



Yeshiva University

THE ZAHAVA AND MOSHAEL STRAUS CENTER  
FOR TORAH AND WESTERN THOUGHT

**ADAMS, JEFFERSON AND  
THE JEWS: SUPPLEMENTARY  
READINGS**

## Mission

The mission of the Zahava and Moshael Straus Center for Torah and Western Thought is to help develop Jewish thinkers and wisdom-seeking Jews by deepening their education in the best of the Jewish tradition, by exposing them to the richness of human knowledge and insight from across the ages, and by confronting them with the great moral, philosophical and theological questions of our age. In pursuing this mission, Yeshiva University stands in a special place: its students arrive with a deep commitment to Jewish life and to the study of Torah and Talmud, yet are also eager to learn from the best of Western thought. The Straus Center is dedicated to bridging an immersion in Torah study with a formative academic experience, thereby furthering Yeshiva's mission of Torah Umadda and securing Yeshiva University's critical role in the future of the American Jewish community. Working in concert with the faculty and guided by an academic advisory committee, the center constructs courses that bridge a variety of disciplines and expose students to both halachic and Western schools of thought. The Straus Center also hosts throughout the academic year public forums at the University's campuses on great human questions that have engaged Jewish and non-Jewish thinkers. Visiting faculty invited by the Straus Center participate in both the teaching of these courses and Straus Center events. Through these efforts, the center aims to provide a vibrant community at Yeshiva that will enhance the academic lives of all its students.

## About the Director

Rabbi Dr. Meir Y. Soloveichik is director of the Zahava and Moshael Straus Center for Torah and Western Thought and associate rabbi at Congregation Kehilath Jeshurun in Manhattan. He graduated summa cum laude from Yeshiva College, received his semicha from RIETS and was a member of its Beren Kollel Elyon. In 2010, he received his doctorate in religion from Princeton University. Rabbi Soloveichik has lectured throughout the United States, Europe and in Israel to both Jewish and non-Jewish audiences on topics relating to Jewish theology, bioethics, wartime ethics and Jewish-Christian relations. His essays on these subjects have appeared in *Commentary*, *First Things*, *Azure*, *Tradition* and the *Torah U-Madda Journal*.

## The Purpose of this Pamphlet

Throughout the academic year 2011–2012, the Straus Center has been presenting seminars and lectures on the subject of “Jewish Ideas and American Democracy.” Our goal is to bring classic Jewish texts into conversation with the foundational works of American political thought. In so doing, we will consider the following questions: How did Jewish notions of politics, the social contract, and covenant impact the eventual structure and nature of the United States? How did the Bible figure in the debates about democracy and monarchy that took place during the time of America's founding? In what way is the United States different from European democracies, and what is the role of religion in American public life? As a supplement to a discussion of Thomas Jefferson's and John Adams' views of religion in general and Judaism in particular, we present the following sources and articles to facilitate further reflection on the aforementioned questions.

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# The Psalm that United the Continental Congress: A Letter from John Adams to Abigail Adams

September 16th, 1774

Having a Leisure Moment, while the Congress is assembling, I gladly embrace it to write you a Line.

When the Congress first met, Mr. Cushing made a Motion, that it should be opened with Prayer. It was opposed by Mr. Jay of N. York and Mr. Rutledge of South Carolina, because we were so divided in religious Sentiments, some Episcopalians, some Quakers, some Aanabaptists, some Presbyterians and some Congregationalists, so that We could not join in the same Act of Worship. —Mr. S. Adams arose and said he was no Bigot, and could hear a Prayer from a Gentleman of Piety and Virtue, who was at the same Time a Friend to his Country. He was a Stranger in Phyladelphia, but had heard that Mr. Duche (Dushay they pronounce it) deserved that Character, and therefore he moved that Mr. Duche, an episcopal Clergyman, might be desired, to read Prayers to the Congress, tomorrow Morning. The Motion was seconded and passed in the Affirmative. Mr. Randolph our President, waited on Mr. Duche, and received for Answer that if his Health would permit, he certainly would. Accordingly next Morning he appeared with his Clerk and in his Pontificalibus, and read several Prayers, in the established Form; and then read the Collect for the seventh day of September, which was the Thirty fifth Psalm. —You must remember this was the next Morning after we heard the horrible Rumour, of the Cannonade of Boston. —I never saw a greater Effect upon an Audience. It seemed as if Heaven had ordained that Psalm to be read on that Morning.

After this Mr. Duche, unexpected to every Body struck out into an extemporary Prayer, which filled the Bosom of every Man present. I must confess I never heard a better Prayer or one, so well pronounced. Episcopalian as he is, Dr. Cooper himself never prayed with such fervour, such Ardor, such Earnestness and Pathos, and in Language so elegant and sublime—for America, for the Congress, for The Province of Massachusetts Bay, and especially the Town of Boston. It has had an excellent Effect upon every Body here.

I must beg you to read that Psalm. If there was any Faith in the sortes Virgilianae, or sortes Homericae, or especially the Sortes biblicae, it would be thought providential.

It will amuse your Friends to read this Letter and the 35th Psalm to them. Read it to your Father and Mr. Wibirt. —I wonder what our Braintree Churchmen would think of this? —Mr. Duche is one of the most ingenious Men, and best Characters, and greatest orators in the Episcopal order, upon this Continent—Yet a Zealous Friend of Liberty and his Country.

I long to see my dear Family. God bless, preserve and prosper it. Adieu.

—*John Adams*

## Psalm 35:

### As Read to the Continental Congress

1: Plead my cause, O LORD, with them that strive with me: fight against them that fight against me. 2: Take hold of shield and buckler, and stand up for mine help. 3: Draw out also the spear, and stop the way against them that persecute me: say unto my soul, I am thy salvation. 4: Let them be confounded and put to shame that seek after my soul: let them be turned back and brought to confusion that devise my hurt. 5: Let them be as chaff before the wind: and let the angel of the LORD chase them. 6: Let their way be dark and slippery: and let the angel of the LORD persecute them. 7: For without cause have they hid for me their net in a pit, which without cause they have digged for my soul. 8: Let destruction come upon him at unawares; and let his net that he hath hid catch himself: into that very destruction let him fall. 9: And my soul shall be joyful in the LORD: it shall rejoice in his salvation. 10: All my bones shall say, LORD, who is like unto thee, which deliverest the poor from him that is too strong for him, yea, the poor and the needy from him that spoileth him? 11: False witnesses did rise up; they laid to my charge things that I knew not. 12: They rewarded me evil for good to the spoiling of my soul. 13: But as for me, when they were sick, my clothing was sackcloth: I humbled my soul with fasting; and my prayer returned into mine own bosom. 14: I behaved myself as though he had been my friend or brother: I bowed down heavily, as one that mourneth for his mother. 15: But in mine adversity they rejoiced, and gathered themselves together: yea, the abjects gathered themselves together against me, and I knew it not; they did tear me, and ceased not: 16: With hypocritical mockers in feasts, they gnashed upon me with their teeth. 17: Lord, how long wilt thou look on? rescue my soul from their destructions, my darling from the lions. 18: I will give thee thanks in the great congregation: I will praise thee among much people. 19: Let not them that are mine enemies wrongfully rejoice over me: neither let them wink with the eye that hate me without a cause. 20: For they speak not peace: but they devise deceitful matters against them that are quiet in the land. 21: Yea, they opened their mouth wide against me, and said, Aha, aha, our eye hath seen it. 22: This thou hast seen, O LORD: keep not silence: O Lord, be not far from me. 23: Stir up thyself, and awake to my judgment, even unto my cause, my God and my Lord. 24: Judge me, O LORD my God, according to thy righteousness; and let them not rejoice over me. 25: Let them not say in their hearts, Ah, so would we have it: let them not say, We have swallowed him up. 26: Let them be ashamed and brought to confusion together that rejoice at mine hurt: let them be clothed with shame and dishonour that magnify themselves against me. 27: Let them shout for joy, and be glad, that favour my righteous cause: yea, let them say continually, Let the LORD be magnified, which hath pleasure in the prosperity of his servant. 28: And my tongue shall speak of thy righteousness and of thy praise all the day long.

# Proposals for the Seal of the United States: A Letter by John Adams to Abigail Adams

Philadelphia, 14 August, 1776.

This is the anniversary of a memorable day in the history of America. A day when the principle of American resistance and independence was first asserted and carried into action. The stamp office fell before the rising spirit of our countrymen. It is not impossible that the two grateful brothers may make their grand attack this very day. If they should, it is possible it may be more glorious for this country, than ever: it is certain, it will become more memorable. Your favors of August 1st and 5th came by yesterday's post. I congratulate you all upon your agreeable prospects. Even my pathetic little hero Charles, I hope, will have the distemper finely. It is very odd that the Doctor cannot put infection enough into his veins; nay, it is unaccountable to me, that he has not taken it the natural way, before now. I am under little apprehension, prepared as he is, if he should. I am concerned about you, much more. So many persons about you sick, the children troublesome, your mind perplexed, yourself weak and relaxed. The situation must be disagreeable. The country air and exercise, however, will refresh you.

I am put upon a committee, to prepare a device for a golden medal, to commemorate the surrender of Boston to the American arms, and upon another, to prepare devices for a great seal, for the confederated States...

Doctor F. [Benjamin Franklin] proposes a device for a seal. Moses lifting up his wand, and dividing the red sea, and Pharaoh in his chariot overwhelmed with the waters. This motto. "Rebellion to tyrants is obedience to God."

Mr. Jefferson proposed, The children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night and on the other side, Hengist and Horsa, the Saxon chiefs, from whom we claim the honor of being descended, and whose political principles and form of government we have assumed.

I proposed, The choice of Hercules, as engraved by Gribelin, in some editions of Lord Shaesbury's works. The hero resting on his club. Virtue pointing to her rugged mountain on one hand, and persuading him to ascend. Sloth, glancing at her flowery paths of pleasure, wantonly reclining on the ground, displaying the charms both of her eloquence and person, to seduce him into vice. But this is too complicated a group for a seal or medal, and it is not original.

I shall conclude by repeating my request for horses and a servant. Let the horses be good ones. I can't ride a bad horse so many hundred miles. If our affairs had not been in so critical a state at New York, I should have run away before now. But I am determined, now, to stay until some gentleman is sent here in my room, and until my horses come. But the time will be very tedious.

The whole force is arrived at Staten Island.

# A Letter about Faith and Morality: Abigail Adams to her Son, John Quincy Adams

June, 1778.

My Dear Son,

T'is almost four months since you left your native land, and embarked upon the mighty waters, in quest of a foreign country. Although I have not particularly written to you since, yet you may be assured you have constantly been upon my heart and mind.

It is a very difficult task, my dear son, for a tender parent to bring her mind to part with a child of your years going to a distant land; nor could I have acquiesced in such a separation under any other care than that of the most excellent parent and guardian who accompanied you. You have arrived at years capable of improving under the advantages you will be likely to have, if you do but properly attend to them. They are talents put into your hands, of which an account will be required of you hereafter; and, being possessed of one, two, or four, see to it that you double your numbers.

The most amiable and most useful disposition in a young mind is diffidence of itself; and this should lead you to seek advice and instruction from him, who is your natural guardian, and will always counsel and direct you in the best manner, both for your present and future happiness. You are in possession of a natural good understanding, and of spirits unbroken by adversity and untamed with care. Improve your understanding by acquiring useful knowledge and virtue, such as will render you an ornament to society, an honor to your country, and a blessing to your parents. Great learning and superior abilities, should you ever possess them, will be of little value and small estimation, unless virtue, honor, truth, and integrity are added to them. Adhere to those religious sentiments and principles which were early instilled into your mind, and remember, that you are accountable to your Maker for all your words and actions.

Let me enjoy it upon you to attend constantly and steadfastly to the precepts and instructions of your father, as you value the happiness of your mother and your own welfare. His care and attention to you render many things unnecessary for me to write, which I might otherwise do; but the inadvertency and heedlessness of youth require line upon line and precept upon precept, and, when enforced by the joint efforts of both parents, will, I hope, have a due influence upon your conduct; for, dear as you are to me, I would much rather you should have found your grave in the ocean you have crossed, or that any untimely death crop you in your infant years, than see you an immoral, profligate, or grace less child.

You have entered early in life upon the great theatre of the world, which is full of temptations and vice of every kind. You are not wholly unacquainted with history, in which you have read of crimes which your inexperienced mind could scarcely believe credible. You have been taught to think of them with horror, and to view vice as



“ a monster of so frightful mien, That, to be hated, needs but to be seen.”

Yet you must keep a strict guard upon yourself, or the odious monster will soon lose its terror by becoming familiar to you. The modern history of our own times, furnishes as black a list of crimes, as can be paralleled in ancient times, even if we go back to Nero, Caligula, or Caesar Borgia. Young as you are, the cruel war, into which we have been compelled by the haughty tyrant of Britain and the bloody emissaries of his vengeance, may stamp upon your mind this certain truth, that the welfare and prosperity of all countries, communities, and, I may add, individuals, depend upon their morals. That nation to which we were once united, as it has departed from justice, eluded and subverted the wise laws which formerly governed it, and suffered the worst of crimes to go unpunished, has lost its valor, wisdom, and humanity, and, from being the dread and terror of Europe, has sunk into derision and infamy.

But, to quit political subjects, I have been greatly anxious for your safety, having never heard of the frigate since she sailed, till, about a week ago, a New York paper informed, that she was taken and carried into Plymouth. I did not fully credit this report, though it gave me much uneasiness. I yesterday heard that a French vessel was arrived at Portsmouth, which brought news of the safe arrival of the Boston; but this wants confirmation. I hope it will not be long before I shall be assured of your safety. You must write me an account of your voyage, of your situation, and of every thing entertaining you can recollect.

Be assured I am most affectionately yours.

## The Importance of Genesis: A Letter by John Quincy Adams to his Son

The first point of view in which I have invited you to consider the Bible, is in the light of Divine Revelation. And what are we to understand by these terms? I intend as much as possible, to avoid the field of controversy, which I am not well acquainted with, and for which I have little respect, and still less inclination. My idea of the Bible as a Divine Revelation, is founded upon its practical use to mankind, and not upon metaphysical subtleties.

There are three points of doctrine, the belief of which, forms the foundation of all morality. The first is, the existence of a God; the second is the immortality of the human soul; and the third is, a future state of rewards and punishments. Suppose it possible for a man to disbelieve either of these articles of faith, and that man will have no conscience, he will have no other law than that of the tiger or the shark; the laws of man may bind him in chains, or may put him to death, but they never can make him wise, virtuous, or happy.

It is possible to believe them all without believing that the Bible is a Divine revelation.

It is so obvious to every reasonable being, that he did not make himself, and the world which he inhabits, could as little make itself, that the moment we begin to exercise the power of reflection, it seems impossible to escape the conviction that there is a Creator.

It is equally evident that the Creator must be a spiritual, and not a material being; there is also a consciousness that the thinking part of our nature is not material, but spiritual—that it is not subject to the laws of matter, nor perishable with it. Hence arises the belief, that we have an immortal soul; and pursuing the train of thought which the visible creation and observation upon ourselves suggest, we must soon discover that the Creator must also be the Governor of the universe; that his wisdom, and his goodness, must be without bounds—that he is a righteous God, and loves righteousness—that mankind are bound by the laws of righteousness, and are accountable to him for their obedience to them in this life, according to their good or evil deeds. This completion of Divine justice must be reserved for another life.

The existence of a Creator, the immortality of the human soul, and a future state of retribution, are therefore so perfectly congenial to natural reason when once discovered—or rather it is so impossible for natural reason to disbelieve them—that it would seem the light of natural reason could alone suffice for their discovery; but the conclusion would not be correct. Human reason may be sufficient to get an obscure glimpse of these sacred and important truths, but it can not discover them, in all their clearness. For example; in all their numberless, false religions, which have swayed the minds of men in different ages, and regions of the world, the idea of a God has always been included...

...But, it is the God of the Hebrews alone, who is announced to us as the Creator of the world. The ideas of God entertained by all the most illustrious and most ingenious nations of antiquity were weak and absurd. The Persians worshipped the sun; the Egyptians believed in an innumerable multitude of gods, and worshiped not only oxen, crocodiles, dogs, and cats, but even garlics and onions. The Greeks invented a political religion, and adored men and women, virtues and vices, air, water, and fire, and everything that vivid imagination could personify. Almost all the Greek philosophers reasoned and meditated upon the nature of the gods; but scarcely any of them reflected enough even to imagine that there was but one God, and not one of them ever conceived of him as the Creator of the world. Cicero has collected together all their opinions upon the nature of the gods, and pronounced them more like the dreams of madmen than sober judgment of wise men. In the first book of Ovid's *Metamorphoses*, there is an account of the change of chaos in the world. Before the sea, and the earth, and the sky that surrounds all things (says Ovid), there was a thing called chaos, and some of the gods (he does not know which), separated from each other the elements of this chaos, and turned them into the world; thus far and no farther could human reason extend. But the first words of the Bible are, "In the beginning God created the heavens and the earth." The blessed and sublime idea of God, and the creator of the universe, the source of all human happiness for which all the sages and philosophers of Greece and

Rome groped in darkness and never found, is recalled in the first verse of the book of Genesis.

## Faith and the Constitution: President John Adams' Letter to the Officers of the First Brigade of the Third Division of the Militia of Massachusetts

11 October, 1798.

Gentlemen,

I have received from Major-General Hull and Brigadier-General Walker your unanimous address from Lexington, animated with a martial spirit, and expressed with a military dignity becoming your character and the memorable plains on which it was adopted.

While our country remains untainted with the principles and manners which are now producing desolation in so many parts of the world; while she continues sincere, and incapable of insidious and impious policy, we shall have the strongest reason to rejoice in the local destination assigned us by Providence. But should the people of America once become capable of that deep simulation towards one another, and towards foreign nations, which assumes the language of justice and moderation while it is practising iniquity and extravagance, and displays in the most captivating manner the charming pictures of candor, frankness, and sincerity, while it is rioting in rapine and insolence, this country will be the most miserable habitation in the world; because we have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

An address from the officers commanding two thousand eight hundred men, consisting of such substantial citizens as are able and willing at their own expense completely to arm and clothe themselves in handsome uniforms, does honor to that division of the militia which has done so much honor to its country.

Oaths in this country are as yet universally considered as sacred obligations. That which you have taken and so solemnly repeated on that venerable spot, is an ample pledge of your sincerity and devotion to your country and its government.

—*John Adams*

# What Adams Saw Over Jefferson's Wall

By Richard Samuelson

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America is in the midst of a war between the religious and the secular: so declared the right-wing presidential candidate Patrick J. Buchanan in 1992. In 1994, the liberal historian Alan Brinkley agreed. "Much of the history of the postwar United States," Brinkley wrote in the *American Historical Review*, has been the story of two intersecting developments. One is the survival of fundamentalist private values among people who have in other ways adapted themselves to the modern public world. The second is the unprecedentedly vigorous assault on those values by liberal, secular Americans. Actually, however, today's "culture war" is as old as the Republic, and has waxed and waned ever since a temporary alliance forged between deists and more traditional Christians in the American Revolution broke down in the Revolution's immediate aftermath. From the beginning, that war has centered on a bitter feud between the intellectual children of the Enlightenment and the forces of conventional religion. But it has also, more interestingly, featured a more rarefied debate within and among the Enlighteners themselves—a debate over the nature of man, of truth, and of progress.

James D. Hunter, the leading scholar of today's culture war, hints at this debate when he remarks that in a certain sense "the relevant divisions in the American context are no longer defined according to where one stands vis-a-vis Jesus, Luther, or Calvin, but where one stands vis-a-vis Rousseau, Voltaire, Diderot, and Condorcet." In the 18th century, America's philosophes were themselves torn along precisely that line. Some, like the French thinkers named by Hunter, clung to a radical desire to transform society root and branch. Others, however, held to a more moderate outlook, and sought less sweeping reforms. Within this debate, the place of religion was a central battleground.

The family feud within the American Enlightenment can be seen in high relief in the writings of Thomas Jefferson and John Adams, two Presidents who in retirement disagreed so thoroughly that an exasperated Adams wrote, "You and I ought not to die, before we have explained ourselves to each other." In this, at least, if in little else, Jefferson concurred.

Both men were Unitarians, but in matters religious shared little more than that label. Jefferson's brand of Unitarianism did not differ much from deism. In his scheme, God was the creator of the universe, of man, and of morality; but the idea that God was an active presence in the world he dismissed as mere superstition. As for Jesus, although he was the greatest moral teacher, he was not divine, nor was he the anointed servant of the divine. Not surprisingly, the adult Jefferson never uttered a word in prayer.

Like many other Enlightenment thinkers, Jefferson saw the sum total of man's religious past as one long line of crusades and persecutions piling abuse upon abuse and spewing rivers of blood. The only way to end such violence, he concluded, was to bring religion into line with reason, as he himself had done. Supposing "belief to be the assent of the mind to an intelligible proposition," he regarded those who based their beliefs on a faith or a sacred text as relics of a less enlightened time, and he simply refused to accord those beliefs any respect. "It is too late in the day," he scoffed at Trinitarians, "for men to sincerely pretend they believe in Platonic mysticisms that three are one, and one is three."

Jefferson's religious progressivism shared something else with the French Enlightenment: virulent anti-Judaism. To Jefferson, ancient Israel constituted a nasty sect, which had presented for the object of their worship a being of terrific character, cruel, vindictive, capricious and unjust....Moses had bound the Jews to many idle ceremonies, mummeries and observances, of no effect towards producing the social utilities which constitute the essence of virtue... [and] instilled into his people the most anti-social spirit towards other nations . [Jesus had to contend with] the priests of the superstition, a bloodthirsty race, as cruel and remorseless as the being whom they represented as the family God of Abraham, of Isaac and of Jacob, and the local God of Israel. They were constantly laying snares, too, to entangle him in the web of the law.

Though in principle a proponent of tolerance, Jefferson was thus hardly free of bigotry. Faith, especially orthodox faith, had no place in his world. How could it, indeed? Arguing by syllogism, Jefferson postulated that if God had given man a moral sense and sufficient reason to understand His will, and if men turned instead to sacred texts and traditions, then they were suffering from what in a later age would be called false consciousness. The blame lay in the power wielded over men's minds by religious establishments, and the answer lay in disestablishment.

Hence Jefferson's famous "wall of separation." In an officially godless state, issues of belief would be uncoerced. Good religion would drive out bad religion—"I trust," Jefferson wrote enthusiastically, "there is not a young man now living in the United States who will not die a Unitarian"—and peace would ensue as man's naturally harmonious and benevolent passions ceased to be corrupted for violent ends.

John Adam's Unitarianism was of a markedly different stripe. Adams came to Unitarianism from Calvinism. Rejecting the latter's doctrines of predestination and salvation of the elect, he concluded instead that God granted free will and would save or damn each individual according to the merits of his deeds on earth. In other words, Adams became a Unitarian because he found the idea of original sin irreconcilable with the idea of moral freedom.

Adams's disagreement with Jefferson centered on their respective conceptions of human nature. Where Jefferson placed his hopes in a future free of religious fanaticism, Adams thought this was a utopian pipe dream. Science, both natural and political, could advance, and so could human knowledge and understanding, thus making the world more livable; but moral progress was something else again. "Human Reason, and human Conscience," he lectured his friend, "though I believe that

there are such things, are not a Match, for human Passions, human Imaginations and human Enthusiasm.”

Adams believed in, for want of a better term, the sufficiency of human nature. God endowed man with certain attributes that could not be changed, but were good or bad depending upon the ends to which they were put. Looking to the past, he saw an unending story not only of religious wars—Adams was second to none in his disgust at the abuses performed in the name of religion—but of genuine piety and faith. Since the religious impulse was inherent in man, trying to uproot it was misguided on two counts: it could not be done without gross tyranny, and it would wreck something with much potential good in it. Nor was fanaticism itself to be dismissed altogether. Adams’s Puritan ancestors had been religious zealots, but

far from being a reproach to them, [it] was greatly to their honor: for I believe it will be found universally true, that no great enterprise, for the honor and happiness of mankind, was ever achieved, without a large mixture of that noble infirmity.

Significantly, Adams also appreciated Judaism in a way precluded by Jefferson’s zealous desire to crush infamy. The leading general of Alexander the Great, he reminded Jefferson, “was so impressed with what he learned in Judea, that he employed 70 learned Men to translate the Hebrew Scriptures into Greek, nearly 300 years before Christ.” In a striking passage written to his friend F. A. Vanderkemp, Adams declared:

...in spite of Bolin broke and Voltaire, I will insist that the Hebrews have done more to civilize men than any other nation. If I were an atheist, and believed in blind eternal fate, I should still believe that fate had ordained the Jews to be the most essential instrument for civilizing the nations. If I were an atheist of the other sect, who believed or pretended to believe that all is ordered by chance, I should believe that chance had ordered the Jews to preserve and to propagate to all mankind the doctrine of a supreme intelligent, wise, almighty sovereign of the universe, which I believe to be the great essential principle of all morality, and consequently of all civilization.

Conventionally portrayed as something of a curmudgeon and misanthrope, Adams was actually more tolerant than Jefferson. Precisely because he did not expect to be able to remake religion, he held it in a more sympathetic regard. But there was more to it than that. Unlike Jefferson, who believed that in practice God’s will was relatively simple to grasp, once one liberated the moral sense from the shackles of faith, Adams stressed the inscrutability of God’s ways. For him, the most important lesson to be gleaned—from reason—was that “there is [not] now, never will be, and never was but one being who can Understand the Universe. And that it is not only vain but wicked for insects to pretend to comprehend it.” Thinking God’s will unfathomable, but convinced as well that man desired nothing so much as to know the ultimate truths, Adams sympathized with the varied human attempts to understand the deity, and searched for the good in all of them.

Finally, when it came to church state relations, Adams, building on the expectation that religion would remain in the future what it had been in the past, sought a

creative balance of power. “Checks and Balances, Jefferson, however you and your Party may have ridiculed them,” he wrote to his Virginia friend,

are our only Security, for the progress of Mind, as well as the Security of Body. Every Species of these Christians would persecute Deists, as soon as either sect would persecute another, if it had unchecked and unbalanced Power. Nay, the Deists would persecute Christians, and the Atheists would persecute Deists [emphasis added], with as unrelenting Cruelty, as any Christians would persecute them or one another. Know thyself, human Nature!

Though a strong disestablishmentarian, Adams did not invest millennial hopes in disestablishment. Whereas Jefferson hated establishments because in the past they had led to religious wars, Adams hated them because they were *prima facie* immoral, forcing one man to contribute to the support of another man’s religion. But he did not think disestablishment would end religious strife.

On the contrary, the attempt to separate religious discourse from public life seemed to Adams nothing but a stalking horse for a new orthodoxy, no less absurd than that of the sternest Bible-thumping Calvinist. If Jefferson’s brand of intolerance and anti-religious bigotry had its way, it would surely provoke an equal and opposite reaction, destroying civic peace. Real civic peace, Adams thought, would emerge only when deists and atheists could have it out publicly with religionists, not when the latter were made to sit quietly in their churches and stay out of the public square.

While the argument between Adams and Jefferson has been around since the nation’s founding, our age features a particularly intense version of it. This is the result of two long-term trends, of which the first is the secularization of the American intelligentsia. According to a recent report by James D. Hunter and Carl Bowman, America’s social elites are the most negative of all social groups toward words like “traditional,” “conservative,” and “Christian.” Moreover, they are the most positive of all social groups toward terms like “ethnic diversity,” “multiculturalism,” “tolerance,” and “empowerment.” Social elites are the least likely to say they believe in God.

This represents a real change from the time when America’s cultural and social elites, whether or not they attended church, freely and openly had recourse to a religious perspective in apprehending and interpreting reality.

The second trend is the growth of the American state. In an earlier era of limited federal government and a restrictive understanding of the Bill of Rights, states and localities offered wiggle-room in which politics could more easily accommodate belief. As government has expanded and federal courts have drawn an ever stricter separation between church and state, we have made it increasingly more difficult for orthodox believers and those who side with them on moral questions to put their opinions into law in any manner short of a constitutional amendment. In response, orthodox believers have become increasingly angry and resentful, and have either withdrawn into a parallel culture of their own or declared “war” on the social and legal system erected by America’s secular elite.

Could it be that Jefferson’s aggressive prescription for church state relations,

the prescription we follow today, has led us down a blind alley? In the age of the centralized megastate, the wall of separation has indeed become what Jefferson intended it to be—a means of favoring a certain set of values at the expense of others. But just as Adams predicted, this has threatened civil peace. What if Adams was right in contending that the notion of religious consensus was a dangerous fantasy, and that as long as people continued to believe, religious opinion would and, more importantly, should play an important role in public debate?

It is, in short, past time for us to recall that our founding fathers were not all of a single mind on the issue of church-state relations, and that, even among the Enlightened, wisdom on the matter did not reside in one quarter alone. To the contrary, on this question as on others, the greater part of wisdom is undoubtedly to be found among those who wished to make a virtue of necessity by designing a system that would seek to accommodate eternal conflicts, rather than, once and for all, to win them.

## A Nation Under God: Jews, Christians, and the American Public Square

By Meir Y. Soloveichik

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### **Jews, Christians, and a “Nation under God”**

On the morning of September 11, 2001, Supreme Court Justice Antonin Scalia found himself on foreign soil, at an international legal conference in Rome. Shocked by what had occurred, the participants at the conference gathered around a television to watch President Bush address the nation and the world. “When the speech had concluded,” Scalia recounts, “one of the European conferees—a religious man—confided in me how jealous he was that the leader of my nation could conclude his address with the words ‘God bless the United States.’” Such invocation of God, the conferee assured the Justice, was absolutely unthinkable in the conferee’s country, “with its Napoleonic tradition of extirpating religion from public life.”<sup>1</sup>

In Scalia’s mind, the sentiment illustrated the fact that while one may instinctively group the United States with the democratic states of Western Europe, in truth, the former differs profoundly from the latter. Americans, Scalia argued, continue to remind themselves that while they live in a democracy, indeed the oldest democracy on earth, it is not, and never has been, a secular one:



We have done that in this country (and continental Europe has not) by preserving in our public life many visible reminders that—in the words of a Supreme Court opinion from the 1940s—“we are a religious people, whose institutions presuppose a Supreme Being.” These reminders include: “In God we trust” on our coins, “one nation, under God” in our Pledge of Allegiance, the opening of sessions of our legislatures with a prayer, the opening of sessions of my Court with “God save the United States and this Honorable Court,” annual Thanksgiving proclamations issued by our President at the direction of Congress, and constant invocations of divine support in the speeches of our political leaders, which often conclude, “God bless America.”<sup>ii</sup>

Should Jews join Scalia in affirming that the United States is a religious nation, whose very governmental institutions proclaim the existence of God? Should we affirm a political philosophy that insists on religious freedom but also on the importance of government-affirmed faith? And if America’s religiosity derives from a predominantly Christian population—if the United States remains, in the words of G.K. Chesterton, “a nation with the soul of a Church”<sup>iii</sup>—can Jews, given our profound theological disagreements with Christians, join them in affirming that all Americans comprise a nation that is under God, a religious nation whose values, and even legislation, bespeak that religiosity?

My answer to these questions is affirmative, and my argument will be derived from two sources. I will begin by examining the writings of the Rav that relate to interfaith dialogue. In his discussion of this subject, R. Joseph B. Soloveitchik addresses not only the obligation of man to improve the moral and physical welfare of the world, but also the unique role that religious Jews and Christians share in fulfilling this charge. The Rav, I will argue, provides us with a model of a society in which people can disagree profoundly about theological questions, while at the same time insisting that a basic biblical conception of God and morality ought to be acknowledged by society. I will then turn to the writings of the American Founding Fathers, wherein we find an astoundingly similar perspective. I will conclude by arguing for our responsibility, as Jews and as human beings, to maintain the way that America has historically seen itself.

### **“Confrontation” and “On Interfaith Relationships”**

In his 1963 essay “Confrontation,” the Rav argued that Jews live a dichotomous existence. We are, in this world, simultaneously *ger ve-toshav*: “[W]e belong to the human society and, at the same time, we feel as strangers and outsiders.”<sup>iv</sup> On the one hand, we are members of humanity. As such, we are obligated to fulfill God’s charge to our ancestor Adam: “The Lord God took the man and placed him in the Garden of Eden to cultivate it and to keep it.”<sup>v</sup> In fulfillment of this charge, Jews are obligated to join our fellow human beings: “We are determined to participate in every civic, scientific, and political enterprise. We feel obligated to enrich society with our creative talents and to be constructive and useful citizens.”<sup>vi</sup>

On the other hand, the Rav writes, we are unique; as Jews, we are part of a chosen nation, an individual faith community:

We Jews have been burdened with a twofold task: we have to cope with the problem of a double confrontation. We think of ourselves as human beings, sharing the destiny of Adam in his general encounter with nature, and as members of a covenantal community which has preserved its identity under most unfavorable conditions, confronted by another faith community. We believe we are the bearers of a double charismatic load, that of the dignity of man, and that of the sanctity of the covenantal community. In this difficult role, we are summoned by God, who revealed himself at both the level of universal creation and that of the private covenant, to undertake a double mission—the universal human and the exclusive covenantal confrontation.<sup>vii</sup>

The Rav famously continues by stating that when it comes to the strictly theological issues that define us as faith, as a covenantal community, no public, communal dialogue should take place between Orthodoxy and Christianity. When, however, the issues to be discussed are those that relate to both Jews and Christians as human beings, seeking to enhance the welfare of humanity, dialogue is not only permitted but encouraged. The confrontation between Judaism and Christianity, Rav Soloveitchik argued, should “occur not at a theological, but at a mundane human level.”<sup>viii</sup> In these matters, he wrote, “religious communities may together recommend action to be developed and may seize the initiative to be implemented later by general society.”<sup>ix</sup>

The practical implication of these instructions is a dichotomous relationship with religious Christians. On the one hand, religious Jews resist dialogue on issues that relate only to the Jewish people as a covenantal community. On the other hand, religious Jews, together with the rest of the world, are obligated to seek what the Rav calls “the dignity of man,” and we therefore engage those outside our covenantal community in what the Rav refers to as a “universal confrontation.”

Many readers of R. Soloveitchik’s essay conclude that he banned Jewish-Christian communication that is even loosely linked to religious beliefs. Moreover, “Confrontation” is popularly understood to imply that Orthodox Jews are to see Christians irrespective of religion, as human beings, descendants of Adam, enjoined to work together for the welfare of the world. In this universal task, it is often assumed, religious Christians have no more or less to contribute than their secular brethren, and our dialogue with religious Christians on issues relating to enhancing “human dignity” is thoroughly unrelated to religion.

Mostly overlooked in this discussion is a series of guidelines on interfaith dialogue authored by the Rav that groups religious Jews and Christians together and apart from the rest of world, uniting religious Jews and Christians by insisting that they communicate with each other in a basic moral language that is religious in nature, based on an ethics predicated on belief in God and in the distinctiveness, and spiritual nature, of the human being. Originally published as an open letter in the *Rabbinical Council of America Record* and printed as an addendum to “Confrontation,” the Rav’s instructions on the matter lapsed into obscurity, largely omitted in discussions, Orthodox or otherwise, of Jewish-Christian relations.<sup>x</sup> Entitled “On Interfaith Relationships,” it has recently been republished in *Community, Covenant, and Commitment*, a collection of the Rav’s correspondence.

Rav Soloveitchik begins “On Interfaith Relationships” by reiterating his insistence that communal dialogue of a strictly theological nature is not to take place: “In the area of faith, religious law, doctrine and ritual, Jews have throughout the ages been a community guided exclusively by distinctive concerns, ideals and commitments.”<sup>xi</sup> Our love of and dedication to God, the Rav continued, “are personal and bespeak an intimate relationship which must not be debated with others whose relationship with God has been molded by different historical events and in different terms.”<sup>xii</sup> Theological dialogue should be avoided, for then the Jew and Christian “will employ different categories and move within incommensurate frames of reference and evaluation.”<sup>xiii</sup>

R. Soloveitchik then adds two extraordinary paragraphs about the context in which interfaith dialogue is to occur, delineating exactly how such dialogue is to proceed. It is clear from this passage that the dialogue permitted by the Rav is still very much linked to religion. Every word in these two paragraphs is crucial, but I have italicized those phrases and sentences that will provide the framework for our discussion:

When, however, we move from the private world of faith to the public world of humanitarian and cultural endeavors, communication among the various faith communities is desirable and even essential. We are ready to enter into dialogue on such topics as War and Peace, Poverty, Freedom, *Man’s Moral Values, the Threat of Secularism*, Technology and Human Values, Civil Rights, etc., which revolve about religious spiritual aspects of our civilization. Discussion with these areas will, of course, be within the framework of our religious outlooks and terminology.

Jewish rabbis and Christian clergymen cannot discuss socio-cultural ethicists in agnostic or secularist categories. *As men of God, our thoughts, feelings, perceptions and terminology bear the imprint of a religious world outlook. We define ideas in religious categories and we express our feelings in a peculiar language which quite often is incomprehensible to the secularist.* In discussion we apply the religious yardstick and the religious idiom. We evaluate man as the bearer of God’s likeness. We define morality as an act of *imitatio Dei*, etc. In a word, even our dialogue at a socio-humanitarian level must inevitably be grounded in universal religious categories and values. However, *these categories and values, even though religious in nature and Biblical in origin represent the universal and public-not the individual and private - in religion.* To repeat, we are ready to discuss universal religious problems. We will resist any attempt to debate our private individual commitment.<sup>xiv</sup>

Let us now analyze the most significant features of this important and underappreciated statement.

### **“Men of God”**

The first extraordinary phrase in R. Soloveitchik’s statement is the statement that Jews and Christians are both “men of God” who, to some extent, share a “religious

outlook.” In order to understand the singularity of R. Soloveitchik’s attitude to interfaith dialogue, as well as to the Christians participating in this dialogue, his approach must be contrasted with that of R. Moshe Feinstein, who saw any form of communal interfaith engagement as a violation of *hitkarvut la-avodah zarah*.<sup>xv</sup> In contrast, R. Soloveitchik clearly saw the possibility of Christians and Jews speaking about God and to some extent meaning the same thing, albeit within the context of a strictly moral discourse.

This does not mean, God forbid, that the Rav would say that Judaism and Christianity are equally true or are equally valid expressions of a larger truth. In “Confrontation,” the Rav made clear that part of his opposition to theological communal dialogue was his concern that the deep theological disagreement between faiths would become blurred. A faith, wrote the Rav, by definition insists “that its system of dogmas, doctrines, and values is best fitted for the attainment of the ultimate good,” and that “equalization of dogmatic certitudes, and waiving of eschatological claims, spell the end of the vibrant and great faith experiences of any religious community.”

Jews disagree fundamentally with Christians about many things, not least among them whether one of the people alive during the period of the second *Mikdash* also happened to be divine. Moreover, it is a given that for Jews to acknowledge a human being as God would be a violation of the prohibition of *avodah zarah*. Jews must be wary lest, in the interest of communal relations, this great theological disagreement is diluted.

That very thing occurred when, in September 2000, a Baltimore-based institute for interfaith dialogue issued a statement titled “*Dabru Emet: A Jewish Statement on Christians and Christianity*.” The statement enumerated a series of theological beliefs shared by Jews and Christians, and insisted that such a statement was essential given the dramatic change during the last four decades in Christian attitudes toward Judaism. Signed by over 170 rabbis and professors of Jewish Studies, “*Dabru Emet*” received much publicity in the media and was published as an ad in *The New York Times*. It was no doubt in large part due to the Rav’s ban on communal interfaith dialogue that most Orthodox rabbis refrained from signing this statement, and I believe that the incident proved the prescience of the Rav’s concerns.

“*Dabru Emet*” described the first theological commonality shared by Jews and Christians in the following manner:

**Jews and Christians worship the same God.** Before the rise of Christianity, Jews were the only worshipers of the God of Israel. But Christians also worship the God of Abraham, Isaac, and Jacob, creator of heaven and earth. While Christian worship is not a viable religious choice for Jews, as Jewish theologians we rejoice that, through Christianity, hundreds of millions of people have entered into relationship with the God of Israel.<sup>xvi</sup>

No mention is made of the question of incarnation, or of the fact that Jews believe that such an event never occurred. All we are told is that “Christianity is not a viable choice for Jews.” The statement is an example of what the Rav was worried about: a blurring of theological distinctions between two faith communities.

Nevertheless, despite disagreements that fundamentally divide the Jewish and Christian communities, it is to some extent true that both religious communities worship the same God. Dr. David Berger's reflection on "*Dabru Emet*" is most astute:

Let us now turn to the actual content of *Dabru Emet*. "Jews and Christians," it asserts, "worship the same God." This statement, I believe, is simultaneously true and false...*Avodah zarah* almost always refers to the formal recognition or worship as God of an entity that is in fact not God. For one who denies the divinity of Jesus, classical Christianity is clearly included in this definition....

Even medieval Jews understood very well that Christianity is *avodah zarah* of a special type. The Tosafists assert that although a Christian pronouncing the name of Jesus in an oath would be taking the name of "another god," it is nonetheless the case that when Christians say the word "God," they have in mind the Creator of heaven and earth. Some later authorities took the continuation of that *Tosafot* to mean that this special type of *avodah zarah* is forbidden to Jews but permissible to gentiles, so that a non-Jew who engages in Christian worship commits no sin... In the final analysis, then, virtually all Jews understood that Christian worship is distinct from pagan idolatry because of its belief in the Creator of heaven and earth who took the Jews out of Egyptian bondage, revealed the Torah at Sinai and continues to exercise his providence over the entire cosmos. Some asserted that the association (*shittuf*) of Jesus with this God is permissible for non-Jews. Virtually none regarded such association as anything other than *avodah zarah* if the worshipper was a Jew. Do Jews and Christians, then, worship the same God? The answer, I think, is yes and no.<sup>xvii</sup>

This is, I think, perfectly articulated. Even if one views *shittuf* as no violation of the first of the *shevah mizvot benei Noah*, tremendous differences between Jews and Christians exist; this is a disagreement over which Jews have been willing to die. While Christians believe in God, they also assume that a human being that once lived on this earth was that God, and they worship God, as well as that human being, with that assumption in mind. At the same time, even if one assumes that *shittuf* is impermissible for *benei Noah*, certain conceptions of who God is will always be shared by Jews and Christians. In that sense, both Jews and Christians can invoke the Creator of Heaven and Earth, and, *to some extent*, mean the same thing. Both believe in an Almighty who identifies himself as the God of Abraham, Isaac and Jacob. Both believe that this God created man in His image and commanded him with a moral code. And both agree, at least to some extent, that this moral code is derived from the *Tanakh*. That they share this moral language makes both Jews and Christians "men of God," and gives them a common way of speaking about morality.

### **"Incomprehensible to the Secularist"**

The next phrase in "On Interfaith Relationships" that I wish to discuss is one that the Rav uses to describe this moral language that Jews and Christians share. For the Rav, in the post-enlightenment age, Jews and Christians are united by this moral language, for, as R. Soloveitchik puts it, this language is understood by them and

not by the secularist, who espouses a non-biblical worldview. R. Soloveitchik's description of our moral language as "incomprehensible" to others brings to mind the famous first chapter of Alisdair MacIntyre's book *After Virtue*, perhaps the most influential work on ethics written in the last century. MacIntyre asks us to imagine a society in which much that was once known about the sciences is forgotten:

All that they possess are fragments: a knowledge of experiments detached from any knowledge of the theoretical context which gave them significance; parts of theories unrelated either to the other bits and pieces of theory which they possess or to experiment; instruments whose use has been forgotten; half chapters from books, single pages from articles... Adults argue with each other about the respective merits of relativity theory, evolutionary theory and phlogiston theory, although they possess only a very partial knowledge of each... Nobody, or almost nobody, realizes that what they are doing is not natural science at all. In such a culture men would use expressions such as 'neutrino', 'mass,' 'specific gravity', 'atomic weight' in systematic and often interrelated ways which would resemble in lesser or greater degrees the ways in which such expressions had been used in earlier times before scientific knowledge had so largely been lost.<sup>xviii</sup>

MacIntyre applies this allegory to the state of moral language today. "What we possess," MacIntyre writes,

...are the fragments of a conceptual scheme, parts which now lack those contexts from which their significance derived. We possess indeed simulacra of morality, we continue to use many of the key expressions. But we have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality.<sup>xix</sup>

In the acrimonious moral debate in America, writes MacIntyre, ethical terms are thrown around that have been shorn of their original meaning.

How did this come about? Once, human beings located morality in something other than their own personal preferences. But the nineteenth and twentieth century saw the rise of ethical theories that located ethics not in the divinely ordained nature and destiny of man, but in humanity's own pleasures and desires. Emotivism claimed that ethical claims are mere manifestations of our personal preference, and utilitarianism grounded ethics in the alleviation of suffering. Thus, ethics became divorced from everything that it had once been about.

Religious Jews and Christians, then, have a more complete picture of morality than secular society. For they understand, in the words of Stanley Hauerwas, that [M]oral authenticity seems to require that morality be not a matter of one's own shaping, but something that shapes one. We do not create moral values, principles, virtues: rather they constitute a life for us to appropriate. The very idea that we choose what is valuable undermines our confidence in its worth.<sup>xx</sup>

It is for this reason that, for the Rav, Jews and Christians can engage in moral discourse with one another, but rigid secularists are, in some sense, outsiders to this conversation. For when "men of God" speak of moral obligations, they locate the authority of ethics over their lives in something wholly other than themselves.

It is this common moral language of Jews and Christians that, R. Soloveitchik

informs us in “On Interfaith Relationships,” is “religious in nature and biblical in origin.” As examples of shared biblical moral terms, the Rav refers to the fact that Jews and Christians “evaluate man as the bearer of God’s likeness,” and “define morality as an act of *imitato Dei*.” Jewish and Christian ethicists, the Rav tells us, cannot speak without referencing religious, biblical categories such as these. In contrast, the secularist often approaches ethical questions with entirely different categories, dictating an entirely different approach to ethical questions.

### **“The Threat of Secularism” and the Public Square**

The last time the Orthodox Forum discussed this issue was in 1994, with the conference’s papers published in *Tikkun Olam: Social Responsibility in Jewish Thought and Law*. In his comprehensive essay, Marc Stern delineated the various approaches of American intellectuals to the separation of church and state. For example, he writes, Richard John Neuhaus, a Catholic theologian, “vigorously condemns the differentiation of government and religious culture” and insists that “the Court has erred in treating the Establishment Clause as demanding a secular society.” Mr. Stern makes clear that he believes this position is in error. He then writes that for most other scholars, what is required is “a sort of schizophrenia for the deeply religious person, a putting aside of who one is in order to participate in public life.” Mr. Stern then adds, in parentheses, the following:

It should be noted, however, that Rabbi Soloveitchik, in much of his work contemplates these two distinct and clashing pulls, the secular and the religious, the particular and the universal. Far from regretting or condemning the clash, he regards it as a natural part of man’s lot.<sup>xxi</sup>

The truth, in fact, is that R. Soloveitchik, in distinguishing between particular and universal, does not distinguish between religious and secular in the same way; he in no way means that a Jew can sever himself from basic biblical principles, or even adopt a moral-political language that is fundamentally secular. Jewish advocacy relating to fundamental moral issues can not be divorced from basic religious conceptions of human nature, destiny, and obligation, from our own beliefs that are “religious” and “biblical in origin.” Religious Jews and Christians, the Rav makes clear in “On Interfaith Relationships,” cannot discuss issues such as life, death, sexuality, and procreation from a purely secular perspective; on the contrary, any discussion of these questions at “a socio-humanitarian level must inevitably be grounded in universal religious categories and values.” When the Rav adds that even our engagement on the “socio-humanitarian level is inherently religious,” he means that the religious Jew, as well as the religious Christian, advocates for moral policies while at the same time utilizing the Bible as the ultimate frame of reference. In so doing, they invoke values that, for R. Soloveitchik, are “religious in nature” but at the same time “universal and public;” they are biblical values that belong in the public square, necessary, from the Jewish perspective, for the moral welfare of society.

Now the Rav’s reference to the “threat of secularism” can be understood. The Rav referred to the attempt to strip moral discourse of its religious nature and

render our ethical language into a tongue wholly foreign to Christians and Jews. Combating the “threat of secularism” is, for the Rav, part and parcel of man’s moral stewardship of the world; it is an endeavor in which religious Jews and Christians are natural allies.

Yet even as the Rav argues for the universality of basic biblical beliefs, and that this universality can unite faiths in their public engagement, he also insists, both in “Confrontation” and in “On Interfaith Relationships,” that each faith’s unique covenantal commitments are a private affair, incommunicable to others and on which no other faith dare intrude. In so doing, the Rav makes the case simultaneously not only for a public religious morality but for the free exercise of religion within society. This vision - of the public and private in religion—is quite similar to an ethos articulated by many of the men who were crucial to the creation of the United States.

### **The Founding Fathers and Public and Private Religion**

In his extraordinary book on the American Founding Fathers, entitled *On Two Wings: Humble Faith and Common Sense at the American Founding*, the philosopher Michael Novak notes that if the religious conception of morality was essential for any civilization, the Founders felt that it was all the more crucial for the system of government that they themselves pioneered. If the power of the state was to be vested in the will of the people, then nothing prevented the populace from running morally amok except their own self-restraint. To put it another way: if *ein melekh ba-America*, then only religion can prevent a society in which *ish kol ha-yashar be-einav ya’aseh*.

Religion, as John Adams saw it, was integral to the success of democracy:

We have not government armed with power of contending with human passions unbridled by morality and religion. Avarice, ambition, reverence, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution is made only for a moral and religious people. It is wholly inadequate to the government of any other.<sup>xxii</sup>

In a land in which the people write the laws, they are all too apt to begin to assume that they are themselves the source of the moral law, that morality is founded upon their will. Such a society can lose sight of the fact that democracy itself is predicated on the fact that human beings are created in the image of God and therefore endowed with rights. When the people are the authors of the legislative law, then only fear of God can prevent them from violating God’s law. Jefferson, one of the least religious of the Founders, singled out fear of God as essential for the preservation of the democratic system, and that, without a religious conception of human dignity, democratic rights could be easily discarded. “And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not violated but with his wrath?”<sup>xxiii</sup>

It bears stressing that the Founders were well aware that reason was a method by which moral rules could be intuited and lived by for rare individuals; but they insisted that an ethics secular in nature provided no foundation, on a larger level,



for a moral society, and ought not be endorsed by the government. As one example, we need only read George Washington's Farewell Address:

Let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle. Of all the dispositions necessary for the prosperity of a polity, religion and morality are indispensable supports.<sup>xxiv</sup>

In other words, for Washington it is conceivable that one can, by use of reason, live a moral life; but such cases are rare, and a secular morality cannot be the material from which the moral fabric of society is woven. For Washington, and other Founders, the religiosity of the American polity is not in any way contradictory with democracy - it is the very foundation of it.

Furthermore, the Founders saw agreement on the importance of religious values as something that could unite people of diverse theological beliefs. Michael Novak writes the following about the Founders' fascination with the *Tanakh*, what they would call Hebrew Scripture:

Practically all American Christians erected their main arguments about political life from materials in the Jewish Testament...In national debates, lest their speech be taken as partisan, Christian leaders usually avoided the idioms of rival denominations - Puritan, Quaker, Congregationalist, Episcopal, Unitarian, Methodist, and Universalist. The idiom of Abraham, Isaac and Jacob was a religious *lingua franca* for the founding generation...The language of Judaism came to be the central language of the American metaphysic - the unspoken background to a special American vision of nature, history and the destiny of the human race.<sup>xxv</sup>

How is one to foster unity amidst religious diversity in America? The Founders' solution was to seek the same balance struck by the Rav: not to seek homogeneity among faiths, not to blur distinctions or ignore disagreements, but rather to find a language at once religious and universal through which they could all communicate, values that could be jointly utilized to work for the betterment of society. The language of the *Tanakh* provides a basic moral-religious language through which the citizens of the United States can remain loyal to their respective faiths while at the same time work together for moral goals that are, in the Rav's words, universal in nature but "biblical in origin." The United States from its very outset insisted that all human beings are created equal, entitled to equal rights; yet at the same time it also insisted that the notion of human equality can only be truly protected when the government itself insists that these rights are "endowed by our Creator," and that they remain the "gift of God."

In order to appreciate the Founders' insistence that the preservation of human rights rests with linking the democratic idea to religion, let us, in the manner of Scalia, compare the United States to Europe. The difference between American religiosity and European secularism is not of recent vintage. "In France," wrote Alexis de Tocqueville almost two centuries ago, "I had seen the spirits of religion

and freedom almost always marching in opposite directions. In America I found them intimately linked together in joint reign over the same land.”<sup>xxvi</sup> Both Europe and America were enormously impacted by the Enlightenment, but they responded differently. Europe saw faith as the cause of religious wars, and therefore the enemy of tolerance and freedom. But the United States insisted that religion and reason were not irreconcilable, that they complemented each other, and that freedom without faith would be disastrous. “Regarding religion,” Michael Novak has noted, “Europe and America took different paths. As the nineteenth century dawned, Europe put its trust in reason alone, America in both faith and common sense.”<sup>xxvii</sup>

### **America: Secular or Religious?**

Stern, in his essay in *Tikkun Olam*, quotes approvingly Justice Sandra Day O’Connor’s contention that whenever government acts “it should do so without endorsing a particular religious belief or practice that all citizens do not share.”<sup>xxviii</sup> Any law, for O’Connor, must have a “secular purpose.” This is because the United States is, for Stern as well as for O’Connor, a secular democracy. He then adds that Orthodox groups who have recently argued, like Neuhaus, that the United States is not fundamentally secular, are in error:

American Jews—and Orthodox Jews—have done astoundingly well under secular democracy, far better in most ways than they did under the not-so-secular regimes of Eastern Europe. Western culture is not by any means an unmitigated good, nor is it possible to ignore the challenge it poses. But the secular nature of the political structure should not be a problem for Orthodoxy. On the contrary, it is the very secular nature of the government that is responsible for the ability of Orthodox Jews to participate on equal terms with our fellow citizens and to do so free of any serious threat of religious persecution.<sup>xxix</sup>

In fact, however, America is *not* a secular democracy, but rather one that, from its very beginning, has acknowledged what the Rav called “the universal and public” in religion, a term with which most of the Founding Fathers would have had no disagreement. It is nothing like the “not-so-secular regimes of Eastern Europe,” but nor is it anything akin to the currently very secular democracies of Western Europe within whose boundaries even the governmental invocation of God’s name is considered out of place. If Jews truly seek a society suffused with secularism, such a country exists: it is called France. But it is not, nor has it ever been, the United States of America.

The best illustration that America is not a “secular democracy” is that noted by Scalia at the beginning of this essay: the fact that the United States government, as well as the state governments, engage in legally mandated invocations of the Divine. This is one example of governmental activity that *has no secular purpose*; that it has been done for centuries is the ultimate illustration that O’Connor is incorrect. In order to illustrate this point, one need only consider a well-publicized Supreme Court case from last year. Michael Newdow, a California atheist, argued that the Pledge of Allegiance, recited in his daughter’s public school, was unconstitutional, as it described this country as being “a nation under God.” The Bush Administration,

of course, argued for the constitutionality of the Pledge, but its solicitor general, Theodore Olson, took somewhat of a disingenuous approach in its presentation before the court. Olson argued that the Pledge's reference to God is in no way an endorsement of religion, but rather is "descriptive" of the Founders' state of mind. "The Pledge's reference to 'a Nation under God,'" Olson argued, "is a statement about the Nation's historical origins, its enduring political philosophy centered on the sovereignty of the individual."<sup>xxx</sup> The Pledge's mention of God, Olson told the Court, has a secular purpose; it is one of many "civic and ceremonial acknowledgments of the indisputable historical fact that caused the framers of our Constitution and the signers of the Declaration of Independence to say that they had the right to revolt and start a new country." Olson also argued that the Pledge's reference to God serves "the secular values of promoting national unity, patriotism, and an appreciation of the values that defined the Nation."

Of course, there is no question that Olson believes that the Pledge is constitutional even if it has an obviously religious nature. But the Solicitor General was forced to engage in such constitutional contortions because he knew that if he wanted to save the Pledge as is, he had to convince an O'Connor-controlled court that had long insisted that Government can never endorse religion. The justices themselves were well aware that the country would be outraged if the Court removed God's name from the Pledge, and therefore found themselves trapped in a cul-de-sac of their own jurisprudential creation. Not wanting to abolish the Pledge as is, but also unwilling to admit that America has long endorsed religion in its civic life, the justices attempted to buttress Olson's position. Justice Stephen Breyer suggested to Michael Newdow that the reference to "God" could include some sort of generic goodness that even Newdow could acknowledge. "So do you think," Breyer asked, "that God is so generic in this context that it could be that inclusive, and if it is, then does your objection disappear?" Newdow responded, essentially, that Breyer was being disingenuous: "I don't think that I can include 'under God' to mean 'no God,' which is exactly what I think. I deny the existence of God." It was quite a spectacle—the most prominent jurists in the country being dissected by an obscure atheist with the plain meaning of the English language on his side.

Leon Wieseltier, writing in *The New Republic*, noted that Newdow's insistence that the Pledge is religious in nature was compelling. The two words comprising the phrase "under God," Wieseltier noted, "make a statement about the universe, they paint a picture of what exists. This statement and this picture is either true or false. Either there is a God and we are under Him—the spatial metaphor, the image of a vertical reality, is one of the most ancient devices of religion—or there is not a God and we are not under Him."<sup>xxx</sup> Since 1954, when the words "under God" were added in order to distinguish the United States from the atheistic communists, "the Pledge of Allegiance has conveyed metaphysical information, and therefore it has broached metaphysical questions. I do not see how its language can be read differently."<sup>xxxii</sup>

Nor can I see it any other way. The Pledge is undeniably religious, and so is the prayer before the opening of the Supreme Court, and so is the public prayer delivered every day by the House and Senate chaplains before the government begins its business. And the fact that such invocations have been taking place from

the founding of this nation indicates that America, while free, is in no way secular. That God is mentioned in the Pledge indicates that there are some laws that have no purely secular purpose. After all, one cannot make a non-God-related case for a governmental invocation of God. I find myself, for once, in complete agreement with Justice David Souter: “I will assume that if you read the Pledge carefully, the reference to ‘under God’ means something more than a mere description of how somebody else once thought,” he said to Newdow. Rather, Souter continued, the Pledge is nothing other than an argument that citizens ought to see this country in a religious way: “The republic is then described as being under God, and I think a fair reading of that would be: I think that’s the way the republic ought to be conceived, as under God. So I think there’s some affirmation there. I will grant you that.”<sup>xxxiii</sup> Of course, it is quite likely that the fact that Souter believes the Pledge to be religious in nature is a reason for that justice to vote to strike down the Pledge, in defiance of the history and traditions of this country.

And what of the American Jewish advocacy groups? The Anti-Defamation League bit the bullet and supported God’s expulsion from the Pledge, as they seek His expulsion from the rest of the public square. The Associated Press described the approach of other Jewish groups:

In the biggest surprise, the American Jewish Congress, one of the most militant separationist groups, joined conservative religious organizations in asking the Court to retain the God reference. Marc Stern calls this the “most uncomfortable” decision the American Jewish Congress has faced during his 27 years as a lawyer there, but political realities left no choice. Victory for “under God” is inevitable, Stern figured, so his group should offer a path to approval on narrow grounds. Further, he feared that if “under God” is banned, public fury might cause a “train wreck”—a constitutional amendment undermining the Supreme Court’s separation rulings since 1947. Seven Orthodox Jewish organizations, meanwhile, made an openly religious appeal for the pledge. “Jewish tradition teaches that human recognition of God is the hallmark of civilization,” they said. The pledge expresses peoples’ universal acknowledgment that “man’s destiny is shaped by a Supreme Being” but doesn’t endorse any one religion.<sup>xxxiv</sup>

The Orthodox groups have it exactly right. In the essay cited earlier, Wieseltier went on to scorn the desire of American religious groups to be governmentally acknowledged. “The need of so many American believers to have government endorse their belief is thoroughly abject” wrote Wieseltier. “How strong, and how wise, is a faith that needs to see God’s name wherever it looks?”<sup>xxxv</sup> In response, Richard John Neuhaus noted that the public invocation of God’s name is meant as a reminder that fear of God is essential to our national success:

Perhaps some Americans do feel a need to have their faith stamped with a seal of government approval, which is abject. I expect most Americans, however, think we should publicly acknowledge that this is a nation under God not for the sake of their faith but for the sake of the nation. Ours, they believe, is a nation under God, as in “under judgment,” and we ignore or deny that truth at great peril. In sum, they agree with Mr. Wieseltier, and with Mr. Newdow for

that matter, that a reference to God is a reference to God, the government's brief notwithstanding.<sup>xxxvi</sup>

The Jewish people, as God's representatives here on earth, are uniquely obligated to ensure that society continues to define itself as one under God; but the truth is that the Rav's writings indicate that this is also a universal obligation, incumbent upon all "men of God." How diverse religions can remain true to their faiths while at the same time working together to engage and impact the world with our shared religious values is precisely the subject about which the Rav wanted us to engage the Christian community. Orthodox Jews have long adhered to the Rav's restrictions in engaging in interfaith dialogue of a theological nature, but little dialogue has taken place between religious Jews and Christians on the distinctly biblical morality that we share. Perhaps the publication of "On Interfaith Relationships" will encourage Orthodoxy to respond to this charge.

#### FOOTNOTES

- i Antonin Scalia, "God's Justice and Ours," *First Things* (May 2002), 20.
- ii Ibid.
- iii The Collected Works of G.K. Chesterton, vol. 21 (San Francisco, 1990), 41-45.
- iv *Tradition* 6:2 (1964), section 1:4.
- v Genesis 2:15.
- vi "Confrontation," *Tradition* 6:2 (1964), 1:4.
- vii Ibid. 2:1.
- viii Ibid. 2:3.
- ix Ibid.
- x I am most grateful to my teacher, R. Shalom Carmy, for showing me "On Interfaith Relationships" many years ago, and thereby greatly impacting the way that I view interfaith dialogue.
- xi R. Joseph B. Soloveitchik, *Community, Covenant and Commitment: Selected Letters and Communications*, (Ktav, 2005), 259.
- xii Ibid., 260.
- xiii Ibid.
- xiv Ibid., 261.
- xv See *Iggerot Moshe*, *Yoreh De'ah* 3:43.
- xvi "*Dabru Emet*" can be accessed at <http://www.firstthings.com/ftissues/ft0011/articles/documentation.html>.
- xvii David Berger, "*Dabru Emet*: Some Reservations about a Jewish Statement on Christians and Christianity." The paper is available online at <http://www.firstthings.com/ftissues/ft0011/articles/documentation.html>.
- xviii Alisdair Macintyre, *After Virtue* (University of Notre Dame, 1981), 1.
- xix Ibid., 2.
- xx Stanley Hauerwas, *The Peaceable Kingdom*, (University of Notre Dame, 1986), 3.

- xxi Marc D. Stern, "Jews and Public Morality," published in *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Jason Aronson, 1997), 188.
- xxii Quoted in Michael Novak, *On Two Wings: Humble Faith and Common Sense at the American Founding* (Encounter Books, 2002), 71.
- xxiii Cited, by Novak, 33.
- xxiv *Ibid.*, 30.
- xxv *Ibid.*, 7.
- xxvi Alexis De Tocqueville, *Democracy in America*, trans. George Lawrence, ed. J.P. Mayer (Doubleday, 1969), 292-93.
- xxvii Novak, *On Two Wings*, 39.
- xxviii Cited by Stern, "Jews and Public Morality," *ibid.*
- xxix *Ibid.*, 200.
- xxx Quoted in Leon Wieseltier, "Under God and Over," *The New Republic* (April 5, 2004), 22.
- xxxi "Under God and Over," 24.
- xxxii *Ibid.*
- xxxiii *Ibid.*
- xxxiv "Does it Matter if 'Under God' Remains in the Pledge," Associated Press, available online at <http://www.firstamendmentcenter.org/analysis.aspx?id=12856>
- xxxv *Ibid.*
- xxxvi Richard John Neuhaus, "The Public Square," *First Things* (June/July 2004), 83.





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—Chief Rabbi Lord Jonathan Sacks