal sentiment in America was, that Christianity ought to receive encouragement from the State, so far as such encouragement was not incompatible with

the private rights of conscience, and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

Kramnick and Moore warn in their first chapter of “overzealousness” in interpreting Jefferson’s famous belief—expressed in a private letter, it should be recalled—in a “wall of separation” between church and state. But the indiscriminate application to the states of restrictions applied only to the central government is, if not overzealous, at least highly suspect. And it is scarcely a disinterested line of reasoning that proceeds from the authors’ uncontroversial description of the Constitution as a fundamentally secular document to the claim that its secular foundations implicitly forbid politicians even from arguing public policy on religious grounds.

Beneath the scholarly trappings of *The Godless Constitution* is a not-so-subtle agenda: to marginalize modern Christian activists by placing them outside the authors’ version of America’s historical and constitutional traditions. But Kramnick and Moore are as inept at comprehending the political goals of most conservative Christians as they are in basic Constitutional interpretation. When our authors hear grassroots activists speak about such issues as educational curricula and school prayer, for example, they imagine that these folks are proposing policies to be implemented at the federal level and applied all across the country. In fact, however, most grassroots Christian activists lack the imperial ambitions routinely ascribed to them, and are more interested in regaining the usurped freedom to make decisions for their own neighborhoods than in forcing federal edicts on communities to which they do not belong. Their anti-Christian opponents have generally

had no such scruples, frequently employing the federal courts to squelch religious expression even at the local level, and it is this suppression of the historic right of local self-government to which most Christian activists object today. Kramnick and Moore, who, like most liberal academics, are incapable of imagining a political issue decided at the local level rather than by the federal government, betray an almost comic misunderstanding of what most conservative Christians actually seek.

Indeed, it is an unstated but palpable nationalism on the part of Kramnick and Moore that renders them unable to break out of a self-imposed either/or dichotomy: *either* the federal government permits an established church *or* even minor expressions of religious belief—including nondenominational benedictions at graduation ceremonies—are prohibited to every community in America. The possibility that the Framers may have envisioned a position between these extremes, that practices forbidden to the central government may be perfectly licit at the state and local level, never enters their constitutional calculus. *The Godless Constitution* ultimately brings to mind Disraeli’s famous description of one of his opponents: “He had only one idea, and it was wrong.”

