

Our Secular Fathers

“Religion and the Founders” by John Patrick Diggins, in *Partisan Review* (Summer 2001), Boston Univ., 236 Bay State Rd., Boston, Mass. 02215.

Diggins reminds us that several candidates in the 2000 American presidential election made sure to let the public know that they were running with Jesus. Asked to name his favorite philosopher, George W. Bush answered “Christ.” The reason? “He changed my heart.” Al Gore volunteered that whenever he is faced with a difficult decision, he asks himself, “What would Jesus do?” Even Joseph Lieberman, an Orthodox Jew, said that we should look for spiritual guidance to the “compassion and love of Jesus of Nazareth.” All three men put themselves squarely in the tradition of politicians who want to make a case for religion in American political culture. Diggins, a historian at the Graduate Center of the City University of New York and the author of *The Proud Decades: America in War and Peace, 1941–1960* (1988), wonders whether any of them understands the real message of Christ and Christianity. Jesus urged his followers to lead lives of self-effacement, which is not exactly a characteristic we associate with politicians.

Diggins is especially suspicious of attempts by American politicians to link their religiosity to the Founding Fathers. He remarks on how absurd the delegates to the Constitutional Convention in 1787 would have found the notion of asking what Jesus would do in their place—and how fortunate it was for the country that the “Founding Fathers neither allowed Christ to influence their minds nor stopped to ask Gore’s question after the Boston Massacre of 1770, when British Redcoats slaughtered

American colonists. Had they followed the gentle Jesus and his Sermon on the Mount, they would have ‘turned the other cheek’ instead of taking up muskets.”

Diggins regrets that the public today seems too little aware of the break America’s founders made with religion when they wrote in the spirit of the Enlightenment. “Thinkers like Ben Franklin were thrilled to see nature take the place of the supernatural and science replace religion,” he notes, and John Adams said that America’s 13 colonies and their new constitutions were “founded on the natural authority of the people alone, without a pretense of miracle or mystery.” Thomas Paine, who wrote *Common Sense* (1776), was also the author of *The Age of Reason* (1794), in which he urged America to leave religion to the Middle Ages. Thomas Jefferson’s Declaration of Independence drew on the philosophy of John Locke, who thought that knowledge of God’s nature and “purposes” was beyond humanity’s reach. Alexander Hamilton and James Madison compared religious sects to political factions in their tendency to fanaticism, and they followed the skeptical David Hume in opting for a politics of “interest” rather than a politics of “zeal.” In the Lockean America where the Republic was born, the role of the state was not to carry out God’s will but simply to protect life and property. For Diggins, to allow religion an important role in politics is to deny what America meant to the individuals who wrote the foundational documents of the United States.

The Limber Side of Reagan

“Reagan and the Gorbachev Revolution: Perceiving the End of Threat” by Barbara Farnham, in *Political Science Quarterly* (Summer 2001), The Academy of Political Science, 475 Riverside Dr., Ste. 1274, New York, N.Y. 10115–1274.

Ronald Reagan assumed the presidency in 1981 with a fiercely held conviction that communism and the Soviet Union threat-

ened America. He was expected to be unyielding in his approach to dealing with the Soviet threat, and yet by the end of his



Ronald Reagan and Mikhail Gorbachev share a fireside moment at the Geneva Summit, November 1985.

second term he had come to see the conflict between the Soviet Union and the United States not in absolutist terms—as a confrontation with an “evil empire”—but, in Farnham’s words, “in terms of mutual misperception. He was hopeful about the possibility of substantial change.”

Farnham, a senior associate at the Institute of War and Peace Studies at Columbia University, notes that the evolution is all the more intriguing “in view of the numerous criticisms that have been leveled at Reagan’s cognitive abilities.” Why was he able to overcome his predispositions so successfully and to perceive and respond to the adjustments that were occurring in Soviet policy in the 1980s?

Farnham credits a combination of Reagan’s personal qualities and a belief system more complex than he has usually been given credit for. He was convinced that communism would change because it had no choice—it was doomed by history. Personal experience counted for everything with him, and strong personalities, in his view, could alter the world. So he looked for change in the Soviet Union over the course of his dealings with the

Soviet leadership both because it was bound to occur and because he believed that he could make it happen.

“What does the success of Reagan’s approach to the Soviet Union tell us about his abilities as a leader?” Farnham asks. She acknowledges that “good outcomes can be the result of any number of factors, including luck,” and she cites qualities in Reagan—he could be “passive, incurious, uninterested in detail, ignorant of the nuances of policy, and stubborn”—that sometimes worked against his effectiveness as a leader. But he had people skills, negotiating skills, and powers of persuasion, and “he was more flexible, pragmatic, and willing to compromise than his ideological orientation led many to expect.” He was open-minded and optimistic, he accepted criticism, and he did his homework when the subject interested him—as it did when his core beliefs were involved. Farnham quotes French president François Mitterrand’s assessment of Reagan: “What he does not perceive with his intelligence, he feels by nature.”

“What stands out,” according to Farnham, “is how context-dependent Reagan’s

performance was. When the nature of the problem played to his particular strengths—as it did in the dealings with Soviet leader Mikhail Gorbachev, when openness, insight, persuasion, and negotiation were the qualities most required—“it could be quite good. But in other situations”—such as the Iran-contra affair, when a detailed understanding of policy was required, and he was detached and at the mercy of others—“these skills could not compensate

for Reagan’s failings, and some of his strengths became weaknesses.”

Reagan believed that the Soviet Union would respond to changes in U.S. behavior, and many former Soviet officials, including Anatoly Dobrynin, long-time ambassador to the United States, agree that that was precisely what happened. “Reagan’s conciliatory policies toward the Soviet Union,” writes Farnham, “enabled Gorbachev to forge ahead in his domestic and international initiatives.”

How the Court Killed Privacy

“Privacy and the American Constitution” by David J. Garrow, in *Social Research* (Spring 2001), 65 Fifth Ave., Rm. 354, New York, N.Y. 10003.

Does the Constitution guarantee a right to privacy? In the minds of most Americans, landmark Supreme Court decisions such as *Griswold v. Connecticut* (1965) and *Roe v. Wade* (1973) established and defined such a right. But legal scholars assaulted the reasoning behind those decisions so successfully that the Court was long ago forced to rethink—and reject—privacy as a constitutional right.

Griswold, which struck down a state prohibition on contraceptive use by couples, is the pivotal case responsible for both the construction and the eventual collapse of the right to privacy as a constitutional concept. In his seven-page majority opinion, Justice William O. Douglas famously wrote that “specific guarantees in the Bill of Rights have penumbras, formed by emanations of those guarantees that help give them life and substance.” In those penumbras Douglas discovered the right to privacy.

The Court had been working up to an articulation of such a right since the late 19th century. As young lawyers, Louis Brandeis and Samuel Warren had introduced it in an 1890 *Harvard Law Review* essay titled “The Right to Privacy,” in which they advocated legal protection for “the private life, habits, acts, and relations of an individual.” Brandeis’s dissents as a Supreme Court justice in the 1920s carried the torch for an individual’s right to privacy.

Twice in 1940s the Court alluded to privacy rights in majority decisions.

While *Griswold* catalyzed young lawyers and activists of the late 1960s to use its protection of reproductive privacy to bring and win cases such as *Roe*, which established the right to abortion, many constitutional specialists found fault with Douglas’s opinion. The decision was correct, they argued, but his reasoning was too shaky and his language too nebulous to hold up as the foundational legal argument for right-to-privacy cases. Matters weren’t helped by Justice Harry A. Blackmun’s 51-page decision in *Roe*, which leaned on *Griswold* but struggled to find solid footing for the right to privacy. Legal critics from all points on the political spectrum pounced on the underlying reasoning. Harvard’s Lawrence H. Tribe did not criticize the result but expressed regret that “the substantive judgment on which [*Roe*] rests is nowhere to be found.”

One of the leading critics of *Griswold* and *Roe* was Judge Robert Bork, and his 1987 Supreme Court nomination foundered in large part because of his uncompromising rejection of the constitutional right to privacy that grew out of *Griswold*. Ironically, that right was already all but dead in the minds of constitutional scholars.

The Court reacted to criticism of *Griswold* and *Roe* by affirming those deci-