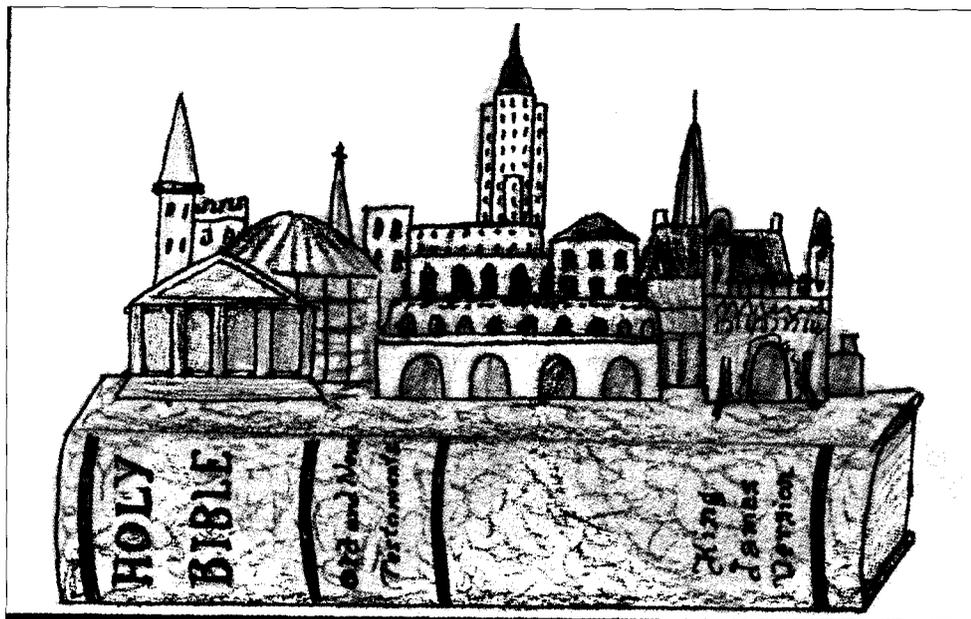


# The Unbanable Book

The Bible, Past and Present

by Harold O.J. Brown



A recent full-page advertisement in the *Chicago Tribune*, which no longer calls itself “The World’s Greatest Newspaper,” listed four documents that supposedly are foundational: the Magna Carta, the Treaty of Versailles, the Declaration of Independence, and the Infiniti Retailer Pledge. These four, according to the advertiser, Infiniti, are totally trustworthy, because: “A promise is a promise.” Unfortunately, at least for the reader with some knowledge of modern history, the Versailles treaty is hardly an attractive pattern: it was one of the worst documents ever foisted on the human race. It violated President Wilson’s Fourteen Points, the pledge given to the Central Powers to obtain the Armistice of 1918; it falsely defined the origins of the war and dishonestly fastened the guilt on Germany alone; it plundered the already impoverished Central European states, and it set the stage for the resumption of war in 1939. The Magna Carta produced better results, of course, and so did the Declaration of Independence.

Infiniti’s advertisement is mentioned here because it shows an astonishing lack of historical awareness, both of the documents that actually have made history, and of the extent to which the promises and pledges they made have been fulfilled or may yet be fulfilled. This is ignorance not only on the part of the Japanese manufacturer, but also on that of the American advertising agency and the mostly American prospective purchasers.

Of course, the Japanese can hardly be expected to have an easy familiarity with the foundations and fundamental documents of Western civilization, any more than Westerners have

with those of East Asia. Nevertheless, the advertising agency is American. It is a bit surprising to observe its naiveté about the foundations of its own society. Can the agency really expect buyers to be encouraged by the thought that an Infiniti is as trustworthy as the Treaty of Versailles? This advertisement is only one symptom among many of the degree to which modern Americans are cut off from their own spiritual roots. If they said, “The Magna Carta, the Stamp Act, and the Ribbentrop-Molotov treaty,” the advertisement might be no less effective.

Not every society quickly forgets the soil out of which it grew; cultural memories and influences can persist for centuries, even for millennia. Two thousand years after Homer, the Greeks of the Byzantine Empire knew him and honored his *Iliad* and *Odyssey* as part of the foundation of their own 1,000-year-old Christian culture. Byzantine Christian civilization was built on the Bible and the Church Fathers, not on Homer or Plato and Aristotle, but after some initial hostility to its pagan heritage, Greek Christian culture learned to cherish it again. In a similar way, although the Protestant Reformation rejected the authority of Roman Catholicism, it quickly came to honor and utilize much of what it found in the heritage of the Greek and Latin Fathers. John Calvin’s *Institutes of the Christian Religion* abounds in citations of the fathers and doctors of the Greek and Roman churches. It has remained for Christians of the late 20th century to forget the sources of their religious life almost as thoroughly as the general American culture has forgotten Homer and almost everyone of merit since him.

In contemporary America, historical memory hardly exists; happenings a quarter-century old are treated as epoch-making. The Beatles and Woodstock have been repeatedly remembered, rememorized, and recelebrated, and Elvis Presley has a commemorative stamp, but who knows today what happened at Versailles in 1919? If we have so soon forgotten Versailles and

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the battles in which our own still-living relatives fought, is it surprising that so few remember who toppled the towers of Ilium, or threw down the walls of Jericho?

One of the reasons for the loss of historical memory is the fact that our culture has turned away from print to the electronic media. Books are permanent, or somewhat so; the images on the screen like the sounds from speakers vanish when the current dies. Over 2,500 years ago, a book changed a society; during the intervening centuries that one book, expanded 60-fold, became the foundation of the society of which we are the latest and perhaps—God forbid—the last inheritors.

In the seventh century B.C., we have the first explicit account of a book that made history. According to the account in Joshua, after the Hebrews crossed the Jordan into the Promised Land, they erected 12 stones taken from the river as “a memorial to the sons of Israel forever” (Joshua 4:7). The memory of that land-taking has survived more than 3,000 years, and has led to the establishment of modern Israel on much of the same land that Joshua conquered. After Joshua’s stones, for several centuries Israel continued to cherish sacred objects, manna from the wanderings in the desert, Aaron’s rod, and the Tables of the Covenant (Hebrews 9:4), but such things could be plundered and disappear. What could not be plundered so easily and made to disappear was the Word held fast in Scripture: “The grass withers, the flower fades, but the word of our God stands forever” (Isaiah 40:8).

Before those holy relics of Israel’s pilgrimage disappeared in successive plunderings and devastations of the Temple, something more lasting had taken their place. The stones set up by Joshua as well as those given at Sinai to Moses were to disappear, but not the words that tell of them. A single incident—it may be familiar only to historians of Judaism and zealous Bible readers—may be taken as symbolic of the impact that *ta Biblia*, literally, “the Books,” and in our parlance, the Bible, would come to have in the world: establishing, and to a great extent preserving, what we now call Western or Judeo-Christian civilization. Without the Bible there would still be a geographic West, but there would be no Western civilization as we know it.

Exactly what happened 26 centuries ago in Jerusalem? Judah, the smaller of the two branches of the divided kingdom of Solomon, had just witnessed the conquest of its sister-kingdom Israel. The protection that God had granted a few decades earlier was not repeated, and Assyria took the tribes of the north into captivity. Jerusalem still stood intact, but its society was demoralized, its temple neglected. The young King Josiah determined to change things, and ordered the refurbishment of the sacred building. The cleanup produced unexpected results: instead of a mere renovation of its temple, the whole society was revived. A priest found a book, a scribe read it to a king, and society went through a salutary if short-lived transformation. The Hebrew Scriptures of the Old Testament were not even to be completed until three centuries later, after the return of the Jewish exiles from Babylon, but even before the fall of Jerusalem, when Israel’s sacred objects were lost, the written book, or rather scroll, had begun to show what a written text could do to a whole society, to give a foretaste of the formative influence that the Bible was to have during the next 25 or more centuries. The Hebrew texts of Scripture were complete about five centuries before Christ, according to Orthodox Jewish tradition, although according to many critics, the last elements of the Hebrew Scriptures, such as major elements of Daniel, were

composed much later, as late as the second century B.C.; conservative scholars dispute this late dating. The Greek-language books included in the Roman Catholic and Greek Orthodox canon of the Old Testament, such as Maccabees, clearly date from second century before Christ.

A little book—assumed by many to have been the text of Deuteronomy, the “second” presentation of the Law—reformed a nation. The impact that one small portion of the Bible had on a little nation has been multiplied many times over by the impact the whole Book has had on 20-odd centuries of world history.

When King Josiah was 26 years old and began to repair the neglected Temple of Jerusalem—the northern Kingdom of Israel was already devastated by Assyria—Hilkiah the high priest reported to the scribe Shaphan, “I have found the book of the law in the house of the Lord.” Shaphan took it to the king and read it in his presence. “And it came about that when the king heard the words of the book of the law, that he tore his clothes” (II Kings 22:7, 10-11). He tore his clothes and followed the tearing with a series of incisive moral and spiritual reforms.

Josiah was killed 13 years later in an ill-advised confrontation with an advancing Egyptian army. Soon all that had been accomplished in his reform was lost (II Kings 23:29); Nebuchadnezzar conquered Jerusalem. According to Scripture, this was the consequence of trusting in military alliances rather than in the Word of the Lord. Israel came under foreign domination for most of the next 25 centuries.

After 70 years’ exile in Babylon, the returning Jewish exiles were determined to be more attentive to the Book. A symbolic affirmation of this determination took place at the Water Gate of the partially rebuilt former Jewish capital. In what must have been an almost unique occasion in human history, the scribe Ezra read for the better part of seven days from the “book of the Law of Moses” to the people assembled at the gate. Because the text was in Hebrew, after being read from the book, it was translated for the people into Aramaic vernacular. In contrast to Josiah’s reaction of dismay, the people responded to this affirmation of God’s constant and reliable providence with rejoicing: this was the time of the reintroduction of the Feast of Tabernacles (Nehemiah 8:1-16). Echoes of Ezra’s reading of the Law at the Water Gate were heard two millennia later, in the famous Senate Watergate hearings, when Presbyterian Senator Sam Ervin repeatedly quoted from that same book of law to the immense satisfaction of even the secular critics of Richard Nixon.

During almost two millennia of exile, dispersion, and foreign rule in Israel, from the subjugation of Jerusalem by Pompey the Great in 63 B.C. to the establishment of the modern state of Israel almost exactly 2,000 years later, the Hebrew Bible remained the enduring source of strength and unmovable reference point for the Jews. There is no parallel in all of history for a people so few in number and suffering so much adversity as the Jewish people preserving its identity through millennia. The only comparable story of national and cultural longevity is that of the Chinese, and they are by far the most numerous people on earth. The Hebrew language came to be largely confined to ritual purposes as long ago as the time of Ezra—which is why the readings at the Water Gate had to be interpreted, and why the Jews of Egypt translated the Scriptures into the Greek of the Septuagint. Nevertheless, the Book remained; the language was studied by the scholars, and learned in at least some fashion by the young. The variant of medieval German

that became the language of most East European Jews, Yiddish, is written in Hebrew characters, and 26 centuries after Nebuchadnezzar's conquest of Jerusalem, the language of the Bible could once again become the language of a modern people. (Of course, the strictest Orthodox Jewish groups are reluctant to use Hebrew for any but religious purposes.)

If the Jews preserved their Bible, they also kept it to themselves. The New Testament was written in colloquial Greek, and when its authors quoted the Old, they generally used the current Greek translation, the Septuagint. By virtue of its availability in what was the most widely used language of the Roman Empire, the completed Christian Bible, the Old and New Testaments, became the founding document of a new culture. Pitirim Sorokin's work, *The Crisis of Our Age*, and my recent book, *The Sensate Culture*, both describe the sociocultural shift from the late, degenerate sensate culture of the pagan Greco-Roman world to the new ideational culture of early Christianity. This shift, which amounted to nothing less than the creation of a new or regenerated culture, of what we still call "Western civilization"—it is no accident that the current politically correct denigration of Western civilization has followed by only a few years the increasing Supreme Court-mandated exclusion of the Bible itself and the biblical heritage from the public arena—was not coordinated on a governmental level; in fact, it ran counter to the established principles of the central authority. Nevertheless, it spread with surprising uniformity across Europe and parts of Africa and West Asia, because it grew out of the message, the Christian Gospel, that remained coherent because it constantly referred back to the book, the Bible. The emerging Christian culture survived the disintegration of the Roman Empire in the West and brought new societies into being in its place. The only competing power that could effectively challenge the Christian empire and its successor kingdoms was also a culture based on a book, namely, the Koran.

Although the Bible was not widely available until the invention of movable type in the 15th century, shortly before the beginning of the Protestant Reformation, its words permeated the society of the day, constantly repeated in the liturgy and portrayed in religious art. At least most of the clergy and the scholars of the day were well versed in major parts of its text. The Protestant Reformation was ignited by the Bible, which was just becoming widely available in printed versions, both in the original languages, in the Latin Vulgate, and in increasingly adequate vernacular translations. Erasmus of Rotterdam, no Protestant but a Christian humanist, edited the Greek text of the New Testament, and more and more Gentile scholars learned Hebrew.

Martin Luther's principles of the sufficiency and the perspicuity of Scripture, combined with the availability of Bibles, permitted the growth of a host of "theologians" of various stripes, ranging from the most reactionary and conservative to the most radical and fantastic. The eminent Reformation scholar Heiko Oberman, for example, sometimes speaks of the "Catholic Reformation and the Protestant Counter-Reformation," for Protestantism was to some extent a reaction back to Scriptural simplicity, as the Reformers saw it, against what they perceived to be Roman Catholic innovations. The overthrow of centralized papal authority in religious matters, together with the concept of private interpretation, led, as might have been predicted, to a host of changes. Private interpretation in

the modern American Protestant sense has its origins in part in American democratic theory, and would have been as odious to Luther and Calvin as to their Roman Catholic adversaries. Even movements no longer regarded as Christian, such as Unitarianism, took their point of departure from the Bible, and repudiated the doctrine of the Trinity because they could not find it there. In more recent days, the Latter Day Saints, the Christian Scientists, and even the Jehovah's Witnesses, each of them differing in important points from traditional Christianity, argue on the basis of the Bible, supplemented, it is true, by additional claimed sources of inspiration. Nevertheless, despite the initial pandemonium, there remains a considerable core of unity among the Christian groups that adhere to the Bible. Conservative Roman Catholics, evangelical Protestants, and Eastern Orthodox believers increasingly find that they have more in common with each other than with their coreligionists who no longer uphold the authority of the Bible. Among the Protestants, there is always some ebb and flow in doctrinal matters, with fundamentalists taking refuge in "Fundamentalists Anonymous," and former liberals becoming born again Bible-believers. The significant thing that must be noted is that Christians of varying pedigrees and tastes will keep returning to the same core Christian beliefs to the extent that they keep studying and believing the Bible.

The Bible, or more specifically, the desire to bring the English church clearly under biblical authority, ultimately produced a violent revolution under Oliver Cromwell, and while his Commonwealth was short-lived, British monarchs abandoned the idea of the divine right of kings. The American War of Independence was not clearly biblical in its inspiration, but biblical principles were important to many of the architects and the citizens of the new republic. Both elected officials and appointed justices continue to take an oath of office by swearing on the Bible, as do the witnesses being sworn in most courtrooms. American jurisprudence, following its English common law precedents, relied heavily on biblical insights and even biblical texts, until almost this very day. The massive abandonment of biblical and natural law principles that has occurred in the United States from the 1960's on followed rapidly upon the Supreme Court's ejection of prayer and Bible reading from the public schools. Although it would be too much to say that the Bible continued to be foundational for American political and legal thought until the last third of the 20th century, it is true that residual biblical principles formed a bulwark against radical changes in morals, and that the acceptance of abortion, no-fault divorce, condoms on demand, euthanasia, and gay rights came in like a flood once the Bible, prayer, and even the Decalogue were symbolically repudiated by our courts.

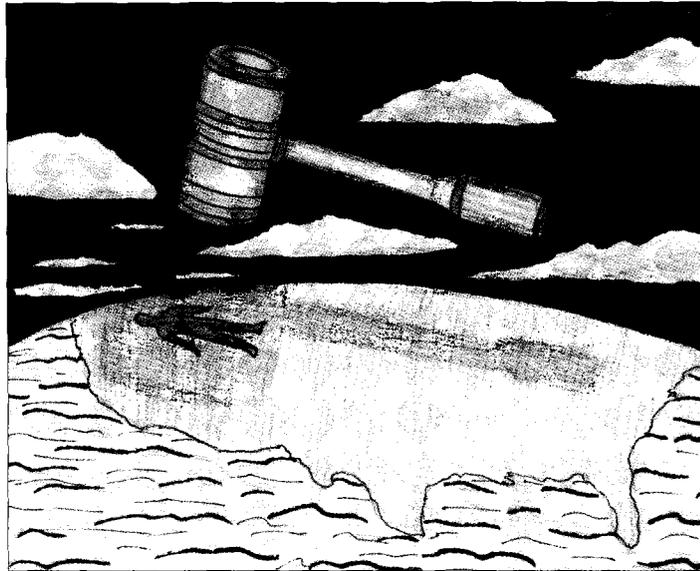
"Hey, hey, ho, ho, Western Civ has got to go!" The battlecry of Stanford University students, which alarmed so many traditionalists when it was shouted in the 1980's, was really superfluous. Once the Bible was banished to the remainder table of history, "Western Civ" was on its way out. But lest this essay end on too despairing a note, let the reader remember the words of Isaiah, quoted earlier: "The grass withers, the flower fades, but the word of our God stands forever." The Book may have been banished from the schools and the courtrooms, but it still exists in tens of millions of copies, and its message still burns in tens of millions of hearts. We may yet experience once more what an early Nonconformist preacher promised: "God has still more truth to break forth from His holy Word."

# Rediscovering Philadelphia

by George W. Carey

*“There is no liberty if the power of judging be not separated from the legislative and executive powers.”*

—Montesquieu



Stephen Anderson

**The Ninth Amendment and the Politics of Creative Jurisprudence: Disparaging the Fundamental Right of Popular Control**  
by Marshall L. DeRosa  
New Brunswick: Transaction Publishers;  
216 pp., \$29.95



The theme that unites the short, somewhat disparate eight chapters of this book is the use by the Supreme Court of unenumerated rights—that is, rights beyond those specifically enumerated in the Bill of Rights—to invalidate state laws. The result of this practice, as DeRosa emphasizes at various points, is that “popular control within the states” over matters of rights and even public policy has been diminished: the Court simply imposes its will, through the medium of unenumerated rights, upon

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the people of the 50 states. The two cases that most clearly illustrate this process, *Griswold v. Connecticut* (1965) and *Roe v. Wade* (1973), are among the most notorious in our constitutional history. From the “penumbras” formed by “emanations” of various specified rights, the Court discovered the unenumerated “right of privacy” (*Griswold*) that subsequently formed the basis for its invalidation of state anti-abortion laws (*Roe*).

The first chapter provides a summary view of DeRosa’s concerns, while each of the subsequent chapters deals with various and more specific aspects of creative jurisprudence, unenumerated rights, and federalism. DeRosa emphasizes that the privileges and immunities clause of the Constitution was originally understood to allow the people of the states wide latitude to determine, either through their state constitutions or by statute, what the rights of state inhabitants would be. DeRosa later shows why the father and chief strategist of creative jurisprudence was Roscoe Pound, and sets forth two modern and contrasting

views of unenumerated rights and the Constitution: the nomocratic understanding of M.E. Bradford, stressing the need for adherence to original intent and self-government and allowing only a very limited role to the judiciary, and Ronald Dworkin’s rather open-ended “teleocratic” vision that would virtually give the Court unlimited power over the states (and everything else). Elsewhere DeRosa illustrates the more general reluctance of the federal courts to allow the state judiciaries autonomy or latitude in cases involving rights or claims there-to; he laments the Court’s sanctioning of congressional gun-control policies, thereby leaving “a state’s constitutional right of self-defense” to “the discretion of national electoral politics.” In the very brief final chapter, he outlines a suggested constitutional change designed to restore “popular control and a viable American federalism,” the two major “linchpins of the original American constitutional order”: namely, whenever a majority of state “chief judicial officials” (one per state) declares a decision of the