

# Secularism and the American Constitution

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In recent years, Supreme Court justices, politicians and religious figures have advanced the argument that the Founding Fathers based the US Constitution on God's word. Some have asserted that the Founding Fathers meant for the Constitution to be understood as a Christian document of governance for a Christian nation.

The attack on the principle of separation of church and state has not come only from the Republicans. In the 2000 presidential election, the Democratic ticket was vocal in advancing a religious foundation for American politics. Speaking in Detroit on August 27, 2000, Democratic vice presidential candidate Joseph Lieberman said of the First Amendment: "[T]he Constitution guarantees freedom of religion, not freedom from religion." His presidential running mate, Al Gore, promised, if elected, to "precede every major executive decision with the question, 'What would Jesus do?'" George W. Bush has "out-faithed" Gore by beginning each cabinet meeting with a prayer.

In a 2002 speech before the University of Chicago Divinity School, Supreme Court Associate Justice Antonin Scalia cited Romans 13:1-4 to support the death penalty and establish God's authority in affairs of state: "Let every soul be subject unto the higher powers. For there is no power but of God; the powers that be are ordained of God."

In *Winning the Future: A 21st Century Contract with America*, then-House Speaker Newt Gingrich wrote: "We must reestablish that our rights come from our Creator." Current House Majority Leader Tom DeLay states unequivocally that "there's no such thing, or no mention, of separation of church and state in the Constitution." (dailydelay.blogspot.com, March 1, 2005).

Dr. James Dobson, leader of Focus on the Family, argues that "The Ten Commandments represent our historic spiritual heritage on which all law is based." ("Restoring the Foundations: Repealing Judicial Tyranny," family.org). In the same article, Dobson claims that "our Constitution states that we are endowed by the Creator with certain inalienable rights," erroneously attributing to the Constitution a phrase found only in the Declaration of Independence.

Christian Coalition and 700 Club leader Pat Robertson agrees with DeLay that "There is nothing in the US constitution that sanctifies the separation of church and state." ("Voices of Extremism: The Radical Right in Their Own Words," www.notso.com).

These assertions are false, as an informed reading of the Constitution's intent regarding the separation of church and state proves. The First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The assertions of DeLay and Robertson that there is no mention of the separation of church and state in the US Constitution is true only in the sense that the words "separation of church and state" are not used. But the Amendment was clearly intended to establish just such a separation.

In fact, this principle was already plainly indicated in the original articles of the Constitution, which predated the first 10 amendments, or Bill of Rights, by three years. (The Constitution was ratified in 1788; the Bill of Rights in 1791.) Article VI, Section III articulates the principle of separation of church and state by banning religious tests for holding public office. It states that "no religious Test shall ever be required as a

Qualification to any Office or public Trust under the United States."

Dobson's claim that the Constitution posits the Creator as the source of our inalienable rights runs up against one formidable problem: neither the word "God" nor the word "Creator" appears in the document.

The clear intent of the Constitution is confirmed by the writings of the two Founding Fathers who were most responsible for establishing the rationale for separation of church and state, Thomas Jefferson and James Madison. Jefferson, a Deist who favored a federal government with limited powers, and Madison, a Christian and Federalist, wrote passionately and convincingly from the Enlightenment point of view that human rights are determined by secular, natural laws, and not by any god or religion.

In 1777, Jefferson drafted a proposed Bill for Religious Freedom in Virginia that would guarantee the legal equality of all citizens of any or no religious persuasion in the state of Virginia. In this bill, Jefferson argued that "our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry." (*The Portable Thomas Jefferson*, p. 252). It was not God, then, who gave us our rights, as Scalia, Gingrich, Dobson, and Robertson would have us believe, but rather our ability to reason freely, without constraints from either state or religion.

Jefferson's arguments in *Notes on the State of Virginia*, written in 1781, advanced the theme propounded in his 1777 bill that reason and free enquiry are our only guarantees against "error." In "Query XVII," Jefferson responded to the Virginia common law, circa 1777, which charged that a non-Christian person, or a non-believing person, is punishable by "incapacity to hold office or employment ecclesiastical, civil, or military."

He did so in the following manner: "The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods, or no god" (*The Portable Thomas Jefferson*, p. 285). This does not sound like someone who believes that government should favor religion over non-religion, or declare one religion—i.e., Christianity—superior to others.

Just as he argued that it is an error to constrain or dictate religious thought, Jefferson, in the same Query, cited the case of Galileo to argue that constraining or dictating scientific thought is equally erroneous. "[F]or affirming the earth was a sphere," Jefferson writes, "Galileo was forced to abjure his error." Of course, this "error" later became fact.

As Jefferson reminded his readers, it "is now more firmly established, on the basis of reason, than it would be were the government to step in, and to make it an article of necessary faith." He continued: "[I]t is error alone which needs the support of government. Truth can stand by itself" (*The Portable Thomas Jefferson*, p. 286).

In this remarkable passage, Jefferson argued that reason and critical inquiry must be held superior to any government or religion, and should therefore remain unfettered.

Jefferson was minister to France during the Constitutional Convention and therefore was not a signatory to the document. However, the Virginia 1786 Act for Establishing Religious Freedom, which was based on Jefferson's 1777 Bill for Religious Freedom in Virginia, is widely regarded as "the template for the secularist provisions of the federal

Constitution” (*Freethinkers: A History of American Secularism*, Susan Jacoby, p. 19).

A brief overview of the history of the 1786 Act establishes that (1) the debate over the separation of church and state was contentious and of the utmost concern to the contestants, and (2) the decision to lay down the principle of separation of church and state was a highly conscious, purposeful one.

At the time of Jefferson’s 1777 bill, the Episcopal Church was the official church of Virginia. Before the Revolutionary War, freethinkers and dissenting evangelical Protestants (who, as a dissenting, minority church feared the consequences of single, official church) had opposed the establishment of an official church, but the exigencies of the war took precedence over this matter.

Following the war, with the work of establishing a new government at hand, the freethinkers and evangelical Protestants renewed their opposition to the existence of an official church. But another position was advanced at this time. In 1784, Patrick Henry proposed a bill in the Virginia General Assembly that would have assessed taxes on Virginia citizens for the purpose of supporting “teachers of the Christian religion.”

Thus, regarding the question of an official state church, there were now three positions: (1) the state should support a single, Christian church; (2) the state should support churches in general, so long as they were Christian; and (3) the state should not support any church or religion.

Like Jefferson and the other supporters of the third position, Federalist James Madison, the “chief architect and chief defender of the Constitution” (*The Enlightenment in America*, Henry F. May, p. 96), did not believe “the state government should be in the business of supporting Christianity” or any other religion (Jacoby, p. 19).

Madison presented his arguments for the third position in his “Memorial and Remonstrance against Religious Assessment” (1785), which, according to Susan Jacoby, “should be as familiar to students of American history as the Declaration of Independence and the Constitution” (Jacoby, p. 19).

Madison asked rhetorically, “Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christianity, in exclusion of all other Sects?”

In addition to arguing for religion to be free of government control, Madison argued that government also must be free of religion: “If Religion be not cognizance (*sic*) of Civil Government, how can its legal establishment be said to be necessary to Civil Government?” (Jacoby, p. 20).

Madison’s “Memorial” played a highly significant role in forming an alliance between the freethinkers, who believed that religion should have no influence on government, and the various nonconformist Protestant sects, who, while not agreeing with the freethinkers’ Enlightenment rationalist view, came to see that their own and other dissenting denominations would stand a better chance of surviving if government noninterference with religion were ensured. With the alliance formed, the Virginia 1786 Act for Establishing Religious Freedom easily passed.

The 1786 act unequivocally lays down a secularist foundation for representative government. It states: “Be it enacted by the General Assembly of Virginia that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief, but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.”

As Jacoby notes, “...the important point for secularists was that no Virginian—in contrast to the prevailing practices in other states—would have to affirm his belief in any god to run for public office or claim civic

equality” (Jacoby, p. 24).

“The prevailing practices in other states” offered non-secularist options for the Constitutional Convention, which opened in 1787, to consider as its model for the federal document.

The Massachusetts constitution of 1780, for example, displayed the state’s Puritan background by guaranteeing legal equality for Christians only, and even then, Catholics were forced to renounce “papal authority” before they could hold public office. Sixty-three Massachusetts towns were even more restrictive: they wanted to guarantee legal equality to Protestants only (Jacoby, pp. 25-26).

The New York State constitution guaranteed legal equality to Jews, while denying such equality to Catholics. Maryland did not grant equality to “Jews, freethinkers, and deists,” but it did grant full civil rights to Catholics and Protestants (Jacoby, p. 26).

While there were those who favored the semi-theocratic systems established by these and other states, in the end, the Founding Fathers chose as their model the 1786 Act for the Establishment of Religious Freedom, which came to be known as the Virginia plan, because they intended for the Constitution to be a secularist document.

As the Founding Fathers’ choice clearly indicates, Jefferson and Madison were not alone in viewing the separation of church and state from the perspective of Enlightenment secularism. Indeed, the pervasive atmosphere of the Constitutional convention was, according to Henry F. May, “a blend of rationalism and empiricism.” Among the more conservative delegates, Gouverneur Morris of Pennsylvania held “that we should be governed as much by our reason, and as little by our feelings, as possible” (*The Enlightenment in America*, Henry F. May, p. 97).

In addition to Madison, influential Federalists such as John Adams and George Washington “fully shared Jefferson’s views on the separation of religious and civil affairs” (Jacoby, p. 27). Even the “omission of God was not a major source of controversy at the Constitutional Convention” (Jacoby, 29).

There was intense debate over whether or not to include reference to God or Jesus Christ in the course of the Constitution’s ratification by the states. The Reverend John M. Mason, a New York Federalist, cited the lack of any mention of God in the Constitution as “an omission which no pretext can palliate” (Jacoby, p. 30). A Boston opponent of ratification predicted ruination for the United States if God were not mentioned in its Constitution.

At the state ratification conventions, a number of members were appalled by the clearly secularist intent of the Constitution and proposed religious amendments to establish God or Jesus Christ as the source of governmental power. In the end, however, these proposals were rejected by those who insisted that the document be an explicitly secular one, and that the foundations of the new republic be secular.

This intention was even more evident during the debate over the Bill of Rights. Before deciding on a series of amendments to the Constitution, the House of Representatives originally agreed to revise the wording of the preamble to the Constitution to clearly state that government was constituted for the benefit of the people and *derived from their authority alone*. (Emphasis added).

Ultimately, this idea was rejected on the grounds that the original phrase “We the People” was evidence enough of the popular basis of the Constitution (*The American Constitution: Its Origins and Development*, Alfred H. Kelly and Winfred A. Harbison, p. 175).

The intensity of this debate over God and his authority undermines the claims of those on the religious right who argue today that the Founding Fathers simply forgot to mention God or took for granted his authority. As Jacoby concludes, “[T]he founders knew exactly what they were doing, and so did their fellow citizens on both sides of the issue” (Jacoby, p. 33).

The Constitution was based on the belief that if human beings are allowed to think freely, they will come to understand and master the

natural world, including society. Could mankind aspire to a greater or nobler achievement? Why, then, is the religious right and its main political ally, the Republican Party, lying about the Constitution and the authors' intentions? What purpose do these lies serve?

The crisis of capitalism has fostered the collapse of the traditional bourgeois-democratic means of answering, or at least diverting, the legitimate concerns and protests of working people. In Europe and the US, the major political parties, representing the ruling financial elite, can barely pretend to respond to the concerns of the majority of the population.

Whether it be on the war on Iraq, the loss of jobs, or the dismantling of social reforms, the gap between the people and their elected representatives has never been greater. This has created a genuine concern within ruling circles regarding how to keep working class resentment and anger from turning into a conscious recognition of the need to struggle for revolutionary change against the capitalist system.

In the United States, the decay of democracy has taken the form, given the collapse of the trade unions and the political putrefaction of American liberalism, of an ultra-right minority, basing itself on the most reactionary religious ideologies, accumulating enormous power. Under conditions in which bourgeois democratic forms of rule are breaking down, and the working class has yet to understand its revolutionary tasks, this ultra-right minority has come to exercise a virtual veto power on the policies of the government.

With the help of a cowering complicit media, the Christian right is promoting the most backward conceptions to use against any form of opposition based on rational, scientific and humanistic principles. This, then, is the source and purpose of the lies about the US Constitution.

Instead of being educated as to the document's intellectual and ideological roots in the Enlightenment tradition of science, reason, and democratic self-rule—notwithstanding its somewhat shamefaced ratification of chattel slavery—the American people are being told that their democratic rights are the consequence of a Christian God's beneficence.

What better way to convince a population that they not only do not possess the innate powers to materially improve their conditions, but there is as well no need to make the attempt? What better way to foment a hysterical movement against a future, organized working class resistance to the disastrous policies of the ruling elite?

In 1784, the Revolutionary War hero Ethan Allen wrote, “[W]hile we are under the tyranny of Priests...it will ever be in their interest to invalidate the law of nature and reason, in order to establish systems incompatible therewith” (Jacoby, p. 18).

Today, the American bourgeoisie, which long ago repudiated the legacy of its struggle, when it was a revolutionary class, against feudal obscurantism and monarchy, brings forward the most right-wing forms of religion in an attempt to justify social reaction and prevent the working class from grasping, on the basis of scientific socialism, the objective laws of the class struggle and the lessons of its own historic experiences.

*Books consulted for this article:*

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