This Earthly Frame: The Making of American Secularism

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of religion and government funding. Cases involving religious symbols in public and public prayers and school prayers (except the *Schempp* and *Vitale* prayer and Bible-reading decisions which are discussed extensively) are not discussed as thoroughly, though one cannot disagree that the declension arc Green traces applies to those other categories as well. If anyone is likewise pressed to look for the recent blockbuster cases such as *Hobby Lobby v. Burwell* or *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, they would probably be disappointed as the book focuses on cases decided under the Establishment Clause. But by focusing on the legal, political, and cultural appearances of the phrase “separation of church and state” or the wall formulation thereof throughout US history, the book makes it possible for any curious reader to understand why the phrase still evokes so much controversy and resiliency. That separationism has declined as a legal principle today does not mean it will not rise again another time. For as long as religious liberty remains a cherished constitutional ideal, the many meanings of separation, however conflicting at times, will continue to resonate in American society.

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In *This Earthly Frame: The Making of American Secularism*, David Sehat tells a story—a pop cultural history—of the dispute in American history between those who want religion to be a private matter and those who want religion, especially Christianity, to set the public tone for the country.

In Sehat’s telling, this struggle was present at the beginning of the American Republic. By 1973, with the decision in *Roe v. Wade* and the arrival of the Death of God, a secular order of religion as private had been established, especially in American constitutional law, but this order breaks down over time. Today, the “Christian Right” successfully invokes the secular rhetoric of privacy to gain exemptions from anti-discrimination laws, which effectively reinforces conservative Christian domination of American culture.

It is a familiar story that Sehat tells well, mixing law, politics, the history of ideas, and cultural developments. Obviously, in telling
this vast story in a short book, Sehat cannot do justice to everything. It is not clear why some things are included—I don’t know why the Supreme Court’s commerce clause and free speech jurisprudence are included while much of the court’s establishment clause jurisprudence and debates over constitutional interpretation are absent—and there will inevitably be some errors—Sehat denies that Christians constitute the vast majority of Americans, but surveys show that between 65 percent and 70 percent of American adults still do so self-identify.

Sehat is clearly a fan, rooting for the secular side. His heroes are secular: James Madison, Thomas Jefferson, Louis Brandeis, John Rawls, and Richard Rorty. Sehat has no idea why the Christian Right has been so successful at coopting the rhetoric of privacy and he is unable to offer any real advice as to how secularists might regain the cultural and political initiative. Society continues to evolve in a secular direction, but religion remains an overwhelming presence in the public square. In some ways, religion is more influential today than it was fifty years ago.

Sehat fails to acknowledge that secularism has changed over the years. By the end of the book, the claim that there exists “an absolute set of moral rules that [binds] all members of society” is treated by Sehat as an inherently religious claim (p. 232). Secularism thus becomes the rejection of this claim. But that renders secularism inherently morally relativistic, even nihilistic. The individual in this view is permitted to make personal moral judgments not because the dignity of human beings demands a degree of moral autonomy, but because all moral choices are equal. But Madison and Jefferson as Enlightenment figures presumably believed that there were binding moral absolutes derived from reason. Kant certainly believed that. By defining secularism this way, rather than by the rejection of supernaturalism, or religious nonaffiliation, Sehat seems to endorse the view he ascribes to Charles Taylor, that secularism is “empty, flat, devoid of higher purpose.” (p. 243).

I admit that many people talk this way—as if everything is a matter of opinion. But it is not clear how many nonbelievers today really accept this position. There does not seem to be much doubt among secularists that anti-racism, for example, is an absolute moral rule binding on all members of society. Holding to this relativistic ideology in theory, while rejecting it in practice, may explain the crisis in secularism that Sehat describes but is unable to address. Because secularism promotes a value-free worldview, it is unable to imagine what a good society should be. Its politics in that sense are always thin and disappointing. On the other hand, its actual practices of moral commitment are always underdefended because they are not expressly set forth as moral claims. Thus,
secularism appears underhanded and dictatorial. It was a mistake to defend abortion in *Roe v. Wade* on the ground that no one can know when human life begins, as if abortion could be allowed without deciding something about that question. Far better to defend abortion as necessary given the unjust patriarchal structures of our society.

Similarly, it was a mistake to reject anti-sodomy laws in *Lawrence v. Texas* on the ground that society has no right to enforce morality. Far better to state forthrightly that traditional religion’s ascription of immorality to same-sex relationships is simply mistaken. Sehat places these two cases at the center of the secular order, but he is unable to see that they were inevitably unstable because secularists never put them on firm foundations.

Of course, if moral relativism is the ground of the crisis in secularism, that crisis may prove hard to overcome. Exactly how does one debate morality after the Death of God? A lot of secular experimentation is going on right now trying to answer that question. Sehat ignores all of it. But without an answer, the crisis in secularism that concerns him will only get worse.

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Anti-Sharia laws were an alternate reality legislative movement in American politics of the last dozen years, propelled by opposition to the nation’s first black president and used as a way to whip up right-wing fervor that surely contributed to the 2010 Republican wave. Daniel Hummel’s study offers a bit of historical context that preceded anti-Sharia legislation and then proceeds to build a model that provides a test for which states considered such laws and which adopted them.

This short volume is a modest expansion of the author’s 2022 article “Legislating Islamophobia: The factors for the existence of anti-sharia laws in the United States” that appeared in *Public Policy and Administration* 37(3): 317-341. I can see slight differences between the two pieces, but they reach the same conclusion, though