

Common Sense Philosophy and American Political Theology:

Preliminary Considerations

Copyright 2006 Scott Segrest

A "political theology," as I use the term here, is a society's understanding of its ultimate meaning in the context of reality as a whole, and in particular in light of what is taken to be divine or ultimate reality. Because human beings collectively as well as individually need their lives to have meaning, they will have a political theology of some sort, whether explicit or implicit, whether shaped according to religion in the traditional sense or according to the religion of man, in which the ultimate reality is "the people" or "the state" or, in the last resort, "the free individual," whose personalized quest for meaning is facilitated by the state's protection. This theologically informed societal self-interpretation may be fundamentally sound and socially uplifting or it may be dangerously distorted and destructive. To be activated and made socially effective for good or ill, political theology must take the form of what Robert Bellah once called a "civil religion," "a collection of beliefs, symbols, and rituals with respect to sacred things and institutionalized in a collectivity."¹ [1] I take civil religion to be just political theology made operative. My basic argument in this paper is that, generally speaking, political theology and the civil religion that comes out of it will be sound to the degree they are rooted in common sense, and unsound to the extent they are not. An examination of American political theology and civil religion and their relation to American common sense will show in a concrete way, I think, the

¹ [1] Robert N. Bellah, "Civil Religion in America," http://hirr.hartsem.edu/Bellah/articles_5.htm, p. 6, reprinted from *Dædalus, Journal of the American Academy of Arts and Sciences*, from the issue entitled, "Religion in America," Winter 1967, Vol. 96, No. 1, 1-21.

value and the hazards of political theology for the order and health of society, and how a deeply rooted common sense tradition can make it both safe and salutary.

American political theology receives its most important public expression in the Declaration of Independence. God is referenced four times in the Declaration: as Supreme Lawgiver ("the laws of nature and of nature's God"), as Creator and Giver of human rights ("all men are created equal and endowed by their Creator with certain unalienable rights"), as Supreme Judge of men's souls ("appealing to the Supreme Judge of the world for the rectitude of our intentions"), and as Supreme Executive ("with a firm reliance on the protection of divine Providence"). Thus, prior to and beyond humanly instituted government, man is under the government of God, a government established and maintained by God himself. God not only bears the legislative, executive, and judicial powers of this higher regime, but is its sole founder. God, you could say, is the ultimate Founding Father, not of the American regime but of the regime that is over all others. As the ultimate Lawgiver, He is the source of right, and human rights by implication derive from right in the sense of moral propriety or justice--law precedes and is the basis of any valid claim of entitlement, and rights imply preexisting duties. Nor is the God of the Declaration a deistic, "watchmaker" God who merely lays down the law and then lets nature alone to function accordingly: He is witness of men's consciences and regulates human history. As Judge of the rectitude of our intentions and as a Providence who would take an interest in the American experiment, on whose favor depends its prospering, He emerges from the Declaration as a God actively involved in human affairs. The Declaration is thus unmistakably theistic rather than deistic in its political theology. At the same time, it is not exclusively Christian, even though Christians were an overwhelming majority in founding-era America, and it does not make any claims about the divine Creator and Governor beyond those

broad claims already noted: He is our Maker, the source of right and rights, the One to whom we are ultimately accountable and without whose protection our best laid plans in this world may end in failure.

At the American founding, this view of the relation of the emerging nation to God was taken to be axiomatic--that is to say, commonsensical. The political theology sketched out in the Declaration described basic convictions of an already deeply rooted civil religion, itself a product of the dominant Protestant Christian faith. Looking back,² [2] Jefferson described the principles of the Declaration as the "common sense of the subject" to which it was addressed.

But with respect to our rights [he says], and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American Whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the *common sense* of the subject [my emphasis], in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to make.

Jefferson uses "common sense" here, I believe, in two senses: common sense as the sense of the American people, what Jefferson goes on to describe as "the American mind" and "the harmonizing sentiments of the day;" and common sense as rational awareness of self-evident truths, a notion philosophically elucidated by Thomas Reid and the Scottish Common Sense philosophers beginning in the decade prior to the Declaration's publication in 1776. Consider the remainder of the epistolary passage:

² [2] In his May 8, 1825 letter to Henry Lee. See *The Life and Selected Writings of Thomas Jefferson*, eds. Adrienne Koch and William Peden (New York: Modern Library, 1998 paperback ed.), 656-7.

Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, in printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney , etc.

The harmonizing sentiments of the day, clearly, were sentiments about what is right and what was right for Americans to do under the circumstances facing them in 1776. The Declaration is intended to be a moral justification, a case for independence appealing to what is self-evidently right by nature, as elaborated philosophically in "the elementary books of public right." We must bear in mind that the claim of self-evidence does not intend a claim that the truths of the Declaration will be obvious to everyone without exception, only that they are obvious to those who by experience have been confronted with certain facts; these truths will be recognized only by those who have observed human experience with clear eyes, and then only by those who have looked in the right place. That is why Jefferson writes in the Declaration, "*We hold* these truths to be self-evident," rather than, "These truths are self-evident to all"--something which, if accurate, would not need to be said. It was hoped that, if "these truths" were not manifest to the world on first glance, they would be manifest on a fair-minded closer inspection. In any case, Thomas Reid's principles of common sense were precisely those principles that are self-evident, that is, evident not on the basis of a train of logical reasoning but on the basis of direct, experiential knowing. As Reid says in *his Essays on the Intellectual Powers of Man*, "We ascribe to reason two offices, or two degrees. The first is to judge of things self-evident, the second to draw conclusions that are not self-evident from those that are. The first of these is the province, and the sole province of common sense; and therefore it coincides with reason in its

whole extent, and is only another name for one branch or one degree of reason."³ [3] Common sense principles are identical to Aristotle's first principles;⁴ [4] they are fundamental in that they are the foundation of all our reasonings; one cannot go beneath them to something more basic; the only evidence available for their truth is therefore existential--self-evident truths are really fundamental facts and like all facts carry their evidence in themselves. The principles of the Declaration, I am suggesting, were understood by Jefferson and the leading American founders to be just such common sense principles.

Among the truths Jefferson lists as "self-evident" are that "all men are created equal, that they are endowed by their Creator with certain unalienable rights," *among* which are "life, liberty, and the pursuit of happiness," and that the purpose of humanly instituted government is to "secure" these God-given rights. The exact sense in which all men are created equal is not specified, the meaning of "life" and "liberty" are not explained, and the content of happiness, it seems, is deliberately left to private individuals to find out on their own. But the ambiguity of these principles is consistent with their status as common sense principles. They are basic and therefore general. Greater specificity as to their significance is certainly possible--and indeed, the full significance of the principles presented in the Declaration had been articulated and debated in the colonies at great length in light of Anglo-American political experience--but the

3 [3] *Essays on the Intellectual Powers of Man* (hereafter EIP), VI.ii, ed. Derek R. Brookes (Edinburgh: Edinburgh University Press, 2002, 433.

4 [4] Reid says so explicitly: "It is demonstrable, and was long ago demonstrated by ARISTOTLE, that every proposition to which we give a rational assent, must either have its evidence in itself, or derive it from some antecedent proposition. And the same thing may be said of the antecedent proposition. As, therefore, we cannot go back to antecedent propositions without end, the evidence must at last rest upon propositions, one or more, which have their evidence in themselves, that is upon first principles" (EIP VI.vii: 522). Reid names these first principles the principles of common sense.

more specific one gets about such truths the fewer people there are to whom the truths are self-evident because people's level of experience with them varies tremendously. Looked at one way, the vagueness of the Declaration's principles is a weakness, in that their substantial meaning and potential significance are not immediately clear. But looked at in another way, the vagueness of these principles is a great merit, because it facilitates agreement, because it allows common sense as personal, intuitive recognition of fundamentals to become common sense as the people's collective grasp of them, and ultimately to become what Aristotle called *homonoia*⁵ [5] -- likemindedness about what reason recognizes to be good, true, and right. Negatively, you could say that the vagueness of the principles short-circuits unnecessary social conflict by minimizing honest dissent. But to the extent these principles are true, the significance of agreement as to their self-evidence goes beyond practical unity: the people's agreement about them then constitutes them as a community living in truth. Vagueness is important here for another reason as well: it allows recognition of truth without claiming too much; it acknowledges a certain mystery in human existence, a certain built-in uncertainty about the meaning of human experience, and thereby discourages utopian scheming. No claim is made in the Declaration that a particular political program is the right one, the only one. No political program is offered at all. The evident political posture of the Declaration is: establish "consent" as to the fundamentals and the form of government deemed best capable of doing these fundamentals -- justice, and leave the details to be worked out according to "prudence."⁶ [6]

5 [5] See Aristotle's *Nichomachean Ethics*, Book IX, 1167a22-b17.

6 [6] It is too often forgotten that prudence as well as principle is a major theme of the Declaration's second paragraph.

I should say more explicitly what I have already intimated: to say that the Declaration's principles are general and vague is not to say that they have no definite meaning. Moreover, their basic meaning is sufficiently clear for anyone attuned to the framing of the document. The framing is given in terms of political theology. Indeed, I would argue that the principles of the Declaration don't fully make sense apart from the political theology so tersely laid out there. It is significant that the Declaration describes the purpose of government as securing the enjoyment of the God-given rights. This suggests that human government is conceived not merely as being *under* God but as existing for the *purpose* of preserving what God has deposited in man. God's work is relevant not only in setting the moral and practical parameters of political well-being but is relevant also to the very function and activity of government: government is to "secure" what God has given. What are these rights that God has given? Again, the meaning of the God-given rights is not entirely clear from the document, but the larger idea of them is clear enough: government exists for man, not man for government; the whole point of government is to secure the good of the people it governs. The language of natural, God-given rights keeps us in mind of the fact. Political philosophers, social scientists, and cultural critics have expressed great concern--and rightly so--over the growing tendency among Americans historically to assert extravagant rights claims, but "rights talk" only becomes problematic to the degree it is severed from a recognition that rights come from God, that they are a product of higher law, and therefore that, as Lincoln said, one "cannot logically say that anybody has a right to do wrong."⁷

[7]

⁷ [7] "Fifth Joint Debate: Galesburg, October 7, 1858," *The Lincoln-Douglas Debates of 1858*, ed. Robert W. Johannsen (New York: Oxford University Press, 1965), 225.

To say more than this about American political theology and its basis in common sense, we will have to go beyond and beneath the Declaration. But the Declaration gives valuable clues about where to look. James Stoner is right when he suggests that the most essential question regarding the Declaration's "self-evident truths" is whether they are in fact true,⁸ [8] but I want to go a step further and ask: If they are indeed true, how exactly did the Americans know them to be so? Stoner in fact indicates in a general way how they knew: they knew because the Anglo-American experience of political liberty (as mapped out in the middle portion of the Declaration and later codified in the Constitution and Bill of Rights) had shown them.⁹ [9] But how, specifically, did the Anglo-American experience bring the "self-evident truths" to light? I have already suggested that the key to understanding the principles of the Declaration is to understand the political-theological frame in which they are given. The key to understanding that political theology itself, I would argue, is to understand Anglo-American notions of conscience. In hindsight, we really know the law of nature and nature's God and the dignity of man with his God-given rights--if we know them at all--through the moral sense, as enlightened by experience and clarified by rational reflection. It is true that the political principles of the Declaration echo Locke's and that Locke's principles are premised most fundamentally on the human drive for self-preservation rather than on the deliverances of conscience. But if the American founders enthusiastically adopted Locke's political principles, they did so because their prior experience of political, and, crucially, *religious* liberty--of constitutionalism or self-government and of congregationalism or immediacy under God for individual believer and faith

⁸ [8] James R. Stoner, "Is There a Political Philosophy in the Declaration of Independence?" Intercollegiate Review, Vol. 40, No.2 (Fall/Winter 2005), 3.

⁹ [9] Ibid., 9-10.

community alike--seemed to verify those principles. Locke's right to self-preservation was self-evident because the Anglo-American experience of resistance to governmental and ecclesiastical tyranny confirmed the rightness of it, made the soundness of the principle stand out sharply. It is worth recalling that the idea that self-preservation is a first principle of human nature was not a new one: Hobbes and Locke gave it greater primacy, but Aquinas had recognized its fundamental status long before. Aquinas took the first principles of human nature to be self-preservation (implying an obligation to preserve one's own life), preservation of the species (implying an obligation to preserve the lives of others), and social and spiritual advancement (implying an obligation to participate in communal life, support a sound social order, and seek closer communion with God and his people as essential means to personal and social flourishing).¹⁰ [10] Hobbes took the old principle of self-preservation and made it effectively the only principle of human nature. Locke recognized the principle of preserving the species as well, although he made it derivative of self-preservation.¹¹ [11] In this, Locke can be seen as attempting a partial recovery of the old, fundamental obligation to others, reduced as it is. In any case, the right of self-defense against tyrants or would-be tyrants was understood by America's founding generation to be grounded in higher law and connected to certain duties. The language of the Declaration concerning the appropriateness of American revolution is telling in this regard: "when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their *duty* [my emphasis], to throw off such government, and to provide new guards for their future security."

¹⁰ [10] Summa Theologica I-II, Q. 94, A. 2.

¹¹ [11] See *Second Treatise* II.6.

Indeed, most Americans of the founding period took *all* rights to have corresponding duties, to entail and be entailed by moral obligations to God, to others, and/or, yes, to self.¹² [12]

The point I wish to emphasize here is that, for those earlier Americans, these rights and duties came to light as promptings of the conscience or moral sense. I can no better illustrate the historical accuracy of this assertion than by turning again to that most quintessentially Lockean of the founders, Thomas Jefferson. In his August 10, 1787, letter to Peter Carr, Jefferson said this about the nature of conscience and its relation to social life:

¹² [12] John Witherspoon captured the common understanding when he wrote that, "Rights and obligations are correlative terms. Whatever others have a just right or title to claim from me, that is my duty, or what I am obliged to do to them." From *An Annotated Edition of Lectures on Moral Philosophy by John Witherspoon* (subsequently LMP), ed. Jack Scott (Newark: University of Delaware Press, 1982), 110. Witherspoon followed Francis Hutcheson, and Hutcheson Grotius and Pufendorf, in categorizing the basic human duties as those owed to God, to other human beings, and to self, and this conceptualization of duties was commonplace in the founding period. On the founders' understanding of the relation between rights and duties, consider the following: Washington links "natural justice" and "natural right" in a letter to Bryan Fairfax in 1774. *George Washington: A Collection*, ed. W.B. Allen (Indianapolis: Liberty Fund, 1988), 38. Hamilton in *The Farmer Refuted* makes natural rights dependent on natural law, understood as (he quotes Blackstone) that law "coeval with mankind . . . dictated by God himself . . . superior in obligation to any other [and] binding over all the globe, in all countries, and at all times." In *Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1961), vol. 1, 87. Adams proclaims in his draft of the Massachusetts Constitution of 1780 that "piety, justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the advantages of" the natural right of liberty and to sustain free government. John Adams, *The Works of John Adams*, ed. Charles Francis Adams (Boston: Charles C. Little and James Brown, 1851), vol. 4, 220, 227. Even Jefferson, who leaned more to the French way of thinking about rights than most of the founders, seems to have been convinced of the necessity of joining natural rights with natural justice. In his discussion of slavery in *Notes on the State of Virginia*, Jefferson holds that the "only firm basis" of national liberties is "a conviction in the minds of the people that these liberties are of the gift of God" and that the liberties of others, including those of slaves "are not to be violated but with his wrath." *Thomas Jefferson: Selected Writings*, ed. Harvey C. Mansfield, Jr. (Arlington Heights, Illinois: Harlan Davidson), 51. See also Knud Haakonssen's account of the relation of rights and duties in America's founding-era thought in "From Natural Law to the Rights of Man: A European Perspective on American Debates," the final chapter of *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996), 310-41.

Man was destined for society. His morality, therefore, was to be formed to this object. He was endowed with a sense of right and wrong, merely relative to this. This sense is as much a part of his nature, as the sense of hearing, seeing, feeling; it is the true foundation of morality. The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted, indeed, in some degree, to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call common sense.¹³ [13]

Now this passage could have come straight out of the works of one of the Scottish Common Sense philosophers. For the Scottish Common Sense philosophers, in fact, the intuitions of the moral sense were the basis of those common sense principles that are moral principles. After all, moral principles for them were merely abstractions from and generalizations of a host of self-evident moral facts.

James McCosh, one of the great chroniclers of Scottish philosophic history and himself the last major Scottish Common Sense philosopher, tells in *The Scottish Philosophy* that the Scottish philosophers of the 18th and 19th centuries generally proceeded according to the method of observation and induction, employed self-consciousness as the instrument of observation, and based on observations of consciousness, arrived at principles "which are prior to and independent of experience."¹⁴ [14] Beginning with the basic facts of consciousness, its capacities and activities--uncovered through careful, inductive explorations of the mind, partly through introspection and partly through observation of the thoughts and feelings of others as gathered from their words and deeds--they derived fundamental laws or principles of consciousness.

¹³ [13] Letter to Peter Carr, August 10, 1787, in Koch and Peden, 398.

¹⁴ [14] *The Scottish Philosophy: Biographical, Expository, Critical, From Hutcheson to Hamilton* (Hildesheim: Georg Olms Verlagsbuchhandlung, 1966), 222-3.

These principles of the mind would constitute the essential elements of human nature and form the basis for, among other things, ethical and political principles. Moral principles (and by extension political principles) for them were derived by observing moral facts--specifically, intentions, the actions based on those intentions, and the consequences of those actions (the weight given to intentions as against consequences varying from thinker to thinker), as well as the circumstances in which all of this takes place and the permanent features of human nature according to which reasonable expectations of motive and behavior may be determined--and then rising inductively to principled conclusions about what sort of disposition and what sort of action is appropriate for anyone in situations of a certain kind.

Scottish common sense thinkers of the late 18th century cumulatively had a tremendous impact on the American mind. David Hume and Adam Smith, the philosophers most widely recognized as informing founding-era American thought, were common sense thinkers in their own way, both of them basing their ethical and political theories in common experience and in the principles they abstracted from it. Less appreciated is the formative influence of other Scottish common sense-oriented philosophers like Lord Shaftesbury, Francis Hutcheson, Thomas Reid, Lord Kames, and Adam Ferguson. With respect to conscience or the moral sense, in fact, American notions were really much more in line with (in particular) Hutcheson and Reid's than with Hume and Smith's. Hume and Smith were both moral realists, although Hume's moral realism was undermined by his epistemological skepticism. Hume said in his *Enquiry Concerning the Principles of Morals* that, "The notion of morals, implies some sentiment common to all mankind, which recommends the same object to general approbation, and makes every man, or most men, agree in the same opinion or decision concerning it. It also implies some sentiment, so universal and comprehensive as to extend to all mankind, and render the

actions and conduct, even of the persons the most remote, an object of applause or censure, according as they agree or disagree with that rule of right which is established."15 [15] Hume thus recognizes a kind of natural moral sensibility, by which human beings are given pleasure or pain at the awareness of certain inward attitudes--in particular, pleasure at discovering benevolent intentions and pain (in the form of some variety of revulsion) at discovering motives of a contrary sort.16 [16] In all this Hume sounds a great deal like Adam Smith. At the core of Smith's moral theory, as laid out in *The Theory of Moral Sentiments*, is the idea of the "impartial spectator." The impartial spectator is a rational construct deployed to achieve moral objectivity; this involves recognizing the sentiments any disinterested third party would have on discovering the motives of an actor in a given set of circumstances. These natural moral sentiments of an unbiased observer are effectively the moral sense, and the exercise of detachment Adams describes is meant to allow the impartial verdicts of one's own moral sense to come clear.17 [17] Both Hume and Smith stressed the importance of taking a calm, detached, disinterested look at the moral facts. Any mature person of tranquil mind, with a little experience and practice, could be expected to achieve moral clarity by acquainting himself with the common moral sentiments and seeing how they operate in those not blinded by prejudice or passion. The American founders certainly agreed with Hume and Smith on the importance of overcoming prejudice and passion and on the naturalness of the moral sentiments. But, as the language of the Declaration

15 [15] *An Enquiry Concerning the Principles of Morals* (hereafter EPM), ed. J. B. Schneewind (Indianapolis: Hackett, 1983), 74-5.

16 [16] See David Fate Norton, "Hume, Human Nature, and the Foundations of Morality," in *The Cambridge Companion to Hume*, ed. David Fate Norton (Cambridge: Cambridge University Press, 1993), 160-3, and EPM, 85.

17 [17] See *Theory of Moral Sentiments* II.1.2, II.1.5, III.1, and III.3.1-7.

suggests, unlike Hume and Smith they understood the moral sense or conscience in distinctly religious terms, not trusting themselves entirely to their own judgment but "appealing to the supreme judge of the world for the rectitude of our intentions." Political theology was for them much closer to the bone than it was for either Smith or Hume.

Probably no one has expressed the prevailing view of the founding generation about the nature of the moral sense and its significance for human affairs better than John Witherspoon. Witherspoon, it is not impertinent to note, was one of the signers of the Declaration. He was president of Princeton, teacher of the capstone course there in moral philosophy, minister, leader of the American Presbyterian Church, and, as Jeffry Morrison has so ably documented in his recent book, pivotal player in the drive to revolution. [[Cite.]] He was also almost certainly the one American who most represented the Scottish way of thinking: he was a late immigrant from Scotland (having come to America to preside over Princeton's rise to academic prominence) and was thoroughly familiar with the writings of the Scottish philosophers, which he used extensively in his classes. His *Lectures on Moral Philosophy* expressed the understanding of morality, ethics, and political justice that came to dominate American universities (in no small part thanks to his influence) and that already dominated the great mass of the American public, including most of the leading founders. What he has to say in those lectures on the moral sense and the role of conscience in personal and political life is instructive. Drawing from the writings of Hutcheson, Reid, and Bishop Butler,¹⁸ [18] Witherspoon says in Lecture III that human

¹⁸ [18] Joseph Butler, Episcopal Bishop of Durham, England, whose brilliant series of *Fifteen Sermons Preached at Rolls Chapel* is a classic of British moral theory. Butler spoke of "conscience" as "a moral approving and disapproving faculty" that "from its very nature manifestly" claims "superiority" over all other principles of human nature, over all "appetites, passions, and affections." It is, Butler averred, as the rightfully supreme principle in man, the very law of human nature. Our "obligation to obey" the dictates of conscience, therefore--as Witherspoon fully agreed--is premised on the status of conscience

beings have an internal sense that "intimates and enforces duty, previous to all reasoning," "a sense and perception of moral excellence, and our obligation to conform ourselves to it in our conduct"--"This moral sense is precisely the same thing with what in scripture and common language we call conscience. It is the law which our Maker has written upon our hearts."19 [19] This last bit is not a throwaway line, but in fact brings us to the heart of the matter. Later in the lectures Witherspoon clarifies that conscience intimates "a natural sense of dependence" and "belief of a Divine Being" who is "not only our Maker, preserver and benefactor, but our righteous governor and supreme judge."20 [20] We see in this account of conscience three elements that were missing in the accounts of Hume and Smith: 1) a sense or awareness of *objective moral excellence*; 2) a sense of *obligation*, and not merely a sentimental attraction or rational inclination, to conform to that excellence; and 3) a sense of *dependence on God* for our well-being and of our *accountability to him* as our final judge. If it is true what Jefferson said about the Declaration being an expression of the American mind and the harmonizing sentiments of the day, then I would have to say that Witherspoon's account reflects the moral outlook of founding-era America in a way that Hume's and Smith's do not. Witherspoon's suggestion that we can perceive objective moral excellence points to the possibility of self-evident truth, and his recognition of a sense of obligation, of dependence, and of accountability to our Maker prefigures the Declaration's "appeal to the Supreme Judge of the world for the rectitude of our intentions" and "firm reliance on the protection of divine Providence."

as the law or standard of human nature. *The Works of Joseph Butler, D.C.L., Sometime Lord Bishop of Durham*, ed. W.E. Gladstone, 2 vols., (Oxford: Clarendon Press, 1897), I: 327, II: 54-5, 60.

19 [19] LMP, 78.

20 [20] *Ibid.*, 91-2.

Locke's principles provided the framework for American political theory, then, within the larger frame of theistic political theology, but Scottish moral sense provided the inner substance, and this was the moral sense as understood by Hutcheson and Reid rather than Smith and Hume--or by Locke, for that matter. Hutcheson wrote of a natural human sense and perception of moral excellence, and Reid of the self-evidence of certain principles--including certain moral principles--in light of the faculty of common sense, which relies on the deliverances of the more restricted special senses, which deliverances in turn, as he tried to show in his *Inquiry into the Human Mind, on the Principles of Common Sense*, were reliable, provided they were healthy and functioning normally--that is to say, if one's physical senses and mental faculties of perception were not impaired, he could know reality, including moral reality, directly.²¹ [21] Locke, like Witherspoon and the other founders, took God as the ultimate Lawgiver and Judge to be the true measure of morality, but unlike them did not recognize a direct perception of objective moral truth or apprehend God as an immediate personal presence. For Locke, as in a modified way later for Hume and Smith, moral truth was inferred from subjective experience of pleasures and pains. "Good and evil," Locke claims to have shown in the *Essay Concerning Human Understanding*, "are nothing but pleasure or pain, or that which occasions, or procures pleasure or pain to us. *Morally good and evil* then, is only the conformity or disagreement of our voluntary actions to some law, whereby good or evil is drawn on us, from the will and power of

21 [21] Hutcheson defines the moral sense as "a natural and immediate determination to approve certain affections, and actions consequent upon them; or a natural sense of immediate excellence in them, not referred to any other quality perceivable by our other senses or reasoning" (*A System of Moral Philosophy*, I.iv.4). The summary of Reid's epistemology here is drawn from his various major works, the *Inquiry*, the *Essays on the Intellectual Powers*, and the *Essays on the Active Powers of Man*. Compare Reid's common sense with Aristotle's *koine aesthesis*, as described in *De Anima* 425a27ff and in "On Sense and Sensible Objects," the first part of *Parva Naturalia*, in *Aristotle: On the Soul; Parva Naturalia; On Breath*, Loeb No. 288 (Cambridge: Harvard University Press, 1975).

the law-maker; which good and evil, pleasure or pain, attending our observance, or breach of the law, by the decree of the law-maker, is what we call *reward* and *punishment*." He goes on to say that, "The laws that men generally refer their actions to, to judge of their rectitude, or obliquity" are "the divine law," "the civil law," and "the law of opinion or reputation." He does insist that the divine law--"that law which God has set to the actions of men, whether promulgated to them by the light of Nature, or the voice of Revelation"--"is the only true touchstone of moral rectitude,"²² [22] but it is clear that God's general will as embodied in the laws of nature and the teachings of Scripture is for Locke a purely logical inference or finding rather than a conclusion from any direct sense of dependence, obligation, or accountability to a divine Person.

The significance of taking conscience in Witherspoon's sense as the ground of ethical and political life is that it provides a motivation for moral conduct that Humean, Smithian, and Lockean notions of conscience can't match. As William James would later suggest, nothing awakens the "strenuous mood" in moral matters like the sense of divine appeal, a challenge from on high. "In a merely human world without a God," he observes, "the appeal to our moral energy falls short of its maximal stimulating power." "The religion of humanity," he says, "lacks the note of infinitude and mystery, and may be dealt with in the don't-care mood." When, however, we believe that a God is there the infinite perspective opens out. The more imperative ideals now begin to speak with an altogether new objectivity and significance, and to utter the penetrating, shattering, tragically challenging note of appeal."²³ [23] At the same time,

²² [22] *An Essay Concerning Human Understanding* II.xxviii.5-20.

²³ [23] "The Moral Philosopher and the Moral Life," in *The Will to Believe and Other Essays in Popular Philosophy*, *Works of William James*, eds. Frederick H. Burkhardt, Fredson Bowers, Ignas K. Skrupskelis (Cambridge: Harvard University Press, 1985), 160-1.

the retention of the "mystery" as to the details of God's will prevents a decline into dogmatic rigidity. The political theology of the Declaration of Independence admirably joins this moral fire and this humble acceptance of the uncertainty of human events.
