

Spring 2020

Losing Liberty: A Biblical Defense for the Freedom of Speech on Campus

Joseph J. Martins

Liberty University, jmartins2@liberty.edu

Follow this and additional works at: https://digitalcommons.liberty.edu/lusol_fac_pubs



Part of the [Law Commons](#)

Recommended Citation

Martins, Joseph J., "Losing Liberty: A Biblical Defense for the Freedom of Speech on Campus" (2020).
Faculty Publications and Presentations. 77.

https://digitalcommons.liberty.edu/lusol_fac_pubs/77

This Article is brought to you for free and open access by the Liberty University School of Law at Scholars Crossing. It has been accepted for inclusion in Faculty Publications and Presentations by an authorized administrator of Scholars Crossing. For more information, please contact scholarlycommunications@liberty.edu.

LOSING LIBERTY:
A BIBLICAL DEFENSE FOR THE FREEDOM OF SPEECH ON CAMPUS

*Joseph J. Martins**

“We laugh at honour and are shocked to find traitors in our midst.” C. S. Lewis¹

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
INTRODUCTION.....	1
I. THE FIRST AMENDMENT IN CRISIS ON CAMPUS	3
II. CAN NATURALISM JUSTIFY THE FIRST AMENDMENT?	9
A. <i>Can Naturalism Justify the Existence of Truth?</i>	10
B. <i>Can Naturalism Justify the Existence of Reason?</i>	13
C. <i>Can Naturalism Justify the Existence of Ethics?</i>	21
III. CAN CLASSICAL CHRISTIANITY JUSTIFY THE FIRST AMENDMENT?	24
A. <i>Can Classical Christianity Justify the Existence of Truth?</i>	28
B. <i>Can Classical Christianity Justify the Existence of Reason?</i>	29
C. <i>Can Classical Christianity Justify the Existence of Ethics?</i>	33
CONCLUSION	41

INTRODUCTION

In the following scenario, two student groups face a philosophical dilemma at a major state university. The Young Democratic Socialists of America (YDSA) has invited Representative Alexandria Ocasio-Cortez to campus to lecture on the advantages of adopting socialism as America’s central financial policy. However, for the following week, Young America’s

□ Professor of Law and Director of the Constitutional Litigation Clinic, Liberty University School of Law. B.A., University of Virginia; J.D., University of Tennessee College of Law.

¹ C.S. LEWIS, *THE ABOLITION OF MAN: OR REFLECTIONS ON EDUCATION WITH SPECIAL REFERENCE TO THE TEACHING OF ENGLISH IN THE UPPER FORMS OF SCHOOLS* 37 (1996).

Foundation (YAF) has invited Donald Trump, Jr. to discuss how capitalism has made America a great nation. YDSA and YAF vigorously oppose the views that will be presented by the other organization's speaker. YDSA believes that capitalism leads to gross income inequality and consolidation of power in the top 1%,² whereas YAF contends that socialism constitutes a usurpation of governmental authority that would destroy the wealth-producing engine that has driven America's exceptional prosperity.³ In short, both organizations see the other speaker as a threat to the American experiment. How then should the groups' members respond when the speakers arrive on campus?

Traditionally, one would answer that the speakers should be allowed to present their messages, while those who disagree should be free to challenge those views in rational debate. This proposal presumes that truth is best discovered when exposed to reason and examination and that it is the very purpose of the First Amendment and the university to facilitate this process of inquiry. But a new generation of students has concluded that the proper response is to shout down the opposing speaker, or even use violence when necessary, to ensure that the message is never even heard, much less received.⁴ To many, this may appear to be a shocking and unreasonable conclusion. But consider this: students at America's universities have been taught for over a century that they are merely products of an unintelligent, random, and material universe in which neither truth nor ethics actually exist.⁵ Under this naturalistic paradigm, is rational discourse truly the preferable option? This Article will compare two opposing philosophical worldviews, naturalism and classical Christianity, and will ask which one better justifies rational debate, and thus—by extension—the First Amendment itself.

² Halsey Hazzard & Bill Reisman, *YDSA Endorses the Public Housing Green New Deal Act*, YOUNG DEMOCRATIC SOCIALISTS OF AM. (Nov. 14, 2019), https://y.dsausa.org/the-activist/ydsa-endorses-the-public-housing-green-new-deal-act/?fbclid=IwAR0fWT6S5-9Ja-Qe5zruNpqHCaWtopCyyaGc0dF2I_WHM6px2YmCw___fkc; UConn YDSA, Letter to the Editor: Not Me Us, DAILY CAMPUS (Oct. 30, 2019), <https://dailycampus.com/stories/2019/10/30/letter-to-the-editor-not-me-us>.

³ New Guard Staff, *Socialism is Actually Selfish ft. Andy Puzder*, YOUNG AM.'S FOUND. (Nov. 5, 2019), <https://www.yaf.org/news/socialism-is-actually-selfish-ft-andy-puzder/>; Devon Watson, *Young America's Foundation Opposes Socialism*, FAMUAN (Jan. 31, 2020, 3:45 PM), <http://www.thefamuanonline.com/2020/01/31/young-americans-foundation-opposes-socialism/>.

⁴ *Survey: 30% of Students Believe that Physical Violence Can Be Justified to Prevent Hate Speech*, WILLIAM F. BUCKLEY, JR. PROGRAM AT YALE (Oct. 16, 2017), <https://www.buckleyprogram.com/post/survey-30-of-students-believe-that-physical-violence-can-be-justified-to-prevent-someone-from-usin>.

⁵ MICHAEL C. REA, WORLD WITHOUT DESIGN: THE ONTOLOGICAL CONSEQUENCES OF NATURALISM 1, 21–22, 34 (2002).

Section I will describe the new form of censorship that is eroding the First Amendment on campus. Section II will discuss how naturalism contributes to this erosion by failing to provide a coherent justification for the necessary presuppositions of free speech: truth, reason, and ethics. Section III proposes that academia should shift to the classical Christian worldview upon which the Constitution was founded because it upholds the First Amendment by justifying these same presuppositions.

I. THE FIRST AMENDMENT IN CRISIS ON CAMPUS

The First Amendment is facing a new and growing danger on campus. It is becoming culturally acceptable among college students to silence others rather than debate them. Incidents demonstrating this cultural shift are now commonplace. In recent years, students have shouted down speakers at Binghamton University,⁶ College of William & Mary,⁷ Georgetown University,⁸ Portland State University,⁹ University of Florida,¹⁰ Whittier College,¹¹ Brown University,¹² University of Oregon,¹³ and Villanova University¹⁴ to name a few. Violent mobs forced the cancellation of a planned speech by Milo Yiannopoulos at the University

⁶ Daniel Burnett, *After Binghamton Shutdown, Protesters Need to Know How the First Amendment Works*, FIRE (Nov. 19, 2019), <https://www.thefire.org/after-binghamton-shutdown-protesters-need-to-know-how-the-first-amendment-works/>.

⁷ Jeremy Bauer-Wolf, *ACLU Speaker Shouted Down at William & Mary*, INSIDE HIGHER ED (Oct. 5, 2017), <https://www.insidehighered.com/quicktakes/2017/10/05/aclu-speaker-shouted-down-william-mary>.

⁸ Robert Shibley, *With Homeland Security Chief's Aborted Speech, Georgetown Law Submits to Heckler's Veto*, FIRE (Oct. 7, 2019), <https://www.thefire.org/with-homeland-security-chiefs-aborted-speech-georgetown-law-submits-to-hecklers-veto/>.

⁹ *Campus Police No Match for Heckler with Cowbell Who Hijacked Speech at Portland State*, FIRE (Mar. 12, 2019), <https://www.thefire.org/campus-police-no-match-for-heckler-with-cowbell-who-hijacked-speech-at-portland-state/>.

¹⁰ *Richard Spencer Ends University of Florida Speech Early to Boos, Protests*, FOX NEWS (Oct. 19, 2017), <https://www.foxnews.com/us/richard-spencer-ends-university-of-florida-speech-early-to-boos-protests>.

¹¹ Adam Steinbaugh, *Hecklers Shout Down California Attorney General, Assembly Majority Leader at Whittier College*, FIRE (Oct. 13, 2017), <https://www.thefire.org/hecklers-shout-down-california-attorney-general-assembly-majority-leader-at-whittier-college/>.

¹² Will Creeley, *At Brown, Free Speech Loses as Hecklers Silence NYPD Commissioner*, FIRE (Oct. 30, 2013), <https://www.thefire.org/at-brown-free-speech-loses-as-hecklers-silence-nypd-commissioner/>.

¹³ Will Creeley, *University of Oregon President Pens Powerful Reflection on Being Shouted Down*, FIRE (Nov. 1, 2017), <https://www.thefire.org/university-of-oregon-president-pens-powerful-reflection-on-being-shouted-down/>.

¹⁴ Chris Maltby, *Protesters Disrupt Charles Murray at Villanova University*, FIRE (Apr. 3, 2017), <https://www.thefire.org/protesters-disrupt-charles-murray-at-villanova-university-video/>.

of California, Berkeley¹⁵ and disrupted speeches by Charles Murray at Middlebury College¹⁶ and Ben Shapiro at California State University, Los Angeles.¹⁷ Notably, at the latter event, some faculty even helped to coordinate an effort to create a human blockade to prevent students from attending Mr. Shapiro's speech.¹⁸ Students attempting to enter the event reported being pushed down, shoved, punched, and elbowed.¹⁹ And at the end of the event, Mr. Shapiro had to exit under a police escort after announcing to the audience that "it is literally a threat to life and limb to go out there" and that the police "can't personally guarantee . . . any of your securities."²⁰ In the irony of ironies, students even interrupted the University of California's annual conference on campus free speech.²¹

Perhaps the most chilling example of this new heckler's veto occurred at Evergreen State College in 2017. There, students surrounded the president's office, blocked entrances with furniture, and refused to let faculty leave until Professor Bret Weinstein was fired for challenging a proposed day of racial segregation on campus.²² A group of around fifty students confronted Professor Weinstein outside of his classroom and charged him with being a racist.²³ When he tried to defend himself and reason with them, one student shouted, "*You need to stop demanding that everybody use logic and reason and white forms of knowledge to f*** ___ing*

¹⁵ *Updated Statement on Violent Protest at University of California, Berkeley*, FIRE (Feb. 2, 2017), <https://www.thefire.org/updated-statement-on-violent-protest-at-university-of-california-berkeley/>. The mob lit fires, vandalized property, and assaulted persons interested in attending the event. *Id.*

¹⁶ Peter Beinart, *A Violent Attack on Free Speech at Middlebury*, ATLANTIC (Mar. 6, 2017), <https://www.theatlantic.com/politics/archive/2017/03/middlebury-free-speech-violence/518667/>.

¹⁷ Natalie Johnson, *Campus Protesters Try to Silence Conservative Speaker, Demand College President's Resignation*, DAILY SIGNAL (Feb. 26, 2016), <https://www.dailysignal.com/2016/02/26/campus-protesters-try-to-silence-conservative-speaker-demand-college-presidents-resignation/>.

¹⁸ *Cal State L.A. Agrees to Drop Discriminatory Speech Policies, Settles Lawsuit*, ALLIANCE DEFENDING FREEDOM (Feb. 28, 2017), <http://www.adfmedia.org/News/PRDetail/10117>.

¹⁹ Alliance Defending Freedom, *ADF, YAF, Ben Shapiro File Free Speech Suit Against CSULA, YOUTUBE* (May 18, 2016), <https://www.youtube.com/watch?v=Hwr5TvGrMiU&feature=youtu.be>.

²⁰ *Id.*

²¹ Greta Anderson, *Free Speech Challenges in Real Time*, INSIDE HIGHER ED. (Feb. 28, 2020), <https://www.insidehighered.com/news/2020/02/28/students-protest-free-speech-conference>.

²² *The 10 Worst Colleges for Free Speech: 2018*, FIRE (Feb. 12, 2018), <https://www.thefire.org/the-10-worst-colleges-for-free-speech-2018/>.

²³ Bari Weiss, *When the Left Turns on Its Own*, N.Y. TIMES (June 1, 2017), <https://www.nytimes.com/2017/06/01/opinion/when-the-left-turns-on-its-own.html>.

prove yourself. . .”²⁴ As the protests continued, the Campus Police Chief eventually warned Professor Weinstein not to come to campus because a mob of students was “hunting” for him.²⁵ Professor Weinstein eventually resigned from the college.²⁶

As troubling as these stories are, the statistics that verify the attitudes in the emerging campus “cancel culture” are even more disturbing. They show a steep decline in support for the First Amendment and an increase in support for disruption as a means to silence “offensive” views. A 2018 study compared student opinions from 2000 and 2016 regarding freedom of speech at Smith College, a private, liberal arts college in Massachusetts.²⁷ To the authors, “[P]erhaps the most startling change in the 2016 survey was the large decline in support [from 70% in 2000 to 47% in 2016] for even the most generalized phrasing of norms regarding speech rights.”²⁸ They reasoned that this trend is normative on other campuses and beyond:

There is no reason to suppose these tendencies are particular to Smith. Indeed, even if the results here are typical only of elite colleges and universities, they represent an important and, in our view, worrisome development. These schools provide a disproportionate amount of tenured and tenure-track professors, opinion setters, political activists, and . . . members of the legal community.²⁹

Other studies confirm this conclusion and demonstrate that student support for disrupting speakers is rising, while support for free speech is falling. A 2017 national study conducted by the Brookings Institution found that 51% of college students believe it is acceptable for students to

²⁴ Benjamin A. Boyce, *Bret Weinstein Reasons with Evergreen Protestors*, YOUTUBE (July 16, 2018), <https://www.youtube.com/watch?v=nawe3lC74jI>.

²⁵ Mike Nayna, *PART THREE: The Hunted Individual*, YOUTUBE (Apr. 24, 2019), <https://www.youtube.com/watch?v=2vyBLCqyUes>.

²⁶ Abby Spegman, Evergreen Professor at Center of Protests Resigns; College will Pay \$500,000, SEATTLE TIMES (Sept. 16, 2017, 8:36 PM), <https://www.seattletimes.com/seattle-news/evergreen-professor-at-center-of-protests-resigns-college-will-pay-500000/> (last updated Oct. 5, 2017, 10:07 AM).

²⁷ Julie Voorhes, *Student Opinion on Campus Speech Rights: A Longitudinal Study*, HETERODOX ACAD. (Oct. 26, 2018), <https://heterodoxacademy.org/student-opinion-on-campus-speech-rights-a-longitudinal-study/>; *Smith College*, U.S. NEWS AND WORLD REP., <https://www.usnews.com/best-colleges/smith-college-2209>.

²⁸ Voorhes, *Student Opinion*, *supra* note 27 (citation omitted).

²⁹ *Id.*

shout down and disrupt a controversial campus speaker.³⁰ That same year, a national survey commissioned by Yale University's William F. Buckley, Jr. Program found that 30% of college students think that "physical violence can be justified to prevent someone from using hate speech or making racially charged comments."³¹ This trend is increasing rapidly: The Knight Foundation found that between 2018 and 2019 student support for shouting down controversial speakers jumped from 37% to 51%.³²

These trends are disturbing for two reasons, according to UCLA Professor John Villasenor, who conducted the Brookings Institution survey. First, this cultural trend will eventually shift to society at large because "[t]oday's college students are tomorrow's attorneys, teachers, professors, policymakers, legislators, and judges."³³ Indeed, the fact that university officials issued "stand down" orders to police during some of these incidents implicitly encouraged violence and indicated that this trend has already moved beyond the student population to the administration.³⁴ And second, students are the ones who will ultimately determine what is said and not said on campus.

Students act as *de facto* arbiters of free expression on campus. The Supreme Court justices are not standing by at the entrances to public university lecture halls ready to step in if First Amendment rights are curtailed. If a significant percentage of students believe that views they find offensive should be silenced, those views will in fact be silenced.³⁵

Commentators such as New York Times columnist Frank Bruni; Yale Law Professor Stephen Carter; First Amendment lawyer Floyd Abrams; Dean Erwin Chemerinsky (University of California, Berkeley School of Law); and Chancellor Howard Gillman (University of California, Irvine)

³⁰ John Villasenor, *Views Among College Students Regarding the First Amendment: Results From a New Survey*, BROOKINGS INST. (Sept. 18, 2017), <https://www.brookings.edu/blog/fixgov/2017/09/18/views-among-college-students-regarding-the-first-amendment-results-from-a-new-survey/>.

³¹ *Survey: 30% of Students Believe that Physical Violence Can Be Justified to Prevent Hate Speech*, *supra* note 4.

³² Daniel Burnett, *Survey: Speaker Shoutdown Support Gets Double-Digit Boost in One Year*, FIRE (May 20, 2019), <https://www.thefire.org/survey-speaker-shutdown-support-gets-double-digit-boost-in-one-year/>.

³³ Villasenor, *supra* note 30.

³⁴ *E.g.*, Weiss, *supra* note 23 (describing the Evergreen State incident in which the school's president asked police not to interfere with an ongoing protest).

³⁵ Villasenor, *supra* note 30.

all agree that this “[n]ew [c]ensorship” on the college campus is a sinister development.³⁶ However, few have provided viable suggestions on what is driving this trend. Could it be that students in America’s universities no longer subscribe to the fundamental presuppositions necessary to sustain free speech on campus?

The First Amendment is a means to an end, as is the university itself. Indeed, the Supreme Court has confirmed multiple times that the preeminent purpose of the First Amendment is to “further[] the search for *truth*.”³⁷ “It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which *truth* will ultimately prevail.”³⁸ And “[t]he college classroom with its surrounding environs is peculiarly

³⁶ Thomas Healy, *Return of the Campus Speech Wars*, 117 MICH. L. REV. 1063, 1065 (2019).

³⁷ *Janus v. Am. Fed’n of State, Cty., & Mun. Emps.*, 138 S. Ct. 2448, 2464 (2018) (emphasis added).

Free speech serves many ends. It is essential to our democratic form of government, and it furthers the search for truth. Whenever the Federal Government or a State prevents individuals from saying what they think on important matters or compels them to voice ideas with which they disagree, it undermines these ends.

Id. (first citing *Garrison v. Louisiana*, 379 U.S. 64, 74–75 (1964); then citing *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940)). To be sure, the First Amendment serves multiple purposes but even these additional ends are closely tied to the search for truth. Preserving the right of individuals to join in free debate is essential to self-government. *See Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 339 (2010) (“The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it.”).

“The First Amendment protects . . . a social interest in the attainment of truth, so that the country may not only adopt the wisest course of action but carry it out in the wisest way. . . . Truth can be sifted out from falsehood only if the government is vigorously and constantly cross-examined . . .”

Herbert v. Lando, 441 U.S. 153, 186 n.2 (1979) (Brennan, J., dissenting) (citation omitted). Additionally, by protecting the individual “freedom of the mind,” *Bd. of Educ. v. Barnette*, 319 U.S. 624, 637 (1943), the liberty to hold dissenting religious beliefs, *Everson v. Bd. of Educ.*, 330 U.S. 1, 15–16 (1947), and the right to associate with others in pursuit of even unpopular ideas, *Roberts v. United States Jaycees*, 468 U.S. 609, 622–23 (1984), the First Amendment broadly curtails the government’s ability to manipulate the search for truth. *See Consol. Edison Co. of N.Y. v. Pub. Serv. Comm’n of N.Y.*, 447 U.S. 530, 538 (1980) (“To allow a government the choice of permissible subjects for public debate would be to allow that government control over the search for political truth.”) The framers believed that the “freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth.” *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 660–61 (2000). Furthermore, the Court has held that the First Amendment does not protect expression such as defamation, fighting words, and obscenity because they are “of such slight social value *as a step to truth* that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.” *See R.A.V. v. City of St. Paul*, 505 U.S. 377, 383–89 (1992) (emphasis added). Therefore, the Amendment may serve multiple ends, but it is impossible to divorce them entirely from protecting the search for truth.

³⁸ *Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 390 (1969) (emphasis added).

the ‘marketplace of ideas’³⁹ Indeed, “[t]he Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers *truth* ‘out of a multitude of tongues.’”⁴⁰ This, according to the Court, is why “[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”⁴¹ For this reason, the government is also empowered to prevent disruption on campus to ensure an orderly exchange of ideas.⁴² This truth-advancing purpose of the First Amendment and the university *presupposes* that universal and objective truth exists, that our minds can actually discover such truth, and that there is an ethical manner by which such truth should be discovered.⁴³ It stands to reason that support for free speech would erode over time if the campus community no longer believes in these foundational presuppositions. For students to choose reasoned debate over violence, they must find the justifications for the former to be more convincing than those for the latter. Thus, we must ask if the

³⁹ *Healy v. James*, 408 U.S. 169, 180–81 (1972) (emphasis added) (quoting *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)).

⁴⁰ *Keyishian*, 385 U.S. at 603 (emphasis added) (quoting *United States v. Associated Press*, 52 F. Supp. 362, 372 (D.C. Cir. 1943)). Thomas Jefferson said of the University of Virginia, “[H]ere we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.” Letter from Thomas Jefferson to William Roscoe (Dec. 27, 1820), in 7 *THE WRITINGS OF THOMAS JEFFERSON: BEING HIS AUTOBIOGRAPHY, CORRESPONDENCE, REPORTS, MESSAGES, ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE* 196 (H. A. Washington ed., 1854). Several university mottos echo this purpose: Colgate University (“For God and Truth”); Columbia University (“In Thy light we see light”); Harvard University (“Truth”); Johns Hopkins University (“The truth shall make you free”); Yale University (“Light and Truth”). Michael Holobosky, *Deo ac Veritati: Our Motto and Seal*, COLGATE AT 200 YEARS, <https://200.colgate.edu/looking-back/moments/deo-ac-veritati-our-motto-and-seal/>; *Columbia University at a Glance*, OFF. OF PUB. AFFS., COLUM. U., <http://www.columbia.edu/cu/pr/special/cuglance.html>; Corydon Ireland, *Seal of Approval*, HARV. GAZETTE (May 14, 2015), <https://news.harvard.edu/gazette/story/2015/05/seal-of-approval/>; Ronald J. Daniels, *The Truth Will Set You Free*, JOHNS HOPKINS MAG. (Winter 2017), <https://hub.jhu.edu/magazine/2017/winter/convocation-address-the-truth-will-set-you-free/>; *Not Just Your Lux or My Veritas*, YALE DAILY NEWS (Aug. 31, 2012 1:00 AM), <https://yaledailynews.com/blog/2012/08/31/not-just-your-lux-or-my-veritas/>.

⁴¹ *Healy*, 408 U.S. at 180–81 (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)) (alteration in original).

⁴² *Id.* at 188–89. In the context of the “special characteristics of the school environment,” the power of the government to prohibit “lawless action” is not limited to acts of a criminal nature. Also prohibitable are actions which “materially and substantially disrupt the work and discipline of the school.” Associational activities need not be tolerated where they infringe reasonable campus rules, interrupt classes, or substantially interfere with the opportunity of other students to obtain an education. *Id.* (footnote omitted) (citations omitted).

⁴³ Jane Bambauer, *The Untestable Marketplace of Ideas*, WASH. POST (Sept. 1, 2017, 2:44 PM), <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/09/01/the-untestable-marketplace-of-ideas/>.

predominant worldview on campus can still provide a convincing justification for truth, reason, and ethics while also condemning mob violence as a means of addressing conflicting ideas. If it cannot, then we must consider another paradigm that can justify such presuppositions in order to preserve liberty of expression on campus.

II. CAN NATURALISM JUSTIFY THE FIRST AMENDMENT?

Naturalism is the predominant worldview on America's college campuses. As philosopher Michael C. Rea has noted, "Philosophical naturalism has dominated the Western academy for well over a century. It is not just fashionable nowadays; it enjoys the lofty status of academic orthodoxy."⁴⁴ At its core, "[n]aturalism is a *metaphysical* [philosophy], which means simply that it states a particular view of what is ultimately real and unreal."⁴⁵ Naturalism often encompasses "atheism, scientific materialism, and secular humanism" and thus can be difficult to quantify precisely.⁴⁶ However, naturalism does have a well-recognized set of essential principles. "The single unifying theme of all [n]aturalisms is anti-transcendentalism."⁴⁷ Philosopher and theologian Ronald Nash summarizes this system of belief further:

Nature is a self-explanatory system. Any and every thing that happens within the natural order must, at least in principle, be explainable in terms of other elements of the natural order. It is never necessary to seek the explanation for any event within nature in something beyond the natural order.⁴⁸

"The essential point is that nature is understood by both naturalists and materialists to be 'all there is' and to be fundamentally mindless and purposeless."⁴⁹ As the late William Provine, atheist and evolutionary professor, explained, "[M]odern evolutionary biology tells us loud and clear — and these are basically Darwin's views. There are no gods, no

⁴⁴ REA, *supra* note 5, at 1; *see also* PHILLIP E. JOHNSON, REASON IN THE BALANCE: THE CASE AGAINST NATURALISM IN SCIENCE, LAW & EDUCATION 33 (1995) ("[N]aturalistic thinking rules the intellectual world, including the National Academy of Sciences, the public schools, the universities and the elite of the legal profession.").

⁴⁵ JOHNSON, *supra* note 44, at 37 (emphasis omitted).

⁴⁶ Terry Mortenson, *The Religion of Naturalism*, ANSWERS IN GENESIS (May 5, 2017), <https://answersingenesis.org/world-religions/religion-of-naturalism/>.

⁴⁷ Dallas Willard, *Knowledge and Naturalism*, in NATURALISM: A CRITICAL ANALYSIS 24, 44 n.1 (William Lane Craig & J. P. Moreland eds., 2000) (emphasis omitted).

⁴⁸ RONALD H. NASH, WORLDVIEWS IN CONFLICT 120 (1992).

⁴⁹ JOHNSON, *supra* note 44, at 38 n*.

purposes, and no goal-directed forces of any kind.”⁵⁰ Richard Dawkins, the world’s most famous atheist, concurs when he describes the universe as having “at bottom, no design, no purpose.”⁵¹ For our purposes, the critical question is whether naturalism, on its own terms, can satisfactorily justify the existence of truth, reason, and ethics, which, as stated before, are necessary preconditions for the freedom of speech. If it cannot, we should jettison naturalism and seek a new justifying principle. This Article now turns to that question.

A. Can Naturalism Justify the Existence of Truth

Naturalists fundamentally reject the idea of universal and objective truth.⁵² This is an understandable rejection under a worldview that has no place for God. After all, if there is a universal, pre-existing God who created all things, that God would have the authority to set the standard for what is true and what is false. As Creator, He would be the central reference point for the truth of all things. But without such a standard-bearer, there is no objective standard to establish truth and error.⁵³ In essence, “truth” becomes relative and everyone’s opinion of the “truth” is just as valid as everyone else’s.

Friedrich Nietzsche, a champion of naturalist philosophy, knew this to be true. He bluntly declared that “God is dead”⁵⁴ and concluded that “there are no eternal facts as there are no absolute truths.”⁵⁵ He described truth as “illusions about which one has forgotten that this is what they are,”⁵⁶ and he characterized the one who believes in “absolute truth” as a “child” and “not [a] man of scientific thinking.”⁵⁷ He further explained that truth does not exist because there is no uniform point of reference:

⁵⁰ William Provine & Phillip Johnson, *Darwinism: Science or Naturalistic Philosophy?*, ORIGINS RES. (Apr. 30, 1994), <http://www.arn.org/docs/orpages/or161/161main.htm>.

⁵¹ RICHARD DAWKINS, *RIVER OUT OF EDEN: A DARWINIAN VIEW OF LIFE* 133 (1995); Mortenson, *supra* note 46.

⁵² Mortenson, *supra* note 46.

⁵³ *Id.*

⁵⁴ *E.g.* FRIEDRICH NIETZSCHE, *The Gay Science*, in *THE PORTABLE NIETZSCHE* 93, 95 (Walter Kaufmann trans., Penguin Books 1976) (1954).

⁵⁵ FRIEDRICH NIETZSCHE, *HUMAN, ALL TOO HUMAN: A BOOK FOR FREE SPIRITS* 22 (Alexander Harvey trans., Charles H. Kerr & Co. 1915).

⁵⁶ FRIEDRICH NIETZSCHE, *On Truth and Lie in an Extra-Mortal Sense*, in *THE PORTABLE NIETZSCHE*, *supra* note 54, at 42, 47.

⁵⁷ FRIEDRICH NIETZSCHE, *Section Nine: Man Alone with Himself*, in *HUMAN, ALL TOO HUMAN: A BOOK FOR FREE SPIRITS* para. 630, available at http://nietzsche.holtof.com/reader/friedrich-nietzsche/human-all-too-human/aphorism-630-quote_862bd20b2.html (last visited Apr. 17, 2020).

The real truth about “objective truth” is that the latter is a fiction. Every candidate for truth must first be expressed in language, and language is notoriously unable to get us to reality. Words, like a hall of mirrors, reflect only each other and in the end point to the condition of their users without having established anything about how things really are. Truth is the name we give to that which agrees with our own instinctive preferences. It is what we call our interpretation of the world, especially when we want to foist it upon others.⁵⁸

Conviction is the belief that in some point of knowledge one possesses absolute truth. Such a belief presumes, then, that absolute truths exist; likewise, that the perfect methods for arriving at them have been found; finally, that every man who has convictions makes use of these perfect methods. All three assertions prove at once that the man of convictions is not the man of scientific thinking; he stands before us still in the age of theoretical innocence, a child, however grownup he might be otherwise. But throughout thousands of years, people have lived in such childlike assumptions, and from out of them mankind’s mightiest sources of power have flowed. The countless people who sacrificed themselves for their convictions thought they were doing it for absolute truth. All of them were wrong. . . .

Id.

⁵⁸ Ravi Zacharias, *The Death of Truth and a Postmortem*, <https://www.rzim.org/read/rzim-global/the-death-of-truth-and-a-postmortem> (last visited April 13, 2020). Cornelius Van Til reaffirmed the necessity of God as a central reference point in this manner:

Our argument for the objectivity of knowledge with respect to the universe can never be complete and satisfactory unless we bring in the relation of both the object and the subject of knowledge to God. We may debate endlessly about psychological problems without fruitage if we refuse to bring in the metaphysical question of the nature of reality. If the Christian position with respect to creation, that is, with respect to the idea of the origin of both the subject and the object of human knowledge is true, there is and must be objective knowledge. In that case the world of objects was made in order that the subject of knowledge, namely man, should interpret it under God. Without the interpretation of the universe by man to the glory of God the whole world would be meaningless. The subject and the object are therefore adapted to one another. On the other hand if the Christian theory of creation by God is not true then we hold that there cannot be objective knowledge of anything. In that case all things in this universe are unrelated and cannot be in fruitful contact with one another.

CORNELIUS VAN TIL, *THE DEFENSE OF THE FAITH* 60 (1955).

The late naturalist philosopher and professor Richard Rorty⁵⁹ echoed Nietzsche when he stated that truth is “indefinable”⁶⁰ or simply “what your contemporaries let you get away with”⁶¹ and therefore, “no interpretation is closer to reality than any other.”⁶² He summed up his position this way:

To say that truth is not out there is simply to say that where there are no sentences there is no truth, that sentences are elements of human languages, and that human languages are human creations.

. . . .

The suggestion that truth . . . is out there is a legacy of an age in which the world was seen as the creation of a being who had a language of his own.⁶³

According to the naturalists, that era has passed, and so has the idea of objective truth.⁶⁴

Not only is this position self-defeating (is it *true* that there is no truth?), but the search for truth is thus rendered futile under naturalistic presuppositions because there is no objective truth to find. In the prior era, there remained the “idea . . . that at a certain point in the process of inquiry you come to rest because you’ve reached the goal,” but in the era of naturalism, “[t]he idea that the aim of inquiry is conformity or correspondence to reality . . . is one that we just can’t make any use of.”⁶⁵

⁵⁹ Bjørn Ramberg, *Richard Rorty*, THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY 1 (2007), <https://plato.stanford.edu/entries/rorty/> (“Rorty has sought to integrate and apply the milestone achievements of Dewey, Hegel and Darwin in a pragmatist synthesis of historicism and naturalism.”).

⁶⁰ Philosophy Overdose, *Richard Rorty on Pragmatism*, YOUTUBE at 1:52 (July 17, 2017), <https://www.youtube.com/watch?v=5nTRunosX8w>.

⁶¹ Santiago Zabala, *Richard Rorty: Life, Pragmatism, and Conversational Philosophy*, L.A. REV. BOOKS (July 22, 2017), <https://www.lareviewofbooks.org/article/richard-rorty-life-pragmatism-and-conversational-philosophy>.

⁶² Philosophy Overdose, *supra* note 60.

⁶³ RICHARD RORTY, CONTINGENCY, IRONY, AND SOLIDARITY 5 (1989). Rorty’s sentiments on truth echo those of Pontius Pilate when he responded to Jesus Christ’s assertion that He came into the world to “bear witness to the truth.” Pilate replied sarcastically, “What is truth?” See *John* 8:38.

⁶⁴ NIETZSCHE, *supra* note 57, para. 630.

⁶⁵ Philosophy Overdose, *supra* note 60.

The naturalist finds himself in the predicament of “always learning [but] never [being] able to come to the knowledge of the truth.”⁶⁶

Without an objective truth to discover, the First Amendment is rendered meaningless; its very purpose is to protect a pursuit that is inherently fruitless under naturalistic presuppositions. The “[l]iberty [of speech] depends upon the existence of truth [and] [t]ruth depends upon the existence of God. No God, no truth, no liberty”⁶⁷ This is the quandary of the naturalist.

B. Can Naturalism Justify the Existence of Reason?

While naturalists embrace the idea of rational man who observes his environment and reasons his way to new discoveries, naturalism fails to provide an adequate explanation for man’s power to reason. Reason, broadly defined, is “the power of the mind to think and understand in a logical way.”⁶⁸ The entire process of inquiry “assumes that human beings . . . are rational beings who can observe nature accurately and employ logical reasoning to understand the reality behind the appearances.”⁶⁹ Thus, at a minimum, for inquiry to be successful, there must be reality, and human beings must have minds that can accurately perceive and analyze this reality.⁷⁰ However, naturalism fails to explain why our minds can perceive and analyze correctly.

As a starting point, naturalism faces an uphill battle explaining the inception of human consciousness, or awareness of one’s body and one’s environment. “Naturalistic evolutionary theory . . . says that creation was by *impersonal* and *unintelligent* forces.”⁷¹ Richard Dawkins clarifies that natural selection is a “blind, *unconscious*, automatic process.”⁷² From where then, comes man’s consciousness? And at what point in the evolutionary process did it emerge? Naturalism does not adequately explain how consciousness could come from cosmic unconsciousness. On

⁶⁶ 2 *Timothy* 3:7. Bible translations are from the New King James Version unless otherwise noted. In this translation, italicized words are those without verbal equivalents in the original languages.

⁶⁷ R. Albert Mohler, Jr., *The Eclipse of God, the Subversion of Truth, and the Assault upon Religious Liberty*, ALBERT MOHLER (July 16, 2019), <https://albertmohler.com/2019/07/16/the-eclipse-of-god-the-subversion-of-truth-and-the-assault-upon-religious-liberty>.

⁶⁸ *Reason*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/reason> (last visited Feb. 28, 2020).

⁶⁹ JOHNSON, *supra* note 44, at 61.

⁷⁰ *Id.*

⁷¹ *Id.* at 108 (emphasis added).

⁷² RICHARD DAWKINS, *THE BLIND WATCHMAKER: WHY THE EVIDENCE OF EVOLUTION REVEALS A UNIVERSE WITHOUT DESIGN* 9 (2015) (emphasis added).

its face, naturalism appears committed to the idea that consciousness simply appeared *ex nihilo* through some sort of spontaneous generation.⁷³ This explanation is less than satisfying.

Similarly, naturalists struggle to explain how consciousness currently operates in human beings. At its core, consciousness raises a dilemma for the naturalist—how to identify “an empirically adequate meeting point between the physical extensions of our brain and bodies and the apparently non-physical mind”?⁷⁴ Indeed, “[l]ooking at molecules, cytoskeletons, microtubules and other fine-grained structures of the cell does not tell us anything about how that cell ‘experiences’ the world.”⁷⁵ Scientists and philosophers have noted this problem for at least half a century.⁷⁶

Wilfrid Sellars commented in 1962 that “there seems to be an irreconcilable conflict between the Manifest Image of colours, sounds, smells, desires and beliefs and the world of atoms, molecules and fields described by modern physical science.”⁷⁷ In 1983, materialist philosopher Joseph Levine famously characterized the failure of modern science to adequately explain consciousness as the “explanatory gap.”⁷⁸ In 1995, philosopher and cognitive scientist David Chalmers noted that Levine’s gap had morphed into the “hard problem of consciousness” and concluded that “we have no good explanation of why we are conscious entities and not simple mechanical automata, or to use the jargon of analytical philosophy, why we are not ‘zombies.’”⁷⁹ And in recent years Professor John Searle, who teaches philosophy of mind and language at the University of California, Berkeley, admitted that “we do not have an adequate theory of consciousness,”⁸⁰ while Dr. Marius M. Stanciu concluded that, despite serious efforts, the explanatory gap has yet to be filled.⁸¹ The best theories that materialists have proposed are that either our natural minds are insufficient to explain consciousness, or that

⁷³ Todd Moody, *Naturalism and the Problem of Consciousness*, 2 PLURALIST 72, 73–75, 77–78 (2007).

⁷⁴ Marius Stanciu, *The Explanatory Gap: 30 Years After*, 127 PROCEEDIA – SOC. & BEHAV. SCI. 292, 292 (2014).

⁷⁵ *Id.* at 296.

⁷⁶ *Id.* at 292–93.

⁷⁷ *Id.* (emphasis omitted) (citing WILLIFRED SELLARS, PHILOSOPHY AND THE SCIENTIFIC IMAGE OF MAN 35–38 (Robert Colodny ed., Univ. of Pittsburgh Press 1962)).

⁷⁸ *Id.* at 293.

⁷⁹ *Id.* (citing D. CHALMERS, THE CONSCIOUS MIND: IN SEARCH OF A FUNDAMENTAL THEORY 213 (1996)).

⁸⁰ JOHN SEARLE, 7 IN THE LIGHT OF EVOLUTION: THE HUMAN MENTAL MACHINERY 3 (Camilo J. Cela-Conde, et al. eds., 2014).

⁸¹ Stanciu, *supra* note 74, at 293 (“[I]t is natural to ask ourselves whether or not some progresses have been made in the last 30 years in respect to this highly problematic issue. The blunt and short answer, I think, is definitely ‘no.’”).

qualia—subjective experiences—simply do not exist.⁸² Neither of these explanations is sufficient for obvious reasons. Thus, “[i]t is widely agreed among contemporary philosophers of mind that science leaves us with an ‘explanatory gap’—that even after we know everything that science can tell us about the conscious mind and the brain, their relationship still remains mysterious.”⁸³

Naturalists also assume that the mind and senses can accurately represent the real world around them. Of course, it is a necessary precondition of the scientific method that our senses can accurately observe nature.⁸⁴ However, as with consciousness, naturalism provides, at most, doubtful support for the ability of the mind to correctly interpret sense perceptions.⁸⁵ Philosopher Alvin Plantinga explained this deficiency in his “Evolutionary Argument Against Naturalism”:

If (naturalistic) evolution is true, then our cognitive faculties will have resulted from blind mechanisms like natural selection, working on sources of genetic variation such as random genetic mutation. And the ultimate purpose or function (Churchland’s “chore”) of our cognitive faculties, if indeed they *have* a purpose or function, will be survival . . . But then it is unlikely that they have the production of true beliefs as a function. So the probability of our faculties’ being reliable, given naturalistic evolution, would be fairly low.⁸⁶

In a nutshell, unguided evolution enables organisms to succeed in four things: “feeding, fleeing, fighting, and reproducing.”⁸⁷ Natural selection *can* produce improvements in sensorimotor control that give the organism “a fancier style of representing” reality, but *only to the extent* that such a change “enhances the organism’s chances of survival.”⁸⁸ Thus, Plantinga argues, “Truth, whatever that is, definitely takes the hindmost.”⁸⁹ This argument has real force. Essentially, Plantinga points out that naturalistic evolution proves too little—or aims too low—because

⁸² *Id.*

⁸³ David Papineau, *What Exactly is the Explanatory Gap?*, 39 *PHILOSOPHIA* 5, 5 (2011).

⁸⁴ JOHNSON, *supra* note 44, at 61.

⁸⁵ Alvin Plantinga, *An Evolutionary Argument Against Naturalism*, *BETHINKING* (1996), <https://www.bethinking.org/atheism/an-evolutionary-argument-against-naturalism>.

⁸⁶ *Id.*

⁸⁷ *Id.* (quoting PATRICIA SMITH CHURCHLAND, *NEUROPHILOSOPHY: TOWARD A UNIFIED SCIENCE OF THE MIND-BRAIN* 1 (1986) (ebook)).

⁸⁸ *Id.* (emphasis omitted).

⁸⁹ *Id.* (quoting Patricia Smith Churchland, *Epistemology in the Age of Neuroscience*, 84 *J. PHIL.* 544, 549 (1987)).

survival does not require true representation. In fact, misperceptions can greatly increase an individual's or species' chances of survival. A mouse, for example, may flee at every rustle of a leaf, thinking that a predator is around the corner. Its skittish sense of perception will certainly assist the mouse in surviving, even though in most cases, there is no predator.

Naturalists recognize that Plantinga's argument has obvious implications for humans, who, according to Darwinian evolution, "really are just animals with surplus neurons."⁹⁰ Professor Searle notes that our evolutionary paths "include the brains of dogs, baboons, [and] dolphins" and cautions, "[I]t is a mistake to assume that everything that exists is comprehensible to our brains."⁹¹ Charles Darwin himself was plagued by the thought that his own theory undercut the reliability of the human mind:

[W]ith me the horrid doubt always arises whether the convictions of man's mind, which has been developed from the mind of the lower animals, are of any value or at all trustworthy. Would any one trust in the convictions of a monkey's mind, if there are any convictions in such a mind?⁹²

Scottish philosopher David Hume⁹³ was perhaps most skeptical of the reliability of man's mind to correctly interpret sense perceptions:

As to those *impressions*, which arise from the *senses*, their ultimate cause is, in my opinion, perfectly inexplicable by human reason, and 'twill always be impossible to decide with certainty whether they arise immediately from the object, or are produc'd by the creative power of the mind We may draw inferences from the coherence of our perceptions, whether they be true or

⁹⁰ JOHNSON, *supra* note 44, at 129.

⁹¹ *Id.* at 125.

⁹² Letter from Charles Darwin to W. Graham (July 3, 1881), in 1 THE LIFE AND LETTERS OF CHARLES DARWIN INCLUDING AN AUTOBIOGRAPHICAL CHAPTER 315, 316 (Francis Darwin ed., 1887).

⁹³ William Edward Morris & Charlotte R. Brown, *David Hume*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY 1 (2019), <https://plato.stanford.edu/entries/hume/>. While there is some debate over whether Hume was an atheist, "it is certainly true that one of his most basic philosophical objectives is to discredit the doctrines and dogmas of traditional theistic belief." Paul Russell & Anders Kraal, *Hume on Religion*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY 1 (2017), <https://plato.stanford.edu/entries/hume-religion/>. Hume's "skepticism and naturalism [] feature prominently in his *Treatise of Human Nature*." *Id.*

false; whether they represent nature justly, or be mere illusions of the senses.⁹⁴

Hume's skepticism has taken on a whole new dimension as physicists and philosophers today have begun to seriously consider the validity of the "simulation hypothesis," which postulates that physical reality is an illusion and that we all actually live in a computer simulation.⁹⁵ Professor Rorty sums up the naturalist's lack of faith in the mind by simply conceding, "After Darwin, it becomes very hard to say that human beings grasp the true nature of things."⁹⁶

Naturalism also fails to account for the mind's ability to discover truth using laws of logic. As stated above, human reason entails not only a mind that can accurately perceive what the body touches, tastes, hears, and sees, but one that can also discover truth by following logical relations. In short, the working mind can both perceive *and* analyze. The latter function is particularly important for obtaining knowledge because "[c]omparatively speaking, there is very little that we know we know because we are able to directly examine the respective subject matter and verify the truth of our ideas about it."⁹⁷ The vast majority of discovery is made by using "true premisses [sic] from which we may proceed to other known truths by following out logical relations."⁹⁸ Mathematics and computers have astronomically expanded our ability to discover "unexperienced (and even unexperienceable) existence"⁹⁹ through the process of logical derivation. Thus, for instance, we can calculate Jupiter's gravitational pull based on Newton's law of universal gravitation without ever landing on Jupiter.¹⁰⁰ We can determine the speed of light even though we cannot travel that fast.¹⁰¹ And we can skip the flight to France and apply the law of non-contradiction¹⁰² to know that the Eiffel Tower

⁹⁴ DAVID HUME, *TREATISE ON HUMAN NATURE* bk. I, pt. III, § V (L.A. Selby-Bigge, ed., 2d ed. 1978).

⁹⁵ Nick Bostrom, *Are You Living in a Computer Simulation?*, 53 *PHIL. Q.* 243, 243 (2003).

⁹⁶ Intelcom, *Pragmatism, Language and Reality*, YOUTUBE (Mar. 16, 2018), <https://www.youtube.com/watch?v=EZ6S8zktfho&feature=youtu.be>.

⁹⁷ Willard, *supra* note 47, at 42.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Matt Williams, *How Strong is Gravity on Other Planets?*, *PHYS ORG* (Jan. 1, 2016), <https://phys.org/news/2016-01-strong-gravity-planets.html>.

¹⁰¹ See Chris Oates, *How Were the Speed of Sound and the Speed of Light Determined and Measured?*, *SCI. AM.* (June 9, 2003), <https://www.scientificamerican.com/article/how-were-the-speed-of-sou/> (explaining the scientific process of calculating the speed of light).

¹⁰² Laurence R. Horn, *Contradiction*, *THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY* 1 (Aug. 29, 2018), <https://plato.stanford.edu/entries/contradiction/>. Aristotle defined the law of non-contradiction as follows: "It is impossible that the same thing can at the same time

cannot *be* the Eiffel Tower and *not be* the Eiffel Tower at the same time. The human mind thus has the unique ability to employ logical reasoning to “consider abstractions of abstractions to nearly any level.”¹⁰³

Naturalistic explanations for human logic again fall victim to Plantinga’s argument because they prove too little. Naturalistic evolution explains adaptations that help an organism *survive*; it does not, however, explain how the human mind can reason logically using known premises to gain new knowledge beyond our immediate experience that does not aid in survival.¹⁰⁴ Understanding the gravitational pull on Jupiter, calculating the speed of light, and knowing that a distant and famous landmark cannot be and *not be* itself at the same time, contribute little if anything to human survival. In 2019 alone, humans used laws of logic, mathematics, motion, and physics to build machines that could discover a hidden continent, image a black hole, measure earthquakes on Mars, and find a new exoplanet.¹⁰⁵ These fascinating discoveries contribute significantly to human understanding, but their impact on human survival is doubtful. “If humans are animals whose mental capacities evolved solely for their effectiveness in leaving viable offspring in a hunter-gatherer environment, it is difficult to see how we could have access to an objective truth that transcends our common sensory experience.”¹⁰⁶ Thus, naturalism does not adequately explain how our minds are able to use logical relations to understand far more than is necessary for survival.

Naturalism also fails to provide a materialistic explanation for laws of logic.¹⁰⁷ The late philosopher Dr. Greg Bahnsen described such laws as

both belong and not belong to the same object and in the same respect” *Id.* Christian Apologist Ravi Zacharias states the law this way: “Two statements that mutually exclude the other cannot both be true.” Ravi Zacharias, *The Law of Noncontradiction*, RAVI ZACHARIAS INT’L MINISTRIES (Apr. 30, 2018), <https://www.rzim.org/listen/just-a-thought/the-law-of-non-contradiction>.

¹⁰³ Anthony Castaldo, *Editor’s Pick: Consciousness and Intelligence Are Different*, NEWS SCIENTIST (July 19, 2017), <https://www.newscientist.com/letter/mg23531352-400-1-editors-pick-consciousness-and-intelligence-are-different/>.

¹⁰⁴ JOHNSON, *supra* note 44, at 197–98.

¹⁰⁵ Aylin Woodward, *The Most Mind-Boggling Scientific Discoveries of 2019 Include the First Image of a Black Hole, a Giant Squid Sighting, and an Exoplanet with Water Vapor*, BUS. INSIDER (Dec. 26, 2019, 10:45 AM), <https://www.businessinsider.com/biggest-scientific-discoveries-of-2019-2019-11#scientists-also-successfully-harnessed-the-power-of-sunlight-to-propel-a-spacecraft-11>.

¹⁰⁶ JOHNSON, *supra* note 44, at 197.

¹⁰⁷ Ravi Zacharias, *Contending for the Truth: 2007 National Conference: Postmodernism and Philosophy*, LIGONIER MINISTRIES (2007), https://www.ligonier.org/learn/conferences/orlando_2007_national_conference/postmodernism-and-philosophy/.

One is the law of identity. When you have identified something as A, you are not talking about non-A. The second is the law of non-contradiction. The third is the

“universal, . . . invariant, and . . . not material in nature.”¹⁰⁸ Accordingly, they “have a transcendental necessity about them”¹⁰⁹ and they “can not be avoided.”¹¹⁰ To be internally consistent, the naturalist must maintain that laws of logic somehow evolved from unintelligent and impersonal forces through a process of random chance.¹¹¹ The naturalist could argue that such laws are merely societal conventions based on utility, but this argument is unavailing. Consider, for example, the law of noncontradiction, which states that “two statements that mutually exclude the other cannot both be true.”¹¹² If this law of logic is not a universal norm but a mere convention, it would vary among different cultures based on its respective usefulness to that culture. Yet we observe, to the contrary, that this law is observed universally—that is, in every culture. The savvy naturalist will respond that the law of noncontradiction—“either/or logic”—is not a universal norm but rather a mode of Western thinking and that Eastern minds utilize dialectical logic—“both/and logic”—in which something can be both true and not true at the same time.¹¹³ However, the naturalist, by arguing that the law of noncontradiction is not normative, actually confirms the law of noncontradiction. Why? Because, essentially, he is arguing that it is *either* true that the LNC is a universal law, *or* that it is a mere cultural convention. He uses the law of noncontradiction to try to refute the law of noncontradiction, which is ultimately self-defeating. Moreover, Christian apologist Ravi Zacharias has noted that “even though Hindus may claim that something can be *both* true *and* untrue concurrently, they, too, look both ways when crossing a road, for they know it will *either* be the bus *or* them that survive an unsolicited collision.”¹¹⁴ Bahnsen and Zacharias

law of the excluded middle. Which basically means that just because two things have one thing in common does not mean that they have everything in common. And fourth is the law of rational inference.

Id.

¹⁰⁸ *The Great Debate: Greg Bahnsen v. Gordon Stien*, INTERNET ARCHIVE (Apr. 25, 2015) [hereinafter *The Great Debate*], <https://archive.org/details/Bahnsen-Vs-Stein-The-Great-Debate-Does-God-Exist>. A full transcript of the Bahnsen-Stein debate is available at http://andynaselli.com/wp-content/uploads/Bahnsen-Stein_Transcript.pdf.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*; DAWKINS, *supra* note 72, at 9.

¹¹² Zacharias, *supra* note 102.

¹¹³ This is Hegel’s dialectic, which states that two things that are contradictory “does not lead to the rejection of both concepts and hence to nothingness . . . but leads to a positive result, namely, to the introduction of a new concept—the synthesis—which unifies the two, earlier, opposed concepts.” Julie E. Maybee, *Hegel’s Dialectics*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY 1, 4 (2016), <https://plato.stanford.edu/entries/hegel-dialectics/>.

¹¹⁴ RICK M. NAÑEZ, FULL GOSPEL, FRACTURED MINDS?: A CALL TO USE GOD’S GIFT OF THE INTELLECT 175 (2005).

would agree with Aristotle that the law of non-contradiction is a universal “first principle” that “is necessary for anyone to have who knows any of the things that are.”¹¹⁵ Logic as convention simply does not match reality.

Because law of noncontradiction and other laws of logic are uniform, epistemological necessities, they also cannot be mere products of chemical reactions in the brain. If they were, they would cease to be normative, and would thus not be laws.¹¹⁶ For, as Dr. Bahnsen explained, “[W]hat happens inside your brain is not the same as what happens inside my brain, and so what happens inside your brain is not a law. . . . [If] laws of logic come down to being materialistic entities then they no longer have their law-like character.”¹¹⁷ Without any fixed norm of reasoning, each person can define his own “laws” of logic, and rational discourse collapses into meaninglessness.¹¹⁸ Cornelius Van Til described the naturalist’s hopeless intellectual dilemma:

Suppose we think of a man made of water in an infinitely extended and bottomless ocean of water. Desiring to get out of water, he makes a ladder of water. He sets this ladder upon the water and against the water and then attempts to climb out of the water. So hopeless and senseless a picture must be drawn of the natural man’s methodology based as it is upon the assumption that time or chance is ultimate. On his assumption his own rationality is a product of chance. On his assumption even the laws of logic which he employs are products of chance. The rationality and purpose that he may be searching for are still bound to be products of chance.¹¹⁹

Hume would agree with Van Til that naturalism leads to intellectual despair:

The *intense* view of these manifold contradictions and imperfections in human reason has so wrought upon me, and heated my brain, *that I am ready to reject all belief and reasoning, and can look upon no opinion even as more probable or likely than another.* Where am I, or what? From what causes do I derive my existence, and to what condition shall I return?

¹¹⁵ Paula Gottlieb, *Aristotle on Non-Contradiction*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY 1, 2 (2019), <https://plato.stanford.edu/entries/aristotle-noncontradiction/>.

¹¹⁶ *The Great Debate*, *supra* note 108 (arguing that atheism renders such laws no longer “law-like”).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ VAN TIL, *supra* note 58, at 119.

Whose favour shall I court, and whose anger must I dread? What beings surround me? and on whom have, I any influence, or who have any influence on me? I am confounded with all these questions, and begin to fancy myself in the most deplorable condition imaginable, [e]nvironed with the deepest darkness, and utterly deprived of the use of every member and faculty.¹²⁰

In summary, naturalism does not provide an adequate justification for human reason. The First Amendment is “rooted in faith in the force of reason.”¹²¹ So if naturalism provides no foundation for reason, then likewise, it provides no foundation for the freedom of speech.

C. Can Naturalism Justify the Existence of Ethics?

Naturalism does not provide a materialistic justification for a universal code of ethics. At its core, naturalism rejects God. However, without God, there is no universal moral standard to determine what “ought” to be.¹²² There is no criterion to establish what is “right” and what is “wrong.”¹²³ And honest naturalists openly admit this conclusion. Nietzsche called the idea of a “moral world order” a “lie[.]”¹²⁴ He also spoke of “my way” and “your[.]” way, but concluded that as for “the way—that does not exist.”¹²⁵ Professor Provine stated bluntly, “There is no ultimate foundation for ethics”¹²⁶ And Richard Dawkins says, “[T]here is . . . no evil and no good, nothing but blind, pitiless indifference. DNA neither knows nor cares.”¹²⁷

If naturalism is true, then there is no right way we ought to think. No ideas (including naturalism itself) are more valid, sound, or correct than any other ideas.¹²⁸ Everyone’s value judgments become mere preferences. What then is left to resolve intellectual differences, but

¹²⁰ HUME, *supra* note 94, at bk. I, pt. IV, § VII (emphasis added).

¹²¹ *Kunz v. New York*, 340 U.S. 290, 302 (1951) (Jackson, J., dissenting).

¹²² John Frame & Paul Kurtz, *Do We Need God to Be Moral?*, FRAME-POYTHRESS.ORG (May 17, 2012), <https://frame-poythress.org/do-we-need-god-to-be-moral/> (originally published in *Free Inquiry*, a journal of secular humanists).

¹²³ *Id.*

¹²⁴ Friedrich Nietzsche, *The Antichrist*, in THE PORTABLE NIETZSCHE, *supra* note 54, at 565, 611 (emphasis omitted).

¹²⁵ Friedrich Nietzsche, *Thus Spake Zarathustra: Third Part*, in THE PORTABLE NIETZSCHE, *supra* note 54, at 260, 307.

¹²⁶ Provine & Johnson, *supra* note 50.

¹²⁷ DAWKINS, *supra* note 51, at 133.

¹²⁸ JOHNSON, *supra* note 44, at 169–70.

Nietzsche's "will to power"?¹²⁹ For without ethics, "finding any rational grounds for building a consensus on any significant human question becomes problematic."¹³⁰ Relativism "leads to the conclusion that social conflicts cannot be resolved by reason or even compromise because there is no common reason that can unite groups that differ on fundamental questions."¹³¹ The abandonment of truth and ethics thus leads directly to the conclusion that debate over fundamental differences is futile and that "only force can decide who is to prevail."¹³²

If naturalism is true, then there is also no right way we ought to act. No actions are morally more praiseworthy than any others. Indeed, as Fyodor Dostoevsky famously said, "If God does not exist, everything is permitted."¹³³ In other words, "notions of good and evil lose their force when people cease to acknowledge God."¹³⁴ Accordingly, a naturalist cannot say that debating an opponent is any more commendable than punching that opponent. Force is just as valid a response to offensive speech as is debate.

Atheist Sam Harris has conceded that objective moral duties exist and has attempted to argue that such duties have a naturalistic explanation. He does so by defining the "morally good" as those things that "relate to facts about the well-being of conscious creatures."¹³⁵ But his argument stumbles at the first step. His redefinition of the word "good" to mean the flourishing of conscious creatures, simply begs the question why, in a naturalistic universe, is such flourishing good?¹³⁶ Dr. Harris's argument essentially leaps from "is" to "ought" with no naturalistic explanation, and this oversight is fatal to his moral theory. "A study of matter, motion, time, and chance will tell you what *is* up to a point, but it

¹²⁹ Friedrich Nietzsche, *The Antichrist*, in THE PORTABLE NIETZSCHE, *supra* note 54, at 565, 566 ("What is good? Whatever augments the feeling of power, the will to power, power itself, in man.").

¹³⁰ JOHNSON, *supra* note 44, at 169.

¹³¹ *Id.* at 183.

¹³² *Id.* at 184.

¹³³ See Andrei I. Volkov, *Dostoevsky Did Say It: A Response to David E. Coresi (2011)*, SECULAR WEB, https://infidels.org/library/modern/andrei_volkov/dostoevsky.html (last visited Mar. 4, 2020) (explaining the controversy over whether Dostoevsky actually said the quote so often attributed to him and concluding, based on the original Russian versions of his works, that the quotation is, at least in substance if not in form, accurate).

¹³⁴ Frame & Kurtz, *supra* note 122.

¹³⁵ SAM HARRIS, THE MORAL LANDSCAPE: HOW SCIENCE CAN DETERMINE HUMAN VALUES 6, 32 (2010).

¹³⁶ See, e.g., Kwame Anthony Appiah, *Science Knows Best*, N.Y. TIMES (Oct. 1, 2010), <https://www.nytimes.com/2010/10/03/books/review/Appiah-t.html> ("But wait: How do we know that the morally right act is, as Harris posits, the one that does most to increase well-being, defined in terms of our conscious states of mind?").

will not tell you what you *ought* to do.”¹³⁷ The scientific method can tell us that smoking leads to lung cancer, but it cannot tell us whether smoking is “bad” and whether one ought to quit.¹³⁸ Such an assessment requires reference to teleology or philosophy on the value of life, which is beyond the purview of observation.¹³⁹ Dr. Harris can identify what conditions lead to human flourishing, but he cannot tell us whether such flourishing is good—he simply assumes it is without explanation.

In the end, Darwinian evolution simply provides no grounds to condemn violent attempts to silence controversial speakers on America’s college campuses because “impersonal objects and forces cannot justify ethical obligations.”¹⁴⁰

Scientific naturalism is a story that reduces reality to physical particles and impersonal laws, portrays life as a meaningless competition among organisms that exist only to survive and reproduce, and sees the mind as no more than an emergent property of biochemical reasons. In consequence, a merely scientific concept of rationality prepares the way for the irrationalist and tribalist reaction that is so visible all around us.¹⁴¹

Naturalism empowers the motto of the cancel culture’s campus protestor, which is, “Your speech is violence, but my violence is speech.” In sum, naturalism fails to justify any normative code of ethics on its own terms, and thus, provides no intelligible reason to condemn mob violence or to commend debate as the proper response to “offensive” speech.¹⁴²

Naturalism is the predominant worldview in academia.¹⁴³ It embraces only naturalistic explanations for reality, and thus rejects any

¹³⁷ Frame & Kurtz, *supra* note 122.

¹³⁸ JOHNSON, *supra* note 44, at 200 (“By its very nature, the scientific method has no power to resolve disputes about value or teleology (the purpose for which things like living organisms were created).”).

¹³⁹ *Id.*; Frame & Kurtz, *supra* note 122.

¹⁴⁰ Frame & Kurtz, *supra* note 122.

¹⁴¹ JOHNSON, *supra* note 44, at 197.

¹⁴² Let me be clear that I am not contending that naturalists ascribe to no moral code. Undoubtedly, many naturalists give to humanitarian causes and seek the well-being of their neighbors and friends. Indeed, many materialist scientists probably joined the scientific community for the purpose of human knowledge and flourishing. My point is simply that despite these laudable impulses, naturalism provides no internally consistent epistemological reason for a universal code of ethics.

¹⁴³ See Merrill Ring, *Naturalism and Normativity*, CAL. ST. UNIV., FULLERTON, philosophy.fullerton.edu/faculty/merrill_ring/papers.aspx (last visited Mar. 7, 2020) (explaining that naturalism has dominated English-speaking philosophy for the past century).

form of transcendentalism.¹⁴⁴ Naturalism openly discards objective truth, implicitly undercuts man's ability to reason, and fails to provide a materialistic basis for a consistent moral ethic. Under naturalistic assumptions, there is no truth to find, there is no assurance the mind works, and there is no reason to abandon force as a means to resolve disagreements. Because truth, reason, and ethics are necessary preconditions for a rational search for the truth—which the First Amendment was designed to protect—naturalism undercuts the very foundation of this liberty. We should therefore not be shocked that students are abandoning rational debate for violence. Because naturalism, on its own terms, fails to provide an internally consistent explanation for the freedom of speech on campus, an alternative paradigm must be considered.

III. CAN CLASSICAL CHRISTIANITY JUSTIFY THE FIRST AMENDMENT?

The classical Christian worldview stands in stark contrast to the naturalistic one. The former endorses—rather than rejects—transcendentalism. Nature is not all there is, nor can nature provide all the answers. The Christian worldview affirms that there is a supernatural component to reality. Whereas the naturalist believes in an impersonal, unintelligent, and random universe, the Christian believes the natural world is run by a personal, intelligent, and purposeful Being. Specifically, the Christian worldview is built, at a minimum, on the following three basic presuppositions: God exists, God created the natural world for a purpose, and God has revealed truth to mankind.¹⁴⁵ The source of this knowledge is God's Word as revealed in the Bible.¹⁴⁶ Can these biblical principles, if true, explain the existence of truth, reason, and ethics and thus provide an adequate justification for the First Amendment? Or, to put it more bluntly, can classical Christianity succeed where naturalism fails?

As an initial matter, it is worth noting that the American system of government, including the First Amendment, was based upon the foundational presuppositions of classical Christianity. It is only natural

¹⁴⁴ *Id.*

¹⁴⁵ GLENN R. MARTIN, *PREVAILING WORLDVIEW OF WESTERN SOCIETY SINCE 1500*, at 36–42 (2006). Martin generally discusses the three basic presuppositions of the Christian worldview. I have stated them somewhat differently here, but they are essentially the same principles.

¹⁴⁶ *See id.* at 39. While the Bible was written by many human writers in sixty-six books over hundreds of years, God is the ultimate author. “*All Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be complete, thoroughly equipped for every good work.*” 2 *Timothy* 3:16–17 (emphasis added).

and right for contemporary Americans to look to those presuppositions in search of an adequate justification for our liberties and public institutions. The private writings and public documents that constitute the historical record of the American Revolution and the Founding Era reveal an underlying classical Christian worldview.¹⁴⁷

Americans anchored their belief in political rights to God and God's law, for the Declaration of Independence proclaims that "all men are created equal, [and] that *they are endowed by their Creator with certain unalienable [r]ights.*"¹⁴⁸ "Governments are instituted" to secure these rights,¹⁴⁹ but the people retain the right to "alter or abolish" any government that oversteps its lawful bounds.¹⁵⁰ Relying on the authority of "*the Laws of Nature and of Nature's God,*" the people of the American colonies declared themselves independent and began the work of creating states from colonies and a republic from a former part of an empire.¹⁵¹ John Adams declared what is plain from the text, that the "[Declaration of Independence] . . . laid the corner stone of human government upon the first precepts of Christianity."¹⁵² This is not surprising given that "[t]he Bible was the most prominent literary text in eighteenth-century America"¹⁵³ and was "[t]he most important source of meaning for eighteenth-century Americans."¹⁵⁴ Indeed, the Bible was the most quoted source of authority in the public political literature written between 1760 and 1805.¹⁵⁵ Guided and justified by those "Laws of Nature and of

¹⁴⁷ See BERNARD BAILYN, *THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION* 24, 26, 30, 32 (2d ed. 1992) (noting the superficial influence of classical authors, the direct influence of Enlightenment thinkers, the reliance upon English common law, and pervasive influence of theological ideas derived from "the political and social theories of New England Puritanism").

¹⁴⁸ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776) (emphasis added).

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at para. 1 (emphasis added).

¹⁵² John Quincy Adams, *An Oration Delivered Before the Inhabitants of the Town of Newburyport, at Their Request, on the Sixty-First Anniversary of the Declaration of Independence* (July 4, 1837).

¹⁵³ DANIEL L. DREISBACH, *READING THE BIBLE WITH THE FOUNDING FATHERS* 49 (2017).

¹⁵⁴ JOYCE APPLEBY, *LIBERALISM AND REPUBLICANISM IN THE HISTORICAL IMAGINATION* 1 (1992).

¹⁵⁵ DONALD S. LUTZ, *THE ORIGINS OF AMERICAN CONSTITUTIONALISM* 140–45 (1988) (comparing citations to the Bible to citations to other sources referenced by the Founding Fathers). While the colonists also borrowed frequently from European and Enlightenment thinkers, Lutz concluded that the references to the Bible dominated the founding era:

When reading comprehensively in the political literature of the war years, one cannot but be struck by the extent to which biblical sources used by ministers and traditional Whigs undergirded the justification for the break with Britain, the rationale for continuing the war, and the basic principles of Americans' writing their own constitutions.

Nature's God," the American people "alter[ed] their . . . [s]ystems of [g]overnment" to secure their God-given rights.¹⁵⁶

Among the most cherished of these rights are the freedom of speech and the free exercise of religion, which (as the Supreme Court has explained) are related components of the "individual freedom of mind" protected by the First Amendment.¹⁵⁷ The Court has noted that the foundations of this protected "sphere of intellect"¹⁵⁸ were revealed in Virginia's struggle for religious liberty.¹⁵⁹ And this struggle revealed a consistent reliance on Christian principles as the basis of political freedom. Thomas Jefferson's Bill for Establishing Religious Freedom, drafted in 1779, stated the fundamental principle for liberty of thought:

Well aware that . . . Almighty God hath created the mind free, that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion . . . that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on the supposition of their ill tendency, is a dangerous fallacy . . . that it is time enough for the rightful purposes of civil government,

Id. at 142.

¹⁵⁶ THE DECLARATION OF INDEPENDENCE paras. 1–2 (U.S. 1776).

¹⁵⁷ *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (quoting *Bd. of Educ. v. Barnette*, 319 U.S. 624, 637 (1943)) ("A system which secures the right to proselytize religious, political, and ideological causes must also guarantee the concomitant right to decline to foster such concepts. The right to speak and the right to refrain from speaking are complementary components of the broader concept of 'individual freedom of mind.');" *see also Barnette*, 319 U.S. at 638 ("The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.").

¹⁵⁸ In *Barnette*, the plaintiff's suit was founded upon the Free Exercise Clause. 319 U.S. at 630. However, the Court ultimately held that the mandatory pledge and flag salute violated a more fundamental principle of the First Amendment. "We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control." *Id.* at 642.

¹⁵⁹ *See Everson v. Bd. of Educ.*, 330 U.S. 1, 11–13 (1947) (discussing the influence of the writings of Jefferson and Madison—who drafted the Memorial and Remonstrance and co-authored the Declaration of Rights with George Mason—on the meaning of the First Amendment); *see also McGowan v. Maryland*, 366 U.S. 420, 437–38 (1961) (explaining that Virginia's Declaration of Rights was "particularly relevant in the search for the First Amendment's meaning").

for its officers to interfere when principles break out into overt acts against peace and good order¹⁶⁰

James Madison echoed these principles in his Memorial and Remonstrance Against Religious Assessments by writing the following about religious liberty in 1785:

This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: *It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him.* This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society.¹⁶¹

In short, both Madison and Jefferson concluded that the mind is free because *God has not given the civil government jurisdiction over it*. God retains exclusive authority over the human mind and leaves no room for physical or political force as a means of persuasion.¹⁶² Accordingly, men are free to believe and express their opinions—religious or otherwise—without fear of human retribution. This principle provided the basis for the Virginia legislature to adopt the Bill for Establishing Religious Freedom in 1786, and ultimately, for the nation to ratify the First Amendment in 1791.¹⁶³ These organic documents clearly illustrate that the core presuppositions of classical Christianity formed the foundation upon which the Revolutionary political philosophy was built and provided an adequate justification for, among other things, a widespread commitment to freedom of speech.¹⁶⁴

¹⁶⁰ THOMAS JEFFERSON, A BILL FOR ESTABLISHING RELIGIOUS FREEDOM (1779), *reprinted in* 2 THE PAPERS OF THOMAS JEFFERSON, 1777 TO 18 JUNE 1779, at 545, 545–46 (Julian P. Boyd, ed., 1950) (ebook).

¹⁶¹ JAMES MADISON, MEMORIAL AND REMONSTRANCE AGAINST RELIGIOUS ASSESSMENTS (1785), *reprinted in* 2 THE WRITINGS OF JAMES MADISON, COMPRISING HIS PUBLIC PAPERS AND HIS PRIVATE CORRESPONDENCE, INCLUDING NUMEROUS LETTERS AND DOCUMENTS NOW FOR THE FIRST TIME PRINTED 1783–1787, at 183, 184–85 (Gaillard Hunt ed., 1901) (emphasis added).

¹⁶² *See Jeremiah* 17:10 (“I, the Lord search the heart, I test the mind”); *Psalms* 7:9 (NASB) (“For the righteous God tries the hearts and minds.”).

¹⁶³ 1786 Va. Acts 26.

¹⁶⁴ *See, e.g.*, FORREST MCDONALD, NOVUS ORDO SECLORUM: THE INTELLECTUAL ORIGINS OF THE CONSTITUTION 57 (1985).

Americans liked to believe that their rights—whether to life, liberty, property, or anything else—were founded, not on mere will or caprice, but upon some

A. Can Classical Christianity Justify the Existence of Truth?

The Christian worldview unambiguously embraces the idea of universal, objective truth. The Bible is replete with affirmations of the ontological reality of truth.¹⁶⁵ The foundation of this premise is the existence of God.

The starting point for the Biblical Christian is God and His rule. The basic reality is God. Therefore, the center of all things is God. God is the final authority. He is ultimate. The first four words of the Bible are, without question, the most instructive of the words of God to man. “In the beginning, God”¹⁶⁶

Accordingly, God is the very source of truth. As the standard-bearer, or central point of reference for reality, He defines what truth is by His very nature. The Bible affirms that God is a “God of truth.”¹⁶⁷ Jesus Christ, the incarnation of God in human flesh, proclaimed, “I am . . . the truth.”¹⁶⁸ Because truth is of the essence of God, He cannot lie.¹⁶⁹ It follows then that everything God says is truth,¹⁷⁰ including His word,¹⁷¹ His

broader legitimating principle. Accordingly, when the First Continental Congress had convened in September of 1774 and had appointed a committee to draft a statement of “rights, grievances, and means of redress,” the committee immediately entered into a preliminary discussion of the sources of American rights. Richard Henry Lee of Virginia led off by asserting that “the rights are built on a fourfold foundation,” namely, natural law, the British constitution, the charters of the several colonies, and “immemorial usage.”

Id. (footnote omitted).

When the decision for Independence was made, all claims to rights that were based upon royal grants, the common law, and the British constitution became theoretically irrelevant. Independence—the very existence of the United States—was unequivocally justified in the Declaration itself by an appeal to “the laws of Nature and of Nature’s God.”

Id. at 58–59.

¹⁶⁵ VAN TIL, *supra* note 58, at 49. The Christian has “taken the final standard of truth to be the Bible itself.” *Id.* Accordingly, the arguments in this section will primarily rely on texts from the Bible.

¹⁶⁶ MARTIN, *supra* note 145, at 36.

¹⁶⁷ *Deuteronomy* 32:4; *see also Exodus* 34:6 (“The Lord, the Lord God, merciful and gracious, longsuffering, and abounding in goodness and truth.”).

¹⁶⁸ *John* 14:6.

¹⁶⁹ *Hebrews* 6:18 (“[I]t is impossible for God to lie . . .”).

¹⁷⁰ *Psalms* 119:160 (“The entirety of Your word is truth . . .”).

¹⁷¹ *John* 17:17 (“Sanctify them by Your truth. Your word is truth.”).

law,¹⁷² and His commandments.¹⁷³ His word not only declares truth, but it also reveals lies,¹⁷⁴ fables,¹⁷⁵ iniquity,¹⁷⁶ darkness,¹⁷⁷ evil, and unrighteousness¹⁷⁸ as the opposites of truth.

By affirming objective truth as an ontological reality, classical Christianity provides a rational justification for the First Amendment in two ways. First, it asserts the existence of truth, the pursuit of which is the very purpose of the freedom of speech.¹⁷⁹ By confirming the actuality of truth, Christianity confirms the object of the First Amendment. In other words, it makes sense to protect the pursuit of truth because truth is actually there to discover, according to the Bible. Second, Christianity affirms the authoritative nature of the First Amendment. Without truth, there could not be the “self-evident” truth that “all men are . . . endowed by their Creator with certain unalienable [r]ights” among which are the “[l]iberty” of speech.¹⁸⁰ As discussed, *supra*, the First Amendment is built on the premise that only God has authority over the mind.¹⁸¹ This governmental limit only has teeth if it is a true principle *truly* backed by God’s authority. Whereas naturalism hollows the First Amendment by removing truth and God’s authority, classical Christianity supports both and thus validates the Amendment.¹⁸²

B. Can Classical Christianity Justify the Existence of Reason?

The classical Christian worldview also provides a sound justification for human reason, as the Bible accounts for both the human mind’s ability to accurately perceive reality as well as its power to think logically. Human reason is founded on the fact that we are created in the image of

¹⁷² *Psalm* 119:142 (“Your righteousness is an everlasting righteousness, and Your law is truth.”).

¹⁷³ *Psalm* 119:151 (“You are near, O Lord, and all Your commandments are truth.”).

¹⁷⁴ *1 John* 2:21 (“I have not written to you because you do not know the truth, but because you know it, and that no lie is of the truth.”) (emphasis added).

¹⁷⁵ *2 Timothy* 4:4. The Apostle Paul describes persons who “will turn *their* ears away from the truth, and be turned aside to fables.” *Id.*

¹⁷⁶ *1 Corinthians* 13:6 (“[Love] does not rejoice in iniquity, but rejoices in the truth.”).

¹⁷⁷ *1 John* 1: 5–6 (“This is the message which we have heard from Him and declare to you, that God is light and in Him is no darkness at all. If we say that we have fellowship with Him, and walk in darkness, we lie and do not practice the truth.”).

¹⁷⁸ *Romans* 2:2–8. The Apostle Paul describes how God will judge those who “do not obey the truth, but obey *unrighteousness*” and will pour out “wrath . . . on every soul of man who does *evil*.” *Romans* 2:8–9 (emphasis added).

¹⁷⁹ Frederick Schauer, *Free Speech, the Search for Truth, and the Problem of Collective Knowledge*, 70 SMU L. Rev. 231, 231 (2017).

¹⁸⁰ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

¹⁸¹ See *supra* note 162 and accompanying text.

¹⁸² Frame & Kurtz, *supra* note 122 (explaining that atheists lack a firm basis for morality while Christians find their basis for morality in the person of God).

God.¹⁸³ Indeed, from beginning to end, the Bible tells the story about a personal and intelligent Creator who is communicating with His intelligent creation (mankind). God reveals Himself from the beginning as *all-intelligent* by describing His intimate connection with an unmistakable sign of intelligence, namely—language. “In the beginning was the *Word*, and the *Word* was with God, and the *Word was God*.”¹⁸⁴ Elsewhere, the Bible describes God as having “unsearchable” understanding¹⁸⁵ and “all the treasures of wisdom and knowledge.”¹⁸⁶ The Apostle Paul attempts to capture the intelligence of God as follows:

Oh, the depth of the riches both of the wisdom and
knowledge of God!
How unsearchable *are* His judgments and His ways past
finding out!
“For who has known the mind of the Lord?
Or who has become His counselor?”¹⁸⁷

God, having created us in His image, calls us to imitate Him,¹⁸⁸ which includes thinking like Him. As St. Thomas Aquinas noted, “Since human beings are said to be in the image of God in virtue of their having a nature that includes an intellect, such a nature is most in the image of God in virtue of being most able to imitate God.”¹⁸⁹ Because our thinking powers are created by an intelligent God, it is rational to believe that the human mind can know and discover reality, not exhaustively as God does, but truly nonetheless.¹⁹⁰

Additionally, we see in God’s instructions to humanity that He presumes man’s capability to accurately (if not fully) perceive God and His natural world. Jesus Christ says that the “first and great commandment” is to “love the Lord your God with all your . . . *mind*.”¹⁹¹ This commandment presupposes a working mind that can both think about

¹⁸³ *Genesis* 1:27 (“So God created man in His *own* image; in the image of God He created him; male and female He created them.”).

¹⁸⁴ *John* 1:1 (emphasis added).

¹⁸⁵ *Isaiah* 40:28 (“Have you not known? Have you not heard? The everlasting God, the Lord, The Creator of the ends of the earth, Neither faints nor is weary. His understanding is unsearchable.”).

¹⁸⁶ *Colossians* 2:3.

¹⁸⁷ *Romans* 11:33–34.

¹⁸⁸ *Ephesians* 5:1 (“Therefore be imitators of God as dear children.”).

¹⁸⁹ ELEONORE STUMP, AQUINAS 232 (2003).

¹⁹⁰ MARTIN, *supra* note 145, at 39.

¹⁹¹ *Matthew* 22:37–38 (emphasis added).

God and “think[] God’s thoughts after Him.”¹⁹² And the Bible tells us that man can know God because “His invisible *attributes* are clearly seen, being *understood*” by humanity.¹⁹³ Additionally, the Bible often teaches lessons by exhorting the reader to examine nature. For example, the writer of Proverbs calls us to observe ants, rock badgers, and locusts, to learn about diligence, safety, and strength in numbers, respectively.¹⁹⁴ Moreover, Jesus Himself regularly referenced natural concepts such as sowing and reaping, wheat and tares, sheep and wolves, and vines and branches to teach lessons about the Kingdom of God.¹⁹⁵ These lessons would be meaningless unless hearers could accurately understand Jesus’s references to nature. As philosopher Cornelius Van Til put it, “[T]he truth of Christianity appears to be the immediately indispensable presupposition of the fruitful study of nature.”¹⁹⁶ The Christian, unlike the naturalist, can thus have confidence in his sense perceptions.

In addition to affirming the idea that man can accurately observe his environment, the Christian worldview also justifies man’s ability to use reason and logic to discover new knowledge and wisdom. Indeed, God has laid the burden of discovery on all of mankind, as King Solomon noted:

I, the Preacher, was king over Israel in Jerusalem. And I set my heart to seek and search out by wisdom concerning all that is done under heaven; this burdensome task God has given to the sons of man.¹⁹⁷

God is effectively calling all mankind to the search for truth. This general call is even more pronounced in the book of Proverbs, where Solomon urges the readers to pursue wisdom and knowledge above all things:

Get wisdom! Get understanding!

¹⁹² See Christine Dao, *Man of Science, Man of God: Johann Kepler*, INST. FOR CREATION RES. (Mar. 1, 2008), <https://www.icr.org/article/science-man-god-johann-kepler> (“[Johann Kepler] is frequently quoted as saying, ‘O God, I am thinking Thy thoughts after Thee.’”).

¹⁹³ *Romans* 1:20 (second emphasis added).

¹⁹⁴ *Proverbs* 30:24–27.

¹⁹⁵ E.g., *Matthew* 13:1–23 (explaining human responses to the gospel message through the parable of the sower); *Matthew* 13:24–30 (explaining the spiritual nature of the kingdom of God through the parable of the wheat and the tares); *John* 10:1–30 (comparing His relationship with true believers to the relationship between a shepherd and his sheep); *John* 15:1–8 (comparing His relationship with true believers to the relationship between a vine and its branches).

¹⁹⁶ VAN TIL, *supra* note 58, at 283.

¹⁹⁷ *Ecclesiastes* 1:12–13.

Do not forget, nor turn away from the words of my mouth. Do not forsake her, and she will preserve you; Love her, and she will keep you. Wisdom *is* the principal thing; *Therefore* get wisdom. And in all your getting, get understanding.¹⁹⁸

This is no futile invitation. The Bible encourages us that “those who seek [wisdom] diligently will find [it]”¹⁹⁹ and that “you shall know the truth, and the truth shall make you free.”²⁰⁰

Beyond this clarion call to get understanding, the Bible provides several positive examples of the use of logical reasoning. For instance, when God is calling Israel back to the Mosaic covenant, He says, “Come now, and let us *reason* together.”²⁰¹ Also, Paul made it his “custom” to “*reason*[]” with Jews and Gentiles throughout his missionary journeys.²⁰² Moreover, we see Christ Himself using laws of logic as part of His discussions with the Pharisees. For example, in one encounter, Jesus says, “When it is evening, you say, ‘*It will* be fair weather for the sky is red’. . . . *You know how* to discern the face of the sky.”²⁰³ Here, we see Jesus affirm the soundness of the classic Aristotelian syllogism:

Major Premise: Red skies in the evening portend fair weather.
 Minor Premise: This evening the skies are red.
 Conclusion: The weather will be fair.²⁰⁴

Christ confirms that the Pharisees can arrive at correct conclusions about tomorrow’s weather based on deductive reasoning.

In another confrontation, when the Pharisees challenge Christ’s authority, He employs the law of non-contradiction by asking them if the baptism of John the Baptist was “[f]rom heaven or from men?”²⁰⁵ The Pharisees quickly recognized that Christ had placed them in a real bind. John’s baptism testified to Christ’s authenticity, and it was *either* false (from man) *or* true (from heaven)—but it could not be both at the same time. The Pharisees understood that if they affirmed John’s baptism they

¹⁹⁸ *Proverbs* 4:5–7.

¹⁹⁹ *Proverbs* 8:17.

²⁰⁰ *John* 8:31–32.

²⁰¹ *Isaiah* 1:18 (second emphasis added).

²⁰² *Acts* 17:2.

²⁰³ *Matthew* 16:2–3 (second emphasis added).

²⁰⁴ John Piper, *Faith and Reason*, DESIRING GOD (Mar. 15, 2007), <https://www.desiringgod.org/messages/faith-and-reason>.

²⁰⁵ *Matthew* 21:23–25.

would also be affirming Christ, but if they denied John's baptism, the people might harm them, for they considered John to be a prophet.²⁰⁶ Neither alternative was acceptable to them, so they answered, "We do not know."²⁰⁷ Of course, Jesus's use of the laws of logic, while inexplicable to a naturalist, is entirely consistent with a theistic worldview that affirms the existence of "abstract, universal, invariant" laws that flow from an intelligent God.²⁰⁸

In summary, the classical Christian worldview, unlike naturalism, provides an internally consistent explanation for human reason because God's Word confirms that God has given man a mind that can accurately perceive nature and can use logical relations to discover truth. Given these presuppositions, the protection provided by the First Amendment makes rational sense.

C. Can Classical Christianity Justify the Existence of Ethics?

The classical Christian worldview also provides a sound basis for ethics generally and specifically for condemning violent means to silence offensive speech. As with truth and reason, the foundation of ethics begins with a God "who thinks, speaks, acts rationally, and judges the world."²⁰⁹ The Bible reveals that God alone is holy²¹⁰ and good²¹¹ and that He is the ultimate Lawgiver.²¹² God's law is a reflection of His character.²¹³ Accordingly, His law is holy and good,²¹⁴ and obedience to God's law is the "standard of human righteousness."²¹⁵ And because God does not

²⁰⁶ *Matthew* 21:25–26 ("And they reasoned among themselves, saying, 'If we say, 'From heaven,' He will say to us, 'Why then did you not believe him?' But if we say, 'From men,' we fear the multitude, for all count John as a prophet.'").

²⁰⁷ *Matthew* 21:27.

²⁰⁸ *The Great Debate*, *supra* note 108.

²⁰⁹ Frame & Kurtz, *supra* note 122.

²¹⁰ *Revelation* 15:4 ("You alone are holy.").

²¹¹ *Mark* 10:18 ("No one is good but One, that is, God.").

²¹² *James* 4:12 ("There is one Lawgiver, who is able to save and to destroy. Who are you to judge another?").

²¹³ GREG L. BAHNSEN, BY THIS STANDARD: THE AUTHORITY OF GOD'S LAW TODAY 56 (Inst. of Christian Econ. ed., 1985) ("[T]he law is a transcript of the holiness of God . . .").

²¹⁴ *Romans* 7:12, 16 ("Therefore the law is holy, and the commandment holy and just and good. . . . If, then, I do what I will not to do, I agree with the law that it is good."); *1 Timothy* 1:8 ("But we know that the law is good if one uses it lawfully . . .").

²¹⁵ BAHNSEN, *supra* note 213, at 49; *see also Deuteronomy* 12:28 ("Observe and obey all these words which I command you, that it may go well with you and your children after you forever, when you do what is good and right in the sight of the Lord your God."); *Psalms* 119:68 ("You are good, and do good; Teach me Your statutes."); *Micah* 6:8 ("He has shown you, O man, what is good; And what does the Lord require of you But to do justly, To love mercy, And to walk humbly with your God?").

change,²¹⁶ His law is the immutable moral standard to be followed in every age.²¹⁷ Whereas the unintelligent and impersonal universe of the naturalist has no one to decree laws or enforce them, the Christian worldview affirms a personal God who is both lawgiver and judge.²¹⁸

God's law implicitly condemns the use of violence to resolve differences of opinion in the command, "You shall love your neighbor as yourself."²¹⁹ Indeed, God's entire law is fulfilled in this commandment.²²⁰ This decree imposes a moral duty on us to focus on the well-being of others before ourselves.²²¹ Paul describes this moral duty as follows:

*Love suffers long and is kind; love does not envy; love does not parade itself, is not puffed up; does not behave rudely, does not seek its own, is not provoked, thinks no evil; does not rejoice in iniquity, but rejoices in the truth; bears all things, believes all things, hopes all things, endures all things.*²²²

Jesus Christ sums up this high standard of love in the "Golden Rule": "[W]hatever you want men to do to you, do also to them."²²³ This timeless principle has even been incorporated into our national public policy. Both the Virginia Declaration of Rights and the Memorial and Remonstrance affirm that "it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other,"²²⁴ and as discussed *supra*, the Supreme Court has recognized these documents as foundational to a proper understanding of the First Amendment.²²⁵ The love ethic is thus a moral standard that governs all mankind, in all times and in all places—including the college campus.

²¹⁶ See *Malachi* 3:6 (NASB) ("I, the Lord, do not change . . ."); *James* 1:17 ("Every good gift and every perfect gift is . . . from the Father of lights, with whom there is no variation or shadow of turning."); *Hebrews* 13:8 ("Jesus Christ is the same yesterday, today, and forever.")

²¹⁷ See *Matthew* 5:18 ("For assuredly, I say to you, till heaven and earth pass away, one jot or one tittle will by no means pass from the law till all is fulfilled.")

²¹⁸ See VAN TIL, *supra* note 58, at 70. ("According to non-Christian thought, there is no absolute moral personality to whom man is responsible and from whom he has received his conception of the good, while according to Christian thought God is the infinite moral personality who reveals to man the true nature of morality.")

²¹⁹ *Mark* 12:31.

²²⁰ *Galatians* 5:14 ("For all the law is fulfilled in one word, *even* in this: 'You shall love your neighbor as yourself.'")

²²¹ *Philippians* 2:4 ("Let each of you look out not only for his own interests, but also for the interests of others.")

²²² *1 Corinthians* 13:4–7 (emphasis added).

²²³ *Matthew* 7:12.

²²⁴ This affirmation, which prominently appears in each of these documents, has been memorialized in the Virginia Constitution. VA. CONST. art. I, § 16.

²²⁵ See *supra* Section II.

The campus cancel culture obviously falls short of this standard. It is not loving to shout down or assault someone with whom you disagree. Such actions are “rude,” not “kind,” and do not demonstrate any of the respect, patience, forbearance or endurance required by the law of love.²²⁶ Moreover, because no one would want to be shouted down or assaulted for speaking, it is morally wrong to use such tactics against an opponent.²²⁷ Indeed, the biblical mandate requires us to love even our “enemies” who express views that are extremely offensive.²²⁸

Furthermore, the Bible not only implicitly condemns mob violence in the great commandment, but it expressly singles out such violence as morally wrong in other verses. King Solomon characterizes “violent men” as wicked, unfaithful, and unjust.²²⁹ King David equates “violent men” and “evil men.”²³⁰ And Jesus commands us to not resist the “evil person” who “slaps you on your right cheek.”²³¹ The ministry of the Apostle Paul further demonstrates that force is the wrong response to offensive speech. In the first century, Paul traveled throughout Israel, Asia Minor, and Europe preaching that faith in Jesus Christ was the only way man could be saved from his sins,²³² and this highly offensive message²³³ was often met with forceful resistance. For example, the Bible records that when Paul preached the gospel in Iconium, a “violent attempt was made by both the Gentiles and Jews, with their rulers, to abuse and stone [him].”²³⁴ Similarly, in Jerusalem, a mob shouted Paul down²³⁵ and beat him²³⁶

²²⁶ *1 Corinthians* 13:4–7.

²²⁷ *Matthew* 7:12 (“Therefore, whatever you want men to do to you, do also to them . . .”).

²²⁸ *Matthew* 5:44 (“But I say to you, love your enemies, bless those who curse you, do good to those who hate you, and pray for those who spitefully use you and persecute you.”).

²²⁹ *Proverbs* 10:11 (“[V]iolence covers the mouth of the wicked.”); *Proverbs* 13:2 (“[T]he soul of the unfaithful feeds on violence.”); *Proverbs* 21:7 (“The violence of the wicked will destroy them, because they refuse to do justice.”).

²³⁰ *Psalms* 140:1 (“Deliver me, O Lord, from evil men; preserve me from violent men.”).

²³¹ *Matthew* 5:39 (“But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also.”).

²³² *Romans* 6:23 (“[T]he wages of sin is death, but the gift of God is eternal life in Christ Jesus our Lord.”); *1 Timothy* 1:15 (“This is a faithful saying and worthy of all acceptance, that Christ Jesus came into the world to save sinners . . .”).

²³³ See *1 Peter* 2:5–8 (describing Jesus Christ as a “rock of offense”).

²³⁴ *Acts* 14:1–6.

²³⁵ *Acts* 22:22–24 (“And they listened to him until this word, and then they raised their voices and said, ‘Away with such a fellow from the earth, for he is not fit to live!’ Then, as they cried out and tore off their clothes and threw dust into the air, the commander ordered him to be brought into the barracks, and said that he should be examined under scourging, so that he might know why they shouted so against him.”).

²³⁶ *Acts* 21:30–32. (“And all the city was disturbed; and the people ran together, seized Paul, and dragged him out of the temple; and immediately the doors were shut. Now as they were seeking to kill him, news came to the commander of the garrison that all Jerusalem

because of his teaching.²³⁷ And in Antioch, the Jews incited the prominent men and women to drive Paul out of the city.²³⁸ The Book of Acts lists several other incidents in which mobs either shouted down, chased, assaulted, or stoned Paul (or one of his companions), specifically because he spoke a message they did not want to hear,²³⁹ and the Bible denounces these aggressive actions.²⁴⁰ God's law would likewise condemn the vandalism, shouting, threats, and assaults used to silence Milo Yiannopoulos, Charles Murray, Ben Shapiro, and other "controversial speakers." From cover to cover, God's law prohibits people from employing force to silence their intellectual opponents as a means to pursue truth.²⁴¹ Accordingly, the Christian has principled grounds to condemn the cancel culture, whereas the naturalist's appeal for civility is meaningless under his worldview, for he has nothing higher to appeal to but an empty universe.²⁴²

The naturalist might respond by contending that Christians have no authority to oppose violence, given that church history is replete with brutal treatment of alleged heretics. Persecution of religious dissenters was well-known in the founding era and was one of the primary reasons colonists fled from the Old World and a major reason for adopting the First Amendment.²⁴³ That horrific incidents have occurred in the name of

was in an uproar. He immediately took soldiers and centurions, and ran down to them. And when they saw the commander and the soldiers, they stopped beating Paul.").

²³⁷ *Acts* 21:27–29 ("[T]he Jews from Asia, seeing [Paul] in the temple, stirred up the whole crowd and laid hands on him, crying out, 'Men of Israel, help! This is the man who teaches all *men* everywhere against the people, the law, and this place . . .").

²³⁸ *Acts* 13:50.

²³⁹ *Acts* 9:21–25 (explaining that after Paul ably defeated some of the Jews in Damascus in debate, they "plotted to kill him"); *Acts* 14:19 ("Then Jews from Antioch and Iconium came there; and having persuaded the multitudes, they stoned Paul *and* dragged *him* out of the city, supposing him to be dead."); *Acts* 16:20–24 (recounting that the magistrates, after receiving complaints against Paul's doctrine, had Paul and his companions beaten and imprisoned); *Acts* 17:5–9 (noting that a crowd attacked the house where Paul was said to be staying and dragged the owner and others to the city rulers); *Acts* 19:21–41 (recounting the riot at Ephesus, during which the crowd shouted down a speaker for two hours, stirred up by the silversmiths to preserve their profits from the worship of Diana).

²⁴⁰ *2 Corinthians* 11:23–26 (listing a host of troubles Paul suffered for the sake of the gospel, including the beatings and "perils" he experienced at the hands of both Jews and Gentiles who opposed his teaching). The clear implication of this passage is that these violent actions are unjust, but that Paul has persevered through them nonetheless. *Id.*

²⁴¹ See *John* 8:32 ("And you shall know the truth, and the truth shall make you free."); *John* 17:17 ("Sanctify them by Your truth. Your word is truth.").

²⁴² Frame & Kurtz, *supra* note 122.

²⁴³ See *Everson v. Bd. of Educ.*, 330 U.S. 1, 8–9 (1947).

The[] words of the First Amendment reflected in the minds of early Americans a vivid mental picture of conditions and practices which they fervently wished to

“Christianity” simply cannot be denied. However, God’s Word thoroughly condemns these incidents of religious persecution, which were carried out by mobs, ecclesiastical authorities, and civil rulers, as patently unjust. First, the Bible denounces incidents of mob bloodshed, such as the St. Bartholomew’s Day Massacre,²⁴⁴ under the principles discussed immediately above. God calls us to love our neighbors, not assault them. And there is simply no justification in the Bible for individual or mob violence against an “unbeliever.” The Bible also condemns incidents such as the Inquisition, in which the church aligned with the state to enforce purely ecclesiastical law.²⁴⁵ Simply put, God never gave the church the authority to exercise the power of the sword²⁴⁶ (that authority was given

stamp out in order to preserve liberty for themselves and for their posterity. . . . The centuries immediately before and contemporaneous with the colonization of America had been filled with turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy. With the power of government supporting them, at various times and places, Catholics had persecuted Protestants, Protestants had persecuted Catholics, Protestant sects had persecuted other Protestant sects, Catholics of one shade of belief had persecuted Catholics of another shade of belief, and all of these had from time to time persecuted Jews. In efforts to force loyalty to whatever religious group happened to be on top and in league with the government of a particular time and place, men and women had been fined, cast in jail, cruelly tortured, and killed.

Id.

²⁴⁴ JOHN WITTE, JR., *THE REFORMATION OF RIGHTS* 81–82 (2007). On the night of August 24, 1572, Roman Catholics turned out in droves in Paris to murder French Protestants. According to estimates, between 10,000 and 100,000 French Calvinists were slaughtered over the next two months. *Id.*

²⁴⁵ *See generally, e.g.*, JENNIFER KOLPACOFF DEANE, *A HISTORY OF MEDIEVAL HERESY AND INQUISITION* 7–8 (2011) (discussing how church law was imposed on the people in the Middle Ages).

²⁴⁶ An example of this biblical separation between church and state can be seen when King Saul offered a sacrifice to God on behalf of the Hebrew people. The prophet Samuel rebuked the King for exercising a function that was clearly reserved for Israel’s religious leaders. For exceeding his civil jurisdiction and usurping religious authority, King Saul eventually lost his kingdom. *See 1 Samuel* 13:5–14. The point is that the church cannot exercise civil force against unbelievers because it has no authority to do so. A reader might still contend that the Bible does not completely disavow violence as a punishment for beliefs given that the Mosaic law gave Hebrew officials some authority to punish false prophets and persons who worshipped idols instead of the God of Israel. *See, e.g., Deuteronomy* 17:2–7. However, because God had a special covenant with the nation of Israel, God could command Israel’s sole allegiance to Him in this unique circumstance. *See Deuteronomy* 7:6 (“For you are a holy people to the Lord your God. The Lord your God has chosen you to be a people for Himself, a special treasure above all the peoples on the face of the earth.”). God was the literal civil magistrate in Israel, so worshipping the gods of other nations was a type of disloyalty that was akin to treason, and thus punishable by the civil authorities. Likewise, treason is still a capital offense that is punishable by the United States government. 18 U.S.C. § 2381 (2012).

to the state²⁴⁷), and He never gave the state the power over the mind (that authority was reserved to God²⁴⁸). Thus, the Bible permits neither the church nor the state to use force to execute violence on religious dissenters for their opinions. Biblical writers cite to this jurisdictional principle to rebuke civil authorities, such as King Nebuchadnezzar,²⁴⁹ King Darius,²⁵⁰ and the Sanhedrin²⁵¹ for trying to force idol worship, compel prayer, and prevent evangelism, respectively. Jefferson's Bill for Establishing Religious Freedom simply affirms the well-established, biblical constant that "all attempts to influence [the mind] by temporal punishments or burthens, or by civil incapacitations . . . are a departure from the plan of the holy author of our religion."²⁵² So it is actually *Christian* principles that denounce mob, ecclesiastical, and civil violence against religious dissenters, and it was those same principles that ended the abuses of religious establishments in America.

Not only does classical Christianity denounce violence, but it prescribes rational discourse as the ethical method for searching for the truth; indeed, it provides numerous examples of this principle in action. The Bible starts with God's example of using reason to persuade mankind

²⁴⁷ *Romans* 13:3–4 ("For rulers are not a terror to good works, but to evil. Do you want to be unafraid of the authority? Do what is good, and you will have praise from the same. For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an avenger to *execute* wrath on him who practices evil.").

²⁴⁸ *Jeremiah* 17:10 ("I, the Lord, search the heart, *I* test the mind, even to give every man according to his ways, according to the fruit of his doings."); *Psalms* 7:9 ("Oh, let the wickedness of the wicked come to an end, but establish the just; for the righteous God tests the hearts and minds.").

²⁴⁹ *Daniel* 3:1–30. When King Nebuchadnezzar ordered Shadrach, Meshach, and Abednego, to worship the idol, they answered, "O Nebuchadnezzar, we have no need to answer you in this matter." *Daniel* 3:16. Essentially, these Hebrew men were telling the King that He had no authority over their minds, and thus, they need not even answer him on this matter. *Daniel* 3:17–18.

²⁵⁰ *Daniel* 6:1–23. Daniel was thrown into a den of lions for refusing to pray to the king. When King Darius came to the lions' den to see if Daniel was still alive, Daniel responded, "My God sent His angel and shut the lions' mouths, so that they have not hurt me, because I was found innocent before Him; and also, O king, *I have done no wrong before you.*" *Daniel* 6:22 (emphasis added). Daniel was explaining that the king had no authority to order him to pray to the king in the first place, and thus, no wrong was done when Daniel refused this command. *Id.* In other words, Daniel's beliefs were not subject to the king's authority.

²⁵¹ *Acts* 5:17–39. When Peter and the other apostles were ordered by the Sanhedrin to stop preaching about Christ, Peter replied, "We ought to obey God rather than men." *Acts* 5:27–29. Peter was affirming that the Jewish civil government did not have jurisdiction over Peter's beliefs.

²⁵² See JEFFERSON, *supra* note 160, at 545. AUTOBIOGRAPHY, in 1 THE WRITINGS OF THOMAS JEFFERSON 62 (Paul Leicester Ford ed., Letterpress ed., 1982). The wording was Thomas Jefferson's original, but this portion was amended by the Virginia House of Burgesses. 1786 Va. Acts 26.

to enter into relationship with Him. As Jefferson explains, God refused to “propagate” Christianity by “coercions,” even though He, “being Lord both of body and mind” had the power to do so.²⁵³ The Holy Scriptures themselves testify that God has chosen language, rather than force, to reach His creation. God sent prophets in the Old Testament to exhort the people to return to the Mosaic covenant.²⁵⁴ God sent His own Son, Jesus Christ—the very *Word* of God²⁵⁵—to communicate with man on his level. And Christ, in turn, commissioned His followers to persuade men²⁵⁶ by teaching and preaching the gospel.²⁵⁷

The Apostle Paul serves as a model example of this principle of persuasion in action. The Book of Acts alone records at least ten times that Paul’s strategy was to “reason” with Jews and Gentiles to convince them of the truth of the gospel.²⁵⁸ Paul’s preaching in Thessalonica and Berea serve as textbook lessons demonstrating the Bible’s commendation of reason and condemnation of violence:

[Paul and Silas] . . . came to Thessalonica, where there was a synagogue of the Jews. Then Paul, as his custom was, went in to them, and for three Sabbaths reasoned with them from the Scriptures, explaining and demonstrating that the Christ had to suffer and rise again from the dead, and *saying*, “This Jesus whom I preach to you is the Christ.”²⁵⁹

The Bible records that “some of them were persuaded,” but the ones who were not “gather[ed] a mob, set all the city in an uproar, and attacked [a] house” seeking to capture Paul and Silas.²⁶⁰ Paul then fled to the nearby city of Berea and again reasoned with those in the synagogue there. The Bible explains that the Bereans were “more noble-minded than those in Thessalonica” because they listened to Paul’s message and then “examin[ed] the Scriptures daily *to see* whether these things were so.”²⁶¹

²⁵³ JEFFERSON, *supra* note 160, at 545.

²⁵⁴ See, e.g., *Nehemiah* 1:9 (“[R]eturn to Me, and keep My commandments and do them . . .”); *Joel* 2:13 (“Return to the Lord your God . . .”).

²⁵⁵ *John* 1:1 (“In the beginning was the Word, and the Word was with God, and the Word was God.”).

²⁵⁶ *2 Corinthians* 5:11 (“[W]e persuade men . . .”).

²⁵⁷ *Mark* 16:15–16 (“Go into all the world and preach the gospel to every creature. He who believes and is baptized will be saved . . .”); see also *2 Timothy* 4:2–5 (“Preach the word! Be ready in season and out of season. Convince, rebuke, exhort, with all longsuffering and teaching. . . . But you be watchful in all things, endure afflictions, do the work of an evangelist, fulfill your ministry.”).

²⁵⁸ *Acts* 17:2, 4, 17; 18:4, 19; 19:8–9; 20:7, 9; 24:25.

²⁵⁹ *Acts* 17:1–3.

²⁶⁰ *Acts* 17:4–5.

²⁶¹ *Acts* 17:11 (NASB).

The contrast between the rioting Thessalonians and the Bereans could not be clearer. God's Word chastises the former for their destructiveness and commends the latter for their willingness to engage in rational dialogue.

Similarly, the Bible also affirms civil discussion as the proper method to resolve serious disagreements over church doctrine. For example, in Jerusalem, there arose a great dispute over the applicability of the Mosaic law to the Gentiles, so the apostles and a multitude of church elders "came together to consider the matter" in a great debate.²⁶² Some of the church leaders argued that Gentiles had to keep the law of Moses in order to be saved.²⁶³ However, the apostles contended that neither Jews nor Gentiles were justified by the law, but rather both were saved "through the grace of the Lord Jesus Christ."²⁶⁴ The council ultimately sided with the apostles' argument and sent a decree to the churches in Europe clarifying the church's official position on this matter.²⁶⁵ This entire incident provides a model for addressing significant matters of disagreement. First, the issue of the Mosaic law was no small matter but actually cut to the core of Christianity, because it challenged the content of the gospel. As Paul explained later in his letter to the Galatians, those who teach that salvation comes through the law "want to pervert the gospel of Jesus Christ."²⁶⁶ Second, the peacefulness and order of the debate are also noteworthy. Each person spoke in turn and everyone else "kept silent and listened."²⁶⁷ And finally, the discussion was effective as "the apostles and elders, with the whole church" arrived at a consensus on the proper doctrinal position according to the Scriptures.²⁶⁸ This is the type of civil, peaceful, and orderly debate the Bible affirms as the proper and ethical way to persuade others, search for truth, and resolve intellectual differences.

The type of rational discourse modeled by Paul, the Bereans, and the Jerusalem council reinforces the time-tested lesson that good speech is the

²⁶² *Acts* 15:1–6.

²⁶³ *Acts* 15:5 ("But some of the sect of the Pharisees who believed rose up, saying, 'It is necessary to circumcise them, and to command *them* to keep the law of Moses.'").

²⁶⁴ *Acts* 15:11 ("But we believe that through the grace of the Lord Jesus Christ we shall be saved in the same manner as they.").

²⁶⁵ *Acts* 15:22–29.

²⁶⁶ *Galatians* 1:7–9 ("[B]ut there are some who trouble you and want to pervert the gospel of Christ. But even if we, or an angel from heaven, preach any other gospel to you than what we have preached to you, let him be accursed. As we have said before, so now I say again, if anyone preaches any other gospel to you than what you have received, let him be accursed."); *see also Galatians* 2:21 ("I do not set aside the grace of God; for if righteousness *comes* through the law, then Christ died in vain.").

²⁶⁷ *Acts* 15:12 ("Then all the multitude kept silent and listened to Barnabas and Paul declaring how many miracles and wonders God had worked through them among the Gentiles.").

²⁶⁸ *Acts* 15:22–29.

best remedy for bad speech. Our founders knew this to be true. As Jefferson stated in the closing of the Bill for Establishing Religious Freedom,

[T]ruth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, *free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.*²⁶⁹

The Supreme Court has reaffirmed the vigor of this principle, explaining that “counterargument and education” are the proper weapons to expose “errors in judgment or unsubstantiated opinions.”²⁷⁰ And “[i]f there be time to expose through discussion the falsehood and fallacies . . . the remedy to be applied is more speech, not enforced silence.”²⁷¹

In summary, the classical Christian worldview justifies the existence of a system of universal, invariant, and binding ethics that flow directly from God’s law. This law denounces force and lauds rational discourse as the way one ought to pursue knowledge. Surely, the Court would agree with King Solomon’s assessment of the persuasive power of patient and gentle words: “By long forbearance a ruler is persuaded, [a]nd a gentle tongue breaks a bone.”²⁷²

Classical Christianity, in contrast to naturalism, affirms that reality is made up of both the natural and the supernatural. It asserts that God is real, that He created the world for a purpose, and that He has revealed Himself and His Word to mankind. Under this paradigm, truth, reason, and ethics make sense. Because God exists, there also exists a standard-bearer who defines what is true and what is false. Because we are created in the image of this intelligent God, we can be confident that our minds accurately perceive reality and that they can effectively reason to the truth. And because this God is the ultimate lawgiver, He can both decree immutable ethical principles and enforce them. For these reasons, the classical Christian worldview provides an internally consistent justification for truth, reason, and ethics. And because these are preconditions of the First Amendment, the Christian worldview also justifies the Amendment itself.

CONCLUSION

²⁶⁹ 1786 Va. Acts 27 (emphasis added).

²⁷⁰ Wood v. Georgia, 370 U.S. 375, 389 (1962).

²⁷¹ Texas v. Johnson, 491 U.S. 397, 419 (1989) (quoting Whitney v. California, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring)).

²⁷² Proverbs 25:15.

The First Amendment is in danger on America's college campuses. Student support for the protection of free speech is waning, while support for disrupting offensive speakers is rising quickly. Because the law follows the culture, the First Amendment will only be as strong as the cultural consensus that supports it.²⁷³ If the culture no longer subscribes to First Amendment principles, then the Amendment will cease to have any viability. The campus culture is rapidly heading in that direction and only a return to first principles can stop this cultural shift.

The First Amendment was enacted to protect an orderly pursuit of knowledge, and thus, it presupposes that truth exists, that our minds can discover truth, and that there is an ethical way to pursue truth. These presuppositions cannot be maintained under the naturalistic worldview that currently dominates academia. Naturalism rejects God and any other supernatural or non-materialistic explanations for the natural world. In so doing, naturalism also discards universal truth because there is no objective reference point to determine the truth or falsity of anything. Naturalism also implicitly abandons reason because it fails to explain the accuracy of our sense perception or the existence of non-material laws of logic. And finally, without a lawgiver, naturalism cannot justify a universal moral law that could bind persons to a code of civility. If there is no truth to find, if our reasoning powers are questionable at best, and there is no ethic to condemn aggression, why are we surprised when students abandon principles of free speech and resort to disruption and violence? Indeed, why would students engage in discourse at all when every idea is just as valid as any other? Under the terms of naturalism, force is a rational response to "offensive" speech and the Free Speech Clause itself becomes irrational.

Not so under the classical Christian worldview. America's first freedoms were conceived in a distinctly theistic paradigm. As the Supreme Court has noted, "We are a religious people whose institutions presuppose a Supreme Being."²⁷⁴ By affirming the existence of God, the Christian worldview provides an internally consistent foundation for truth, reason, and ethics, and by extension, the First Amendment itself.

Because God exists, there is a central, objective point of reference to determine the truth and falsity of any proposition. The Bible confirms God is intelligent and that He created intelligent human beings in His image with the capability to know Him and His creation. The Bible likewise confirms that God decrees and enforces a uniform and objective law that serves as an immutable code of ethics for all generations. This law

²⁷³ See Mark L. Movsesian, *Masterpiece Cakeshop and the Future of Religious Freedom*, 42 HARV. J.L. & PUB. POL'Y 711, 750 (2019) ("As everyone knows, law and culture have a mutually reinforcing relationship.").

²⁷⁴ *Zorach v. Clausen*, 343 U.S. 306, 313 (1952).

condemns force and prescribes rational discourse as the way we ought to pursue knowledge. The First Amendment is therefore rational under a Christian worldview because there is truth to discover, our minds are capable of discovering truth, and reason—not force—is prescribed as the proper way to discover it. With truth, reason, and ethics firmly grounded in the Bible, it made sense for the founders to enact the First Amendment to protect an orderly and rational search for knowledge, and it still makes sense today.

If students and faculty at our universities continue to embrace naturalistic assumptions, the crumbling intellectual foundations of the First Amendment will collapse and the freedom of speech will be unable to command our respect. The culture will ultimately abandon the First Amendment, and it will become a lost relic of a forgotten era. America must choose between the principles of naturalism or those of Christianity. We proceed on the current course at our own peril.