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Peter Augustine Lawler

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## The Limits of the "Secular Humanist" Interpretation of the Constitution

PETER AUGUSTINE LAWLER  
*Berry College*

There were at the time of America's founding, and there have been ever since, factions in American politics roughly corresponding to today's "secular humanists" and "fundamentalists." These two factions I understand to represent two extremes on the American political spectrum, and I call them by names that highlight their extremism. Their existence should be understood as intrinsic to the American idea of liberal democracy. They are, from one point of view, the extreme partisans of liberty and the extreme partisans of democracy. This extremism stems from the fact that the members of one faction tend to reject the legitimate claims of the other.

Because there is a connection between reason and self-love in human beings, there will always be partisans of one-sided principles in a regime effectually dedicated to liberty. This extremism, by itself, ought to be no cause for alarm. It is only necessary for a liberal democracy to endure that one set of extremists not triumph definitely over the other. The future of liberal democracy would seem to depend on the continued existence of and limited victories of both secular humanists and fundamentalists. Because my audience is composed primarily of scholars and other "intellectuals," I will take this opportunity to discuss the excesses of secular humanism.

Secular humanists, conceived as one set of extremists, are partisans of liberalism or even libertarianism even at the expense of democracy.<sup>1</sup> They understand religious freedom to be freedom from religion, from the vulgar superstitions that form the beliefs of most human beings in their credulity and timidity. They tend to view the very existence of strongly held religious belief as a threat to religious freedom and freedom, generally. The effectual truth of religion in politics is that it is used by anti-liberal rulers or tyrants to bring the "people" to their side, against the few comparatively "free thinkers" who oppose the tyrannical imposition of opinion. The fact that most human beings, experience shows, seem to need religious belief and religious support for moral duty is evidence against their integrity and capacity to live freely, not in favor of the truth of religion.

American secular humanists do not conceive the First Amendment as requiring or permitting laws that would be explicitly anti-religious. All they demand, all they believe they can realistically demand, is that all opinions about moral and religious matters, all opinions concerning the "conscience," be treated with the strictest equality. Nothing, in particular, must be done to deprive the nonbelievers of the same respect accorded to believers, although such degradation is the propensity of the inevitably religious majority.

Secular humanists argue, almost always with sincerity and often with considerable persuasiveness, that their opposition to religion is not opposition to morality. They are, in their way, among the most

moralistic of Americans. They assert that the foundation of morality can be established without reference to God. Experience shows, after all, that those in political life who are motivated primarily by religion are more characteristically unjust, even fanatically unjust, than they are just or dutifully protective of the rights of others. There are also many examples of free, just and truth loving human beings who are not or were not religious.

Granting for the moment the credibility of the argument that morality can be merely humanistic, it can still be said that such a morality will probably never be affirmed by most democratic citizens anywhere. Secular humanism is the morality of intellectuals, primarily. It is not at least fully shared by those who do not specialize in the cultivation of ideas. Whatever John Dewey or Karl Marx say about the possibilities for the future of democracy in a world where the necessity of specialization will disappear, it is clear that their hopes for democratic morality do not fit the American experience so far.

Secular humanism, then, is fundamentally "aristocratic," when excellence is defined in terms of intellectual cultivation. James Reichley traces its origins to the classical Greeks, interprets the Enlightenment attempt "to break the ties between humanism and theistic religion" as a partly successful attempt to revive the classical perspective, and concludes that, since this revival, "its influence has generally followed an ascending course." In the United States today, Reichley says, secular humanism "is now probably the dominant value system in the intellectual community."<sup>2</sup> As the influence of intellectuals on American politics and culture grows, the influence of secular humanism grows.

Still, Reichley goes on, America may be distinguished among today's liberal regimes by the fact that here "religion remains a powerful force."<sup>3</sup> This resistance is indispensable for liberal democracy's perpetuation. The "value system" or morality of secular humanism cannot wholly shape the public life of such a democracy, a regime in which most people must possess the self-restraint necessary to protect their liberty. Reichley defends this position through an analysis of the attractiveness of the "classical formulation" of humanism. He traces it to "two factors: it is compatible with the world view of natural science, and it confers membership in a kind of chivalric elite."<sup>4</sup> Viewing these two factors together, secular humanism is the morality that binds together the few who have the strength of character to affirm both moral principles and scientific truth.

Most human beings cannot live well with the truth of science, and those who can have every right to be proud. This conclusion is, to say the least, unfriendly to the pretensions of democracy. When living in a democracy, those who affirm it, Reichley observes, are "driven to hypocrisy or cynicism."<sup>5</sup> The "hypocrisy" is necessary for "liberals" to rule "democrats" in the name of liberty. The "cynicism" is reserved for those who conclude that they are too good to rule democrats if they must hypocritically acquire their consent.

Reichley's analysis points to the conclusion that the secular humanist claim to rule, when recognized, angers most Americans. The best evidence that this anger is a perennial part of American political

life is that the perceived secular humanism of the authors of the Constitution angered many of the anti-Federalists. The striking absence of any mention in the Constitution of the dependence of human beings on God and the Constitution's rejection of any religious test for office seemed to mean that its authors had declared the independence of America's rulers from God himself. This pretentiousness suggested an absence of true respect for any limits to their rule.<sup>6</sup>

The anti-Federalist author Aristocrotis, in his "The Government of Nature Delineated," exposed this pretentiousness by means of caricature. He illuminates through "exaggerated satire" an aspect of human affairs that would otherwise remain obscured by the complexity of human reality.<sup>7</sup> His argument is not that the supporters of the Constitution were simply partisans of tyranny, but there was a tyrannical aspect to their project that is particularly anti-democratic in its intention.

The authors of the Constitution believed they had established the first government "according to nature." This recourse to what is right by nature in opposition to tradition and religion was their point of pride. This pride or self-love, however, distorted their understanding of nature. They believed nature intended them to rule. This intention they learned from nature through "instinct," or the "aspiring feelings given them by nature, such as ambition, emulation, etc."<sup>8</sup>

A government "according to nature," then, is one which one frees the "natural aristocracy" from the "annoyance or controul from every power on earth." The primary obstacle to this independence is "vulgar opinion," which is, by its nature, too obstinate to defer willingly to the "law of nature."<sup>9</sup> The vulgar or the democrats are too stupid or too crude in their feelings to perceive the self-evidence of the aristocratic claim to rule. They do not recognize it because they are not aristocrats. There is, "natural" aristocrats candidly acknowledge, a connection between self-love and reason, but self-love is a gift of nature.

The Constitution's true purpose is to humor the "mistaken notions" of the vulgar while gradually eliminating their influence. The ambiguity and vagueness of every restriction of the power of the government in the Constitution will work to the advantage of those who can most "dextrously" manipulate meaning.<sup>10</sup> The Constitution means, in truth, to limit as far as possible the democratic principle of election or consent, replacing it with the "energetic" wisdom of those who know or feel the "self-evidence" of the law of nature.<sup>11</sup>

One vulgar opinion that is dispensed with is that "the will of the sovereign" is limited by the "decrees" of religion. The "incumbrance" of religion is one which "has hitherto proved too powerful for the united efforts of all the legislators and philosophers that ever appeared in the world to conquer." It has always been the case that "the most absolute rulers in the world" have found "their power abridged by religion."<sup>12</sup>

The Constitution's declaration that there will be no religious tests for office, then, will make the American rulers the most independent of all time. Its supporters view all the governments that have heretofore existed as "contemptibl[y]" weak in their dependence on vulgar beliefs in "the visionary terrors of religion." The Constitution replaces fear of God with fear of government. Its "energetic" construction of the ability

to impose effectually this-worldly punishments will achieve religion's proper end of popular control "infinitely better."<sup>13</sup>

The Constitution is particularly opposed to the power of Christianity, the religion "professed by a great many of the vulgar in this country." Of all the religions it is the one "most unfavorable to a government founded upon nature; because it pretends to be of supernatural divine origin and therefore sets itself above nature."<sup>14</sup> Its claim is that it limits all claims of rule by human beings, even those that are "by nature."

Christianity opposes the pretensions present in the way of life favored by natural aristocrats. Its vulgar morality of simplicity is meant to reveal the emptiness of aristocratic "fashion." Its very existence reminds "gentlemen" that all their claims for superiority are, in truth, very far from "nature."<sup>15</sup>

More fundamentally, Christianity "prohibits slavery," or the idea that the "persons and property [of slaves] must be entirely at the will and disposal of their masters." No person is subordinate in his or her entirety to any "natural" ruler or even to rule by nature. Christianity "commands to call no man upon earth master or lord." But, according to the supporters of the Constitution, "all the subjects of a good government ought to be slaves in a political sense," or totally subordinate to its will.<sup>16</sup> The commands of Christianity and the commands of the Constitution are incompatible.

If religion is to remain in America, then, it must not be Christianity. A government according to nature can only be supported by "the religion of nature." Not surprisingly, "most of the members of the grand convention are great admirers of it." It "admits of proper degrees and distinctions amongst mankind" or of natural rulers and natural subjects.<sup>17</sup> Its lack of belief in the "supernatural" is really a lack of belief in anything that limits the assertions of rule by "natural" aristocrats.

The core of natural religion is the doctrine that the supernatural, personal God of the Christians does not exist. It also teaches that some human beings have been given by nature "divine qualities," and it would be "blasphemy" against nature "to suppose that she confers her gifts in vain."<sup>18</sup> Its adherents tend "to consider themselves as God and all the rest of mankind as two legged brutes."<sup>19</sup> This disappearance of human distinctiveness is a necessary consequence of the doctrine that there are no natural or divine limits to the authority of those who have been given by nature the desire and the ability to command.

Aristocrotis's conclusion is that the passion opposing religion, especially Christianity's claim that there are supernatural limits to the natural inclinations of human beings, which is at the source of the Constitution's silence on religion, is a passion for tyranny. Those who feel themselves gifted with the right to command have declared their independence from all "vulgar" restraints. The idea of restraint itself is vulgar. By nature, the strong—those who can and feel they must command—are free from every vulgar or religious perception of a moral order which exists independently of human will.

This conclusion seems to ignore with monstrous injustices the anti-tyrannic passion that motivated the founders to oppose radically the

political influence of religion. Their hatred of "religious slavery"<sup>20</sup> is amply documented. They believed that the liberating power of "the light of science," as Jefferson put it, would lead human beings away from the tyranny of "monkish ignorance and superstition" and toward the true foundation of human liberty in "the rights of man."<sup>21</sup>

But to show that Jefferson and the other secular humanists or partisans of "the religion of nature" among the founders were genuine and effective opponents of "fraudulent regimes" legitimized by "degrading superstitions" is not necessarily to save them entirely from the sting of Aristocrotis's satire.<sup>22</sup> Aristocrotis understands the enduring value of Christianity to be its democratic defense of the liberty of all human beings, its use of belief in the "supernatural" or divine foundation of human liberty to oppose slavery or the total domination of the individual by political rule. Although it seems that the Lockean understanding of nature which produced the doctrine of natural rights accepted by the "enlightened" founders also opposes slavery firmly in principle, it is not at all clear that this principle could ever prevail in practice without religious support.

This Lockean opposition to any natural and hence real justification for slavery, this doctrine of rights, is America's secular political morality. It is perhaps properly called a morality "according to nature" in the sense that its foundation is in the Lockean "enlightenment" concerning the truth about nature. This truth, it must be said, is hardly conducive to the self-restraint ordinarily associated with the idea of morality. It reveals that there are no divine or natural or any other external limitations to the individual's acquisitiveness and acquisition.

The individual is only limited by his own egoistic calculations concerning the consequences of his actions on the behavior of others. Strictly speaking, or theoretically, "no man," according to Locke, "is under any obligation to respect the inalienable rights of another man until that man is necessary for the security of his own rights."<sup>23</sup> The individual concludes that slavery is wrong, for example, not on the basis of the human worth of or the injustice done to the enslaved person, but on the basis of calculations beginning with the fact that he is afraid of being a slave himself.<sup>24</sup>

Jefferson and the rest of the most enlightened founders were opposed to all human slavery—including the enslavement by Americans of blacks—and their anti-slavery principles were embedded in the original Constitution.<sup>25</sup> But they still constructed a Constitution that tolerated the existence of slavery in America, and with remarkably little moral anguish. According to Harry Jaffa, "the widespread lack of concern over the moral challenge of Negro slavery to the doctrine of universal rights in the Declaration in the revolutionary generation can be traced to the egoistic quality of these rights in their Lockean [or wholly 'natural'] formulation."<sup>26</sup>

This doctrine, then, is not always an effective antidote to tyranny. Even Jefferson, when writing of the tyrannic effects of slavery on the "customs and manners" of Virginia's masters, asked "can the liberties of a nation be thought secure when we have removed from them their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?"<sup>27</sup> The truth about nature, or even some merely

natural religion, cannot motivate "the people" to protect the rights of others when it is not in their immediate interest to do so. Nature does not evidently or evidently enough teach the equal liberty of all, if only because one's perception of nature is determined in part by self-love.

"The people," according to Jefferson, need to believe that their rights are a gift of God to respect them as a principle of political morality. A humanistic morality, as Harvey Mansfield, Jr. states Jefferson's conclusion, needs "superhuman" support.<sup>28</sup> But Mansfield and Jefferson do not go far enough. Within Locke's view of nature, man knows no higher being than man.<sup>29</sup> Anything truly superhuman must also be supernatural. Religion, particularly the biblical-Christian religion, must to some extent support the decision not to tyrannize for those—such as the South's masters—who have the opportunity to do so.

Jefferson undertook an elaborate project to purge Christianity of its "supernatural" or unreasonable dimension, to make it a natural or rational religion, for the benefit of the American people.<sup>30</sup> His project did not achieve the success that he hoped it would.<sup>31</sup> On the basis of his own reflections on the sources of anti-slavery morality, it was good for the American idea of liberty that he did not.

So far, moreover, the precise concern of Aristocrotis has not been addressed: the effect of the Constitution's opposition to religion on American rulers. Jefferson never said that all Americans would need to believe that their liberties are the gift of God. He, like most of the other "enlightened" or most secular humanistic of the founders, believed that such false belief would be unnecessary for "minds of a peculiar structure," which, through a "refined education," would find the true or secular foundation of morality.<sup>32</sup> A free people is, in truth, composed of the few who know and the many who believe.

The rulers, the natural *aristoi* that Jefferson hoped would hold office in America,<sup>33</sup> would not need religion to act well. Would their responsible use of their power be based simply in their superior ability to perform Lockean or egoistic calculations? Such calculations, according to Jefferson, cannot persuade those who have the opportunity to tyrannize not to do so. Yet those with extraordinary minds and other political skills, those gifted by nature might well have such opportunities. Why do they not conclude that aristocratic tyranny—the tyranny of those gifted by nature—is not "according to nature?"

One possible answer to this question is that even the most enlightened of the founders did not apprehend fully the radicalism of Locke's understanding of nature. Their Locke was the "exoteric" or superficial, not the "esoteric" or profound one.<sup>34</sup> This Locke retains the Christian-natural law idea that there is a natural order which exists independently of human making, is of divine origin, is accessible to reason, and limits and directs human law.

But, if the founders' understanding of nature was determined by Christian and classical presuppositions at least as much as by the idea of liberated egoism, the resulting understanding of human and political affairs was not, in Locke's eyes, truly "according to nature." They did not affirm all that is implied in the understanding of nature in which the doctrine of rights is rooted. They did not, despite their enlightened pretensions, really affirm the view that human beings can live well

without any religion at all. Their "natural religion" was in the crucial sense really a religion, not a rationalization for tyranny.

Many or maybe all of the most enlightened founders may have sincerely believed that "the Laws of Nature and of Nature's God" could be the foundation of a non-egoistic political morality. But, Aristocrotis might say, this fact simply means that they did not know completely what they were doing; they did not understand the full significance of the anti-religious doctrine they were in fact promoting. They did not understand the extent to which the uprooting of the Christian-natural law tradition on behalf of a new, liberated view of nature to which they contributed would create a world in which human freedom would seem to know no limits, where anything would seem possible, where tyrants would use any and all means to attempt to actualize constructions of the mind that understands itself to free from the limitations of human experience. Such fantastic idealism produced the opinion, made famous by Marx but not unknown among the Constitution's supporters, that it is possible for human beings to create a world in which religious belief would be obsolete.<sup>35</sup> The tyranny of liberated reason or "ideology" was, in truth, the replacement for religious tyranny in the world.

From the perspective of the political scientist attempting to view human freedom without the assistance of religious belief, the "lie" of religion, particularly the Christian religion, is infinitely less pernicious than the lie of ideology. The latter denies the existence of the trans-political and even trans-material freedom and dignity of the human person. Aristocrotis was right: The destruction of Christian view of human liberty and "the death of God" really did remove restraints on the imaginations of potential tyrants.

With this conclusion in mind, the anti-Federalist objection to the Constitution's silence on the individual's dependence on and even on the very existence of God is made in part on behalf of the effectual protection of human liberty. If freedom of religion is freedom from religion, it is freedom from acknowledgment of the fact that all human beings are equally dependent on and responsible to a Creator, that they are all "created equal." An anti-religious or even a radically anti-Christian constitution is also at heart an anti-democratic one.<sup>36</sup>

If the language of the Bill of Rights is best interpreted in terms of an argument between the supporters of the Constitution and the "anti-Federalists" in which neither side triumphed completely, then the language of the First Amendment's religion clauses cannot be interpreted without acknowledging the possibility that they introduced into the Constitution some partisanship on behalf of religion, that they were to some extent a democratic correction to the secular humanist extremism that seemed to have prevailed at the Constitutional Convention.<sup>37</sup> The First Amendment, instead of defending the "equal rights of conscience," as Madison wanted, defends "the free exercise of religion." The term "religion" is more definite than "conscience"; it more specifically denotes the purpose of human liberty. Its conclusion in the Constitution is to some extent an anti-Federalist generated recognition of the religious dimension of human liberty and hence a specific limitation on political rule and even political liberty.<sup>38</sup>



Such a definition of religious liberty, even James Madison realized, is the only one that could be defended in public, before the people, in America. It is the one he used in his "Memorial and Remonstrance Against Religious Assessments," where religious liberty is defined as a gift of nature for the discovery of the duty of a creature.<sup>39</sup> He knew that the American people would not accord explicitly equal respect to belief and nonbelief. Consequently, he believed that the consciences of atheists and even believers in a merely natural religion would be better protected by America's rulers acting on an "assumed power" they would discover in the Constitution's denial of religious tests for office and silence on the existence of God than by constitutional amendment.<sup>40</sup>

According to Gary Glenn, the anti-Federalist purposes embedded to some extent in the First Amendment have been "forgotten."<sup>41</sup> He is right if he means that almost no one before him seems to have read the anti-Federalist authors carefully for illumination concerning the meaning of the Amendment's religion clauses, and even he has not read them carefully enough. But these democratic purposes have never been forgotten, and they do not depend on the authority of anti-Federalist authors for their validity. There has always been, in America, democratic opposition to the "liberal" idea that human liberty has no "superhuman" or "supernatural" limitations, the idea of "secular humanism" in its precise or Lockean sense.

This resistance is reflected in the genuinely biblical dimension of the most inspiring American political rhetoric—such as that of Abraham Lincoln and Martin Luther King Jr.—on behalf of the democratic or egalitarian idea of liberty and against tyranny. It is found today in legislative and even presidential opposition to the Supreme Court's quest for extremely liberal or libertarian principled consistency in its interpretations of the First Amendment's religion clauses. It is also found in the opinions of some Supreme Court Justices, particularly those of Justice Rehnquist, which deny that the Constitution requires government to be absolutely neutral in the dispute between belief and non-belief and hence do nothing which would indicate its respect for religion.<sup>42</sup>

My purpose, to repeat, has not been to promote without any limitations or qualifications the partisanship of America's "moral majority." I do not call for the destruction of liberty by democracy. I only meant to show that these partisans, when resisting the total domination of constitutional interpretation by "liberalism" understood as secular humanism, are defending a constituent part of America's liberal democracy.

#### FOOTNOTES

<sup>1</sup>The attitude and train of thought described here is not something new to America, as "fundamentalists" and even some contemporary "secular humanists" in their pride would have it. They, in fact, were strongest among American political leaders during the founding generation. Today, they appear stronger because of the vulgarity by which they are expressed by our less able but sometimes very popular intellectuals and by the fact of their popularization by mass education and mass media.

For the best description of the American founding as an anti-religious project undertaken by the partisans of "liberalism," see Walter Berns, *The First Amendment and the Future of American Democracy* (New York: Basic Books, 1976), Chapter 1. The descrip-

tion of secular humanism I give here is drawn from ideas found primarily in *The Federalist* and other founding documents and from Supreme Court opinions deducing the implications of the *Everson* principle of absolute neutrality. According to Justice Black: "Neither a state nor the Federal Government . . . can pass laws which aid one religion, aid all religions, or prefer one religion to another (330 U.S. 15[1947]". The best of these opinions is Stevens, for the Court, in *Wallace v. Jaffree* (1985) and Brennan's dissent in *Marsh v. Chambers* (1982).

<sup>2</sup>A. James Reichley, *Religion in American Public Life* (Washington, D.C.: The Brookings Institution, 1985), pp. 41-47.

<sup>3</sup>*Ibid.*, p. 47.

<sup>4</sup>*Ibid.*, p. 347.

<sup>5</sup>*Ibid.*

<sup>6</sup>See Gary D. Glenn, "Forgotten Purposes of the First Amendment Religion Clause," *Review of Politics* 49 (Summer, 1987), pp. 341-45. I am indebted to this paper for my discovery for this element of anti-Federalist thought in general and the essay of Aristocratis in particular.

<sup>7</sup>This essay is found in Herbert Storing, *The Complete Anti-Federalist* (Chicago: University of Chicago Press, 1981), Volume 3, pp. 196-213. The phrase "exaggerated satire" is from Storing's Introduction, p. 196. Storing correctly notes the strength of Aristocratis' (obviously a pseudonym) intelligence. He also calls attention to the fact that "the essay's language, grammar, and spelling are crude." I have kept the crude spelling in my quotations.

<sup>8</sup>*Ibid.*, p. 199n., 201n.

<sup>9</sup>*Ibid.*, p. 201.

<sup>10</sup>*Ibid.*, pp. 199-200.

<sup>11</sup>*Ibid.*, pp. 199-200, 207.

<sup>12</sup>*Ibid.*, pp. 205-06.

<sup>13</sup>*Ibid.*, p. 207.

<sup>14</sup>*Ibid.*, p. 206.

<sup>15</sup>*Ibid.*

<sup>16</sup>*Ibid.*

<sup>17</sup>*Ibid.*, p. 207.

<sup>18</sup>*Ibid.*, p. 198n.

<sup>19</sup>*Ibid.*

<sup>20</sup>Thomas Jefferson, *Notes on the State of Virginia*, ed. W. Peden (Chapel Hill: University of North Carolina Press, 1975), p. 157.

<sup>21</sup>Jefferson, Letter to Roger C. Weightman (24 June 1826).

<sup>22</sup>Harry V. Jaffa, *The Conditions of Freedom* (Baltimore: Johns Hopkins University Press, 1975), p. 102.

<sup>23</sup>Harry V. Jaffa, *The Crisis of the House Divided* (Chicago: University of Chicago Press, 1982), p. 325.

<sup>24</sup>*Ibid.*, p. 324.

<sup>25</sup>See Herbert Storing, "Slavery and the Moral Foundations of the American Republic," *The Moral Foundations of the American Republic*, ed. R. Horwitz (Charlottesville: University Press of Virginia, 1977), especially p. 225.

<sup>26</sup>Jaffa, *Crisis*, p. 324.

<sup>27</sup>Jefferson, *Notes*, p. 163.

<sup>28</sup>Harvey C. Mansfield, Jr., "Jefferson," in *American Political Thought*, ed. M Frisch and R. Stevens (New York: Scribner's: 1970), p. 38.

<sup>29</sup>See Jeffrey Wallin, "John Locke and the American Founding," *Natural Right and Political Right*, ed. T. Silver and P. Schramm (Durham: Carolina Academic Press, 1984), especially pp. 143-68. According to Wallin, "Locke's . . . denial of innateness is radical because it . . . [i]n effect . . . den[ies] that there is anything other than man of significance to man. That which is other does not exist, or cannot be known, or is limited to that which can produce pleasure or pain (p. 155)."

<sup>30</sup>See Sanford Kessler, "Jefferson's Rational Religion," in *The Constitutional Polity*, ed. S. Pearson (Lanham, Md.: University Press of America, 1983), pp. 68-73.

<sup>31</sup>See Kessler, pp. 58-59. But, as Kessler also notes, it did have considerable success, as one might expect in a *liberal* democracy.

<sup>32</sup>These quotations are, of course, from Washington's "Farewell Address."

<sup>33</sup>See Jefferson, Letter to John Adams (28 October 1813).

<sup>34</sup>On this distinction, see Nathan Tarcov, "A Non-Lockean' Locke and the Character of Liberalism," *Liberalism Reconsidered*, ed. D. Maclean and C. Mills (Totowa, N.J.: Rowan and Allanheld, 1983).

For its application to the American founding, see Wallin, p. 164 and Harry Jaffa, *American Conservatism and the American Founding* (Durham: Carolina Academic Press, 1984), p. 24.

<sup>35</sup>See, for example, Noah Webster, *An Examination of the Leading Principles of the Federal Constitution, Pamphlets on the Constitution of the United States*, ed. L. Ford (New

York: Da Capo, 1968), pp. 55-60, where religion is understood as nothing but a support for obsolete tyranny. Hence religion would have no place under the Constitution; it would be replaced by just laws concerning property.

On the points made in this paragraph, see my "Tocqueville on Democracy and Pantheism," *Tocqueville Observes the New Order*, ed. K. Masugi (Claremont, CA: The Claremont Institute), forthcoming. Also, two recent books: Robert Eden, *Political Leadership and Nihilism* (Gainesville: University Presses of Florida, 1984) and Barry Cooper, *The End of History* (Toronto: University of Toronto Press, 1984). I could also invoke, generally, the authority of Hannah Arendt, Leo Strauss, and Eric Voegelin.

<sup>35</sup>See Glenn, pp. 342-53, 358.

<sup>37</sup>See Glenn, *passim* and Storing. *What the Anti-Federalists Were For*, p. 3.

<sup>38</sup>Glenn, pp. 358-62.

<sup>39</sup>See my "James Madison and the Metaphysics of Modern Politics," *Review of Politics* 48 (Winter, 1986), pp. 92-115.

<sup>40</sup>See Glenn, pp. 9-10. Here Glenn discusses Madison's letter to Jefferson of 17 October 1788, from where the phrase "assumed power" comes.

<sup>41</sup>Glenn, *passim*.

<sup>42</sup>See especially Rehnquist's dissent in *Wallace v. Jaffree* (1985).