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A Religious People: Political Philosophy, Civil Religion and the American Polity

Even as vehement a critic of religion as Karl Marx had to concede that the exorcism of theological belief from the basis of political life, its reduction to mere private belief, had not led, in the instance of the American republic, to a withering away of the opiate of the masses. This, for Marx, bespoke a defect in republican government itself.[1] We will not be cruel enough to suggest that, were he present now, his anti-theological ire might lead him to an equally vehement criticism of regimes that produce the like of Solzhenitsen.

One need not be hostile to liberalism while noting that there does seem to be a tension between a public belief that both denies the ability of religion present itself as anything other than opinion and at the same time acknowledges, both theoretically and practically, the necessity of that opinion for a smooth operation of the polity. That appears to be the case with the status of Americans who are sociologically a religious people (in the sense of adhering to revealed religion) and political philosophically, as at best assenting publicly to "nature and nature's God." It is not only religion that the public political creed requires for the operation without; it seems, being able to give a theoretical grounding to the nature and place of the family; likewise remains ambivalent. Practically speaking, this translates itself into legislative and judicial controversies over censorship, public prayer, abortion, non-heterosexual rights, and so on. These controversies ought to make us curious about the nature of the American polity, and particularly alert to the possibility that the working order we encounter is not solely the product of modern political thought, or even of a

1. "On the Jewish Question" in Robert C. Tucker, ed., *The Marx-Engels Reader* (N. Y. 1978), pp. 41-42.

mixture of ancient and modern principles. The tension arises from the fact that our polity, in the most radical sense, may be a "mixed regime."[2]

The supposition guiding this essay is that the problem of "civil religion" is *not* unique to modern political thought, but inherent in *all* Western political philosophy in so far as the difference between ancients and moderns obscures some major agreements about the nature of opinion and of knowledge, of politics and religion on the one hand, and of philosophy on the other.

I will commence with the most ancient critcism of philosophy as such, continue with a description of the nature of political philosophy proper as exemplified in Plato's *Apology*, and proceed to the problem of religion in the theoretical constitutions of the ancients and of the Arab medieval political philosophers. I wish then to outline the arguments of seminal liberal thinkers regarding the proper relationship between political principles, religion and philosophy. In the light of that background, I will reconsider religion in the ancient context.

Philosophy began not as a body of truths about the cosmos but as a way of life, not yet institutionalized into professional association or academic departments. The traditional charges against that way of life are that it is either dangerous or useless.[3] If the philosopher is a mere "wordsmith", if he produces nothing at all or only questions or answers so removed from the needs of the political life as to make his craft appear parasitical upon the labours of decent citizens. If the philosopher, if only hypothetically, suspends judgments on the existence of the highest being that the community looks up to as the preserver of laws, as the rewarder of virtue and the punisher of vice which the human law itself does not reach the philosopher then destroys the practice that necessarily underlies every political community. Most people that is, do not obey the law out of theoretical conviction but rather on the basis of right opinion about nobility and baseness or, perhaps, just out of fear of consequences or love of rewards.[4]

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2. Paul Eidelberg, *On the Silence of the Declaration of Independence* (Amherst, Mass. 1976), p. 6.

3. Plato, *The Republic*, G. M. A. Grube, trans. (Indianapolis : 1974), 473d - 474 b, 489e.

4. Thomas Aquinas, *Summa Theologica* (London : 1915), 2a, 2ae q. 96, a. 5.

In his *Clouds* Aristophanes, through the exaggerated imagery of truth-loving satire, attempts to show the pernicious effects of philosophy upon the belief in gods, upon the laws, and upon the family.[5] The philosopher's insistence that knowledge alone is virtue leads to a conclusion that the wise owe little or nothing to the ignorant: wise sons can beat foolish fathers. If reason knows no goal but philosophical principles, then reason knows no standard for life but self-preservation. Without a belief in the gods, the taboo against incest, crucial to the existence of the larger community, loses its force: Wise sons can by nature claim the right to have sexual intercourse with their mothers. In short, without sacred restraints, the passions run amock.[6] Even reason itself without such sense of shame becomes a mere instrument of rationalization, a mere enhancement of arrogance. The laws alone can shape human beings into wholes, into citizens, by giving both reason and the appetites a focus in the form of a spiritual defence of one's own: The political community.[7] The laws and our sense of shame necessitate a belief in the gods, personal gods, patriotic gods, and it is these kinds of gods that the philosopher will not believe in.

Plato's *Apology* describes what every genuine political philosophy should aspire to. In the first place, political philosophy is the attempt to view politics in a wider context than that accessible to even the most prudent citizen. Just as important (more so from the vantage point of the philosopher), political philosophy is the public defence of philosophy proper: the rendering of philosophy accessible to the citizen, the translation of the socratic questioning into answers useful for the polity.[8] The two aspects of political philosophy are connected of course: only someone who had a wider view of political possibilities than his fellow-citizens has the freedom to adjust his terms to theirs in such a fashion that their hostility to his perceived uselessness or dangerousness dissipates or turns into friendship.

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5. My interpretation of *The Clouds* relies heavily upon Leo Strauss, *Socrates and Aristophanes* (N. Y. 1966).
6. Aristophanes, *The Clouds*, trans. William Arrowsmith, (N. Y. 1962), pp. 122-26.
7. Harry Jaffa, "Chastity as a Political Principle : an Interpretation of Shakespeare's *Measure for Measure*" in John Avis and Thomas G. West, eds. *Shakespeare as Political Thinker* (Durham, N. C. 1981), pp. 184-87.
8. Leo Strauss, "On Classical Political Philosophy" in *What is Political Philosophy*, Westport, Conn. 1975), pp. 90-94.

The Socrates of the *Apology*, however, *does not* achieve the programme intimated there: he clearly does not believe in the gods of the city and his predilection for questioning is useful only if nasty gadflies are useful. To love the soul above the body is not a conclusion that the Athenian jury is likely to concur with. Political principles cannot be built upon Socratic questioning: society cannot transmute itself into a grand criticism and self-criticism session.[9] The true apology for philosophy is not, then, Socrates' speach to the jury, but rather the corpus of Platonic philosophy, especially the political dialogues.

Only if philosophy can generate more than questions can it serve as a guide for political practice. To be sure, the limits of politics are the limits of belief, which always fall short of philosophical knowledge; the city can never philosophize. It is no surprise that the city of the *Republic* both abolishes the family and rewrites the tales about the gods. But the gods of the Republic cannot be the gods of the civil religion: like the ideas, they can never be a part of the world of flux, of politics: they cannot deceive or change their appearances.[10] Neither do they reward virtue or punish vice in the hereafter. The *Laws*, however, does present us with a philosophical doctrine capable of political imitation: we should care for the soul at least as much as we care for the body.[11] The "divided line" of the *Republic* teaches that EIKASIA, imagination is the intellectual capacity, which moves us closer to noetic truth: without symbols, opinions, there can be no ascent to genuine knowledge.[12] The *Laws* teaches the same lessons by making acts of legislation imitative of philosophy itself. The laws governing religion of course are but illustrations of the non-antagonistic relationship of opinion to knowledge, and such laws, of course, establish the content of popular correct beliefs of civil religion.

Traditional classical philosophy is the "natural right" stream which distinguishes popular theology from Civil Theology and both of these from natural theology, metaphysics. Popular religion encompasses the beliefs of the many about the gods. It tends to anthropomorphize the divine beings, tales about whom are the work of the poets. The gods are depicted as not so much divine as super-

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9. Thomas West, *Plato's Apology of Socrates*, (Ithaca : 1979), pp. 148, 169-70.
10. *The Republic*, 381c-d.
11. West pp. 168-69, 172.
12. *The Republic*, 509e-511d. For a thorough discussion see Jacob Klein, *A Commentary on Plato's Meno* (Chapel Hill, N. C. 1965).

humanly heroic. Their superhuman status extends to their vices, particularly their erotic foibles. This playful presentation of the gods has a salutary political function, sublimating the erotic drives otherwise destructive of the polity, into harmless channels.[13] Such beliefs are outlawed in Plato's *Republic*.[14] Civil theology encompasses the religious beliefs of what Aristotle terms the 'gentlemen'. These beliefs affirm the love of the gods for virtue and their hatred of criminality. True to the laws, the gods of civil religion supplement the city's laws with the justice of the life to come. Such beliefs seem central to the theology of Plato's *Laws*. Natural theology includes all those things knowable by reason alone about God. The Aristotelian teaching refers us to the Unmoved Mover: unmoved, among other things, by prayer or by the needs of the polity. The wise, true to their prideful imitation of God, require no further incentive to obey the law of the polity. Their reason alone inclines them to virtue. We note in passing that the classical conventionalist, the Epicurean point of view, results in the same actions by the wise but for different reasons; the wise are not tempted by the short-run pleasures that inspire injustice. Needless to say, natural theology must play a minimal political role (except, perhaps, where the philosophers are kings), and the relative predominance of one or the other kinds of remaining theology will depend upon the dominance of classes in given constitutions. At any rate, no constitution can exist without some mixture of force, of habit, of more or less right belief, without, that is all three kinds of theology. No constitution can exist without popular imitations of philosophical truth made suitable for the different intellectual abilities, psychological differences and varying attention spans of divine classes: imitations termed somewhat unpractically by Plato as noble lies.

Let us focus on a crucial distinction between the classical political philosophy of the Aristotelian school and that of Plato. For Aristotle, the political community in principle need not be hostile to philosophy, especially if that philosophy can assert the polity in overcoming typical difficulties. That sort of comprehensive set of answers and recommendations, aimed at the man of prudence, not necessarily the potential philosopher, constitutes the heart of Aristotle's *Politics*. For Aristotle, political studies can be scientific because the sphere of morality, of

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13. Ernest L. Fortin, "St. Augustine" in Leo Strauss and Joseph Cropsey, *History of Political Philosophy* (Chicago : 1981) p. 166.
14. *The Republic*, 382e-383c.

politics, is a discrete object. The good man in the right constitutional order, can be a good citizen.[15] For Plato, the quest for political wisdom leads straight to cosmological questions. There can be no separate science of politics for virtue is philosophical wisdom, not practical reason.[16] The good man who emerges from the cave seems unable any longer to be a good citizen.[17] For Plato, the relationship between philosophy and politics might be compared to the relationship of Socrates to his wife Xanthipe: one of continual misunderstanding, resolvable, if at all, on the basis of force; this drives everyone over ten years of age out of the community.[18] For Aristotle, the closest sub-political analogy to true political governance is the relationship of the head of the household to his partner. It is certainly not based upon force. The wife, Aristotle tells us, if unable to give reasonable commands herself is at least able to appreciate and to comprehend the reasonableness of the recommendations made to her by her husband.[19] To use force where reasonable persuasion will do is to act against nature, to act as a barbarian. In like manner we suppose, although it is able to achieve wisdom on its own, the political community may well pay heed to the lessons of philosophy when presented appropriately. I assume that philosophically informed civil religions then, for Aristotle, were more noble than deceptive. To present an account of the divine things that ignore the community's ability to receive reasoned advice is to do the community an injustice. Aristotle's *Politics* takes justice very seriously, especially in the sense of according to all the classes in a polity appropriate means of participation in the common life in accordance with their contributions to that life.[20] The relationship between the philosopher and the community is not merely one of justice That might degenerate into the regime of plato's *Republic*. Rather such justice as there is, it is hoped, may become the basis for a more profound relationship: friendship.

The Christian West's interest in Aristotle reflects the friendship between philosophy and politics in that setting or rather the friendship between philosophy and revealed theology. Islamic political philosophy

15. Harry Jaffa, "Aristotle", Strauss and Cropsey, p. 128; Aristotle, *Politics*, trs. Ernest Barker (Oxford : 1972), 1277a.
16. "Aristotle" p. 128.
17. *The Republic*, 517a.
18. *Ibid*, 541a.
19. *Politics*, 1259b.
20. *Ibid*, 1282 a

is more Platonic, emphasizing the distance between the philosopher and the city, the question of the permissibility of the activity called philosophy in the light of a revealed law that legislates on all issues regarding the human good, and the role of prophecy and its relationship to "noble lies."[21] Averroes in the "Decisive Treatise" sets out to prove that the philosopher can, from the viewpoint of his community, be a good citizen. God commands all men in His law to know Him according to their abilities: hence the Divine Law commands some to philosophize. But it would be unjust of the philosopher to render religion to the masses in philosophical terms: That would endanger the faith that for many necessarily substitutes for speculative wisdom.[22] Hence the philosopher recognizes the dependency of speculation upon the preservation of the body. He thus acknowledges the necessity of law, its relationship to habit, and the corrosive effect of philosophy upon habit. Averroes thus indicates a platonic caution about expounding philosophical themes in public (I assume all readers of Plato must ask themselves about the mode of his exposition and the relationship of that mode to prudence.)

Averroes works as a philosopher in a regime already founded. His great predecessor Al Fārabi discussed the highest political theme: the question of the founding. For Al Fārabi, philosophy and prophecy are distinct abilities (they may but need not exist in the same individual). The philosopher knows the truth directly, by means of the development of his speculative capacity. Such truths are then delivered to the prophetic faculty, the imagination, to be clothed in proper symbolic garb.[23] Religion is thus a poor man's version of philosophy, suited for those more swayed by image than by the naked truth. (It need not be added that for Fārabi this is the bulk of the political community). A virtuous community is one where civic religion is thus a shadow of philosophical truth. Among virtuous communities there may well be a variety of civic religions, given the variety of skills in the formulation and presentation of images by diverse prophets.[24] According to Averroes a just war may be waged by one such community over

21. Ralph Lerner and Muhsin Mahdi, *Medieval Political Philosophy* (Ithaca : 1972), pp. 12-15.

22. Averroes, "The Decisive Treatise Determining What the Connection is between Religion and Philosophy," in Lerner & Mahdi, pp. 181-82.

23. Alfarabi, "The Attainment of Happiness" in Lerner & Mahdi, pp. 78-80.

24. Alfarabi, "The Political Regime," Lerner & Mahdi, p. 41.

another virtuous community if the former possesses a truer public opinion, a finer civic religion, one closer to philosophical truth[25] (which may merely mean, we have to concede, its ability to persuade). Whatever the theoretical necessities of a civic religion, ultimately it will not do its job if it does not reach the many. Fārabi and the vast bulk of medieval philosophers Jewish and Christian would agree. The wise obey the law out of motives different from those to whom the thc coercive force of the law is more important. Yet the fear of the coercive aspect of the law is not enough to render a community well governed: habitual obedience is also required. That habit can be best instilled in the population if something like Fārabi's civil religion exists.

The notion of religion as an image of or a substitute for philosophy does not disappear even in modern political thought. For Locke, for example, those who are not compelled to obey the law through reflection may profit by receiving the edifying teachings of revealed religion.[26] More to the point is Spinoza's understanding of the relation of philosophy and faith. For Spinoza, speculative reason also brings us cognitive content about the nature of things. But such is the province of the philosopher alone. Faith, on the other hand, renders us obedient to our duties; rather it renders those whose passions are dominant over reason (and, for that cause, those naturally less powerful than the philosopher) suitable as citizens in an order informed by philosophy.[27] For Spinoza there is no doubt that the emphasis rests upon the persuasiveness of religion, not upon its truthfulness. Imagination, the gift characterising the religious founder, like Moses, obscures reason: individuals of high imaginative capacities are not of high intellectual capacities.[28]

For Spinoza, the important project to be undertaken is to make society safe for philosophy by undermining the most dangerous aspect of revealed religion: its claim to know the truth about the nature of

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25. *Commentary on Plato's Republic,* trs. E. I. J. Rosenthal (Cambridge Univ. 1956).

26. Barbera Ann Lenk, "Foundations of American Civil Religion" (Unpublished dissertation, Yale Univ. 1978), pp. 144-5.

27. Stanley Rosen, "Benedict Spinoza" in Strauss & Cropsy, p. 441.

28. Benedict Spinoza, *A Theologico-Political Treatise,* in *The Chief Works of Spinoza* (N. Y. 1951), pp. 19, 33.

things, its hostility, therefore, to the claims of philosophy. Separate, therefore, the realm of faith from the realm of philosophy by rendering the first sphere almost entirely devoid of cognitive content and the project is completed in principle.[29] It might be noted that Francis Bacon pursues the same strategy in gaining breathing room for his new science of nature.[30]

True religion, then, leach men to society and society compells us to do good to our neighbor. According to Spinoza, loving your neighbor amounts to respecting his rights. The content of those rights are however, contained within positive law. The sovereign power, even if it be a liberal, democratic order, has full right to shape the content of religion in so far as the vacuousness of religious imagery becomes satisfactory only when formed with the substance of civic duty.[31] A good political order guarantees, however, freedom of speech, including religious opinion. This is necessary because without freedom of speech, philosophy cannot exist. Without philosophy, however, statesmen would lack the guidance necessary for constructing a political order, that, because it reflects the realm of the natural as revealed in philosophy, will be more powerful, more able to survive, than any other. "God" reveals His nature through His power—the power of diverse beings that constitute nature. The political order that approximates that diversity is, therefore, most natural namely, democracy.[32]

A diversity of religious beliefs is inimical to the peace of any kind of political order. Spinoza would admit the necessity of permitting no one to be a judge in their own trial; for private opinions may be politically unsettling and, in principle, can be brought before the tribunal of the sovereign.[33] This includes, therefore, religious beliefs insofar as they are given public expression speeches, as opposed to more internal beliefs about religion. How can this advocacy of freedom of speech and of the need for an authoritative public creed be reconciled? This can be accomplished only to the extent that individuals begin to view religious opinions as *mere* belief. Such citizens, then, will have no reason to want to impose their "images" upon their neighbors.

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29. *Ibid*, pp. 9-11.
30. Howard B. White, "Francis Bacon," Strauss & Cropsey, p. 346.
31. Rosen, pp. 445-6.
32. *Ibid*, p. 441.
33. Spinoza, *A Political Treatise* in *The Chief Works of Spinoza*, p. 368.

Such citizens will have no reason to resist a public image, a civic religion, if it inspires all to respect the rights of each. Spinoza, like the classical philosophers, does not believe that the many can ever become philosophical. Religion will be a perpetual *political* need for even the most liberal polity. The religion of that polity, however, will have so little content and perform so important a service even for philosophy as to offend none of the more enlightened (Spinozist) citizens.

Before continuing the examination of civic religion in early modern political philosophy, let me add that the notion of civic religion described above seems characteristic also of Hegel's political philosophy. For Hegel, the wise man (who completes the quest of philosophy for wisdom by gaining the vantage point of the absolute) has very different motives for being a good citizen in the best polity, developed by the unforeseen consequence of the pursuit of the objects of passion in the process called history, than does the ordinary man. Like Plato's liberated cave-dweller, the wise man knows the things that truly are, but unlike Plato, that understanding enables the Hegelian wise man to see the rationality of the political order and thus to embrace the duties of citizenship. The many, however, must depend upon opinion, albeit popularized Hegelian opinion, to cement their loyalties to the concrete reason of the state. The many, that is, still require religion.[34] If we might say so, the distance between philosophy and politics exists for Hegel as for Plato, but only on the side of the many: The philosophers become not kings but citizens, whereas the many never rise above the (transpolitical) correct belief of religion.

Let us return to the founders of modern liberalism. Hobbes agrees with Spinoza about the solution to the problem that revealed religion entails (a dichotomized loyalty to the sovereign on one hand and to the church on the other: fear of powers invisible versus fear of the visible sword). The content of religion is to be decided upon by the sovereign alone. That content, if it is to save the self-interest of the sovereign, if, that is, it leads to peace, will model itself after Hobbes's interpretation of the New Testament. A Christian is someone who intends to follow Christ (who we may assume, will then, wield the largest visible sword) when He returns.[35] Until then, we must follow the sovereign's understanding of the content of religion. If the sovereign

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34. Stanley Rosen, *G. W. F. Hegel*, pp. 228, 256.

35. Thomas Hobbes, *Leviathan* (N. Y. 1967) p. 436.

teaches what is false about God, God will punish the sovereign, but surely not the ordinary believer who subscribes to the sovereign's account because that policy alone leads to peace.[36] God could not have intended true teachings about Himself to lead to the abhorrent state of war. Besides, religious teachings are not expositions of truth about God's nature, which we cannot know: They are meant as expressions of our awe of the divine nature. They are meant to indicate homage to God, *not* speculative truth.[37] We cannot expect to offer God reasonable homage if we do injury to the promise we make to our earthly sovereign: "That great Leviathan, or rather, to speak more reverently, of that *mortal god,* our peace and defence."[38] For Hobbes as for Spinoza, the nature of correct religious belief is bereft of intellectual content, the purpose is to make us good citizens, and the substantiation of that end is left to the decision of the sovereign.

For Spinoza the connection of religion with a perennial incapacity of most individuals to philosophize makes the existence of civic religion a continual political necessity. This may be doubted in Hobbes, account of religion. Religion, as fear of powers invisible, seems rooted in cowardice.[39] For Hobbes two types of individuals exist in the state of nature : the cowards fearing above all else violent death, and the vainglorious men, who enjoy the feeling of power that arises from an exhibition of their strength.[40] The fear of violent death, conducive when properly channelled, institutionalized, to the construction of proper government, is sometimes eclipsed by vainglory, when the latter is allied to a false account of reality. Hobbes's project, then, is to make his readers rational cowards : he will ally the strongest passion with correct (mechanistic) theory. What needs to be overcome are the distortive spectacles that give us a false account of our own powers. Such spectacles are the products of the poets : metaphors, figures of speech, images all mislead.[41] Such distortion arises from vainglorious, contentious philosophy, like that of Aristotle. But most disruptive of all is religion, a blind belief that man is more than a complicated mass in motion. Religion, thus, inspires not cowardice but rather politically

36. *joc. cit.*
37. *Ibid,* p. 89.
38. *Ibid,* p. 132.
39. *Ibid,* p. 90.
40. *Ibid,* p. 99.
41. *Ibid,* p. 34.

dangerous foolhardiness. When allied with false philosophy and institutionalized as a universal church, such religion is most pernicious.[42]

One of the important aspects in which Hobbes departs from his classical predecessors is that, whereas for them, especially Aristotle, the philosopher has more in common with the few (the statesmen, the aristocrats, the gentlemen) than with the many, for Hobbes there is a natural affinity between the many are true philosophy. The many hold usefulness, rather than beauty, answers rather than questions, to be the most desirable, the most necessary goods. Hobbes teaches that bad theory will be known by bad consequences. Theory and practice are not to be disjoined.[43] By what standard, though, can we recognize the consequences of a political theory to be bad, and hence for the theory itself to be bad? By the standard of peace we can judge the fruits of such theorizing. But peace, security, comfortable living, all these are not the goals of aristrocrats of an Aristotelian sort, nor of contemplative monks, nor even of Machiavellian princes! These are the goals of the vast bulk of humanity. If then such are converted to Hobbsean philosophy on the basis of arguments deriving their force from the common experience of the passions, might not Hobbes's interpretation of Christianity be merely a tentative, almost rhetorical device, a temporary expedient but dispensable instrument? For Hobbes, the connection between poetic energy and the distortion of truth theoretically rules out a notion of civic religion such as Plato or the medieval Islamic philosophers suggest. It might be appropriate to assert that for Hobbes, philosophy need not be watered down to be politically efficacious : the polity can now, among other useful things, philosophize.

Locke's solution to "the religious question" differs from that of Spinoza's and Hobbes's. For Locke, the magistrate's role is clearly delimited: the care of the bodies entrusted to him by the sovereign majority.[44] That care amounts to the protection of their property. Higher than the needs of the body are the requirements of the soul: The concern of the Church. Such higher concern is, alas, without guidance: no epistemological proof, accessible to reason, exists for the superiority of one set of revealed theological truths to another.

42. *Ibid*, pp. 482-6.
43. *Ibid*, pp. 20, 137.
44. John Locke, *A Letter Concerning Toleration*, p. 17.

Reason, in fact, seems to indicate a very different course of action from that recommended by traditional christianity, for example. The natural law, accessible to reason (though not, as we can infer, in the form of 'self-evident truths,' given Locke's theory of knowledge) indicates the treatment of an aggression as we would treat a savage beast, not, that is, in the fashion of "turning the other cheek."[45] The same natural law indicates termination of the marriage bonds with the completion of child rearing and a limit to the honour owed to parents by the benefits the said parents have provided for their progeny.[46] This is hardly the teaching of the Scriptures. A proof for the superiority of one faith would, of course, validate whatever moral or political obligation for the care of the soul and the regulation of ceremonial treatment of matters otherwise indifferent. But Locke's confidence in the ability of reason to recognize miracles is, to say the least, not unambiguous.[47]

The political order, then, cannot legitimately demand assent for revealed religious beliefs. The very maximum that we know from the Scriptures (whose authority Locke respectfully leaves unquestioned, at least publicly) is that salvation cannot be gained except by the free assent of the believer.[48] Any attempt, therefore, to compel belief would be self-defeating. Even worse, it would generate public hypocrisy on the part of the heteredox. Although religious opinion is, therefore, merely a matter of belief, the natural law's rules concerning life, liberty and estate are a matter of demonstrable truth. There is, therefore, a public orthodoxy on matters political.[49] Religious teachings, though, can undermine that orthodoxy, or rather truth, if religious sects do not teach toleration for the diverse beliefs held by other such sects. The common judge, therefore, imposes no common norms of content for religious creeds, no common regulations for liturgy, but he must guard against the politically dangerous passions engendered by intolerant religious sectarianism. Any religion, therefore, that creates a double allegiance in the citizens, between fear of

45. John Locke, *The Second Treatise of Government*, in *Two Treotises oj Government*, (N. Y. 1963), pp. 314-5

46. *Ibid*, pp. 355, 362

47. Walter Berns, *The first Amendment and the Future of American Democracy*, (N. Y. 1976), p. 22 n.

48. *Letter*, p. 30.

49. *Ibid*, p. 48.

priests and fear of magistrates, that undermines the natural law's obligation to keep faith with our word (that preaches, that heretics need not be dealt with honestly), that claims the right to depose secular magistrates has acted in a criminal fashion.[50] Non-Christian peoples are as able to keep the natural law, even more so, perhaps, than Christian ones.[51] Tolerance, or rather indifference is extended legitimately by the secular authority to all such faiths. The tentative positive interpretation of Hobbesian and Spinozist sovereign becomes, in Locke, a mere negative public insistence on the right of all peacefully to believe what they will and worship as they see fit.

The closest American theorist in the founding period to the thinking of Locke is Thomas Jefferson. Less cautiously than Locke, Jefferson asserts in his only book on comprehensive political themes: "...it does me no injury for my neighbour to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg.[52] Government rightly limits itself to the protection of the body and also to the protection of intellectual freedom required for the pursuit of scientific knowledge. The enemy of intellectual freedom is a "monkish ignorance and superstition" that impeded a belief in the equal possession by each man to human rights: "The general spread of the light of science had already laid open to every view the palpable truth that the mass of mankind had not been born with saddles on their backs, nor a favoured few booted and spurred, ready to ride them legitimately by the grace of God."[53] Of course Jefferson does not believe that the substance of man's rights and the objective conditions protecting the body and the quest for scientific truth are matters of mere opinion: they, unlike religious beliefs, are demonstrable, politically enforceable. Nor is the content of human rights, nor for that matter the knowledge that such exist, known to all men spontaneously. They are a matter of discovery. Men need to be taught their rights, not only in public speech but in public deed.[54] The rights of man teaching justifies revolution.

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50. *Ibid*, p. 50.
51. *Ibid*, p. 41.
52. *Notes on the State of Virginia* (Chapel Hill, N. C. 1955), pp. 159–60.
53. Letter to Roger C Weightman, June 1826, *Writings*, X, 391-92, quoted in Harvey C Mansfield Jr "Thomas Jefferson" in Morton J Frisch and Richard G Stevens, *American Political Thought* (N. Y.: 1971), p. 28
54. Mansfield, pp 26, 37.

Jefferson's public religious affirmations include a revision of the Scriptures to present Jesus as a perfect man, a proponent Himself, it would seem, of the universal rights of man. Unlike Thomas Paine, whose closeness to Jefferson's republican principles philosophically Jefferson admitted, Jefferson mitigates his criticism of Christianity: abstracted from speculative credal orthodoxy, it is a fine ethical system.[55] Thus Jefferson comes close to revolutionary deism in his views on religion. For the republican deist, God grants man his nature and his rights, and then removes Himself from the human realm. It reminds us of George Burn's role in *Oh God.* The deists in the post-revolutionary period attempted to build temples to the "God of nature," styled themselves "Druids," and even urged the construction of observatories in each municipality so that the God-abandoned order of the cosmos would lead to proper ethical action.[56] Needless to say, deism is poor civic religion. It necessarily lacks a teaching about rewards and punishments in the hereafter.[57] This was not lost upon even the most anti-Christian of these free thinkers. Ethan Allen continued to believe in the existence of hell as a final abode for unrepentant Tories.[58]

Certainly this stance towards religion by Jefferson marks an extreme "modern" perspective. Yet the same Jefferson, who could deplore the inegalitarian propensities of revealed religion seems at other times quite distant from deistic beliefs: "and can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just."[59] This element of traditional theistic belief in Providence is matched by an equally non-modern belief by Jefferson that the Hobbesean account of man's essence is radically defective: man is naturally social.[60]

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55. *Ibid* p. 29, Berns, p. 23.
56. For an overview of American deism in the post-revolutionary period see G Adolph Koch, *Republican Religion* (Glocester, Mass 1964) For a study of the secularization of religious thinking in the American polity see Ernest Lee Tuvson, *Redeemer Nation* (Chicago : 1968).
57. Lenk, p. 250, n 38.
58. Koch, p. 45.
59. *Notes on the State of Virginia*, p. 163 quoted in Mansfield, p. 37.
60. Eidelberg p. 6 Needless to say, Jefferson's notion of equality is not Hobbes's For Hobbes, men are all equal in the state of nature, because they are all equally potential murderers (*Leviathan*, p. 98).

In Jafferson's thought there is a blend of the ancients and the moderns, apparent, among other points of evidence, in his belief that the American science of politics has learned from authors classical and modern[61] : something a strict modern like Hobbes would have found impossible to conceive of. In the thinking of the other founders we find similar blendings of political theory. Madison, for example, believes reason and the passions to be mutually interactive, distinctly different an account from the "reason as handmaid of the passions" approach of the mainstream of modern thought from Hobbes to Hume.[62] Madison's objection to any governmental support of religion appears less radically modern given his motives : to safeguard religious truth from political passion, given his belief in the sublime status of theology.[63] The arguments offered by the founders in behalf of the new regime are no less critical of the defects of democracy than the reflections of Aristotle. And it must be noted that the importance of honour in the mind of the founders is quite incompatible with a slavish emphasis upon mere self-preservation.[64]

We must return, though, to the theme of religion, having briefly noted that the ideas which support the new American polity are themselves in great part mixed : not exclusively Lockean nor unqualifiedly classical. The American polity is the first instance of a choice of a political way of life based mainly upon philosophical reflection, not upon authority, prescription, presumption or other traditional grounds.[65] Lincoln tells us in the Gettysburg address that the crucial moment in terms of that reflection occurred in 1776 : the "Declaration of Independence."[66] The Declaration is no mere work of propaganda, no empty statement of pious political platitudes. It is a work of speculative and practical reason expressed in tones of civility.[67] It unequivocally indicates the nature of just government not only in formal principle : the consent of the people is required not merely in founding a government but also in legitimating its continuous

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61. Eidelber, p. 1.

62. Paul Eidelberg. *A Discourse on Statesmanship* (Urbana : 1974), p. 234.

63. *Ibid*, pp. 238, 254-55.

64. *On the Silence of the Decla ation of Independence*, pp. 21-25.

65. *Discourse*, p. 217.

66. *On the Silence*, p.1.

67. *Ibid*, p. 9.

operation.[68] The Declaration, that is, not indifferent to the form the new government must take, which form is entailed in the dependent notions of liberty and equality. The Declaration is consistent in terms of the principles, whereas the Constitution as is well-known, is not; The latter document tolerates slavery, an intolerable retreat from the former's uncompromising stance. The failure of the American Revolution to live up to the declared principles leads directly to the crisis of the house divided and thus to the civil war.[70]

Jafferson says that the Declaration is grounded in the "harmonizing sentiments of the day". What harmonizes is, in the Aristotelian sense, the truest essence of the political art. The Declaration does not, that is, leave the sentiments as they are popularly.[71] It arranges them, orders them, as a composer arranges notes of music. But such a harmonization is not exclusively Jefferson's: it is a political act reflecting more points of view than simply the author's. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and Pursuit of Happiness. "This is no exclusively Lockean document: the departure from life, liberty and estate shows that. Happiness may entail more than a relentless drive to acquire.[72] More importantly, the mind assents to truth, does not create it, as we might be said to do in Locke's treatment of universal concepts. The things said to be self-evident are not simple ideas: "white is not black", "a square is not a circle," but moral, political truths, which are not the result of the assertion of will or of stipulation but carry with them their own evidence: they are discovered in the nature of man.[73] Being self-evident does not entail that all men now see them clearly. Neither does it mean that only individuals privileged to be in the right socio-economic context can grasp them. Such truths can be taught.[74]

These truths are connected with "the Laws of Nature and of Nature's God." James Wilson, who signed both the Declaration and

68. Harry Joffa, *How to Think about the American Revolution* (Durham : 1978), p. 123.
69. *Ibid*, pp. 114-15.
70 *Ibid*, p. 53.
71. Mansfield, pp. 23-24
72. *On the Silence*, pp. 61-62.
73. *Ibid*, p. 113, n. 3. *How to Think about the American Revol.* pp. 105-6
74. *How to Think about the American Revolution*, p. 106.

the Consititution, viewed such laws in a distinctly non-Lockean fashion: "The law of nature is immutable, not by the effect of an arbitrary disposition, but because it has its foundation in the nature, constitution, and mutual relation of men and things." He identifies this law with Cicero's rule of right reason.[75] A student of Richard Hooker's theology, and thereby of medieval Aristotelianism, Wilson conceived of the law of nature as "the law for man in his present state, which is known through reason and conscience is called in the Scriptures, as revelation; in man's moral reason, as the law of nature; in political societies, as the law of nations.[76] God has bound Himself to governing the universe by law; He is "the author of our Constitution; He cannot but command or forbid such things as are necessarily agreeable or disagreeable to this very constitution. He is under the glorious necessity of not contradicting himself."[77] Regarding political obligation, popular consent to positive law is necessary. Yet Wilson is not merely equating justice with what is consented to: he is an advocate of "virtue" as the principle of republican life and of "honor" connected with that virtue, as well as a friend of the kind of judicial review that limits the wilfulness of popular sovereignty.[78]

The "Creator" referred to in the Declaration and "Nature's God" might be taken as allusions to the "Architect of the universe" beloved of the deists. What though, are we to make of the appeal to "the supreme Judge of the world" or to the "Divine Providence" in which we place our reliance? Both point to a personal *and* an active God.[79] That such a God exists cannot be known by reason alone: at best, that gives us the Unmoved Mover. Yet the equality and liberty spoken of, the rights we enjoy, are grounded in such an active God and, it seems, protected by Him. But a revealed God reveals Himself in specific ways:[80] the only sort of civic religion that will work according to the Declaration is one based not upon "natural" universalistic beliefs,

75. *The Works of James Wilson*, ed. Robert G. Mc Closkey (Camebridge : Mass., 1967), 1 pp. 145-46 quoted in *On the Silence* p. 4.

76. A. J. Beitzinger. *A History of American Political Thought* (N. Y. 1972), p. 239.

77. *Works of James Wilson*, I, 124, quoted in Beitzinger, *loc. cit.*

78. Beitzinger, p. 240-41.

79. *On the silence*, p. 86, n.

80. J. J. Rousseau, *Politics and the Arts* translated with notes and in,roduction by Allen Bloom (Ithaca : 1977) p. xix.

like deism, but something with specific teachings, like Judaism and Christianity.

What sort of "image" does the philosophy behind the proposition of the Declaration conjure for us with respect to civil religion? Professor Harry Joffa persuasively argues that the theology of the Declaration translates nicely into republican terms. In the first instance we have a reference to a Creator; thereafter come the references to the "God of nature's law", the "Judge" and "providence". For Joffa, the Declaration speaks of a Creator who binds Himself (as Wilson said) to an order of being after the act of bringing the cosmos out of nothingness. Thereafter He functions as a three-personal or three-functional God (from the human point of view, of course-God's unity being *a priori*). Just so, in their role of constituting the order of the republic, the sovereign people imitate the Creator; thereafter they bind themselves to an established order of law through the legislative, judicial and executive powers of the created polity. Unlike God's unity (the threefold operation of which are but an intellectual abstraction), the unity of the people is achieved synthetically by the original agreement founding that polity.

In his classic commentary upon the Constitution, Madison maintains that the first task of government is the safeguarding of the various faculties for the acquisition of property. Needless to say, this is not the last or even the highest task.[82] Honour, virtue, speculative reason, culminating in the comprehension of man as a microcosm of the ordered whole : these are all related to the wider concept of happiness entailed in the thought of the American founders. That such are not made more explicit is due in large part to the understanding of the founders of the necessary limits of even the best sort of political communities as well as by the need for compromise not, however, on the basest level and not without regard to an elevation of the population through the device of representation. The founders were not, however, mere institutionalists : the character of the American people would affect the character of those elected to the mediating and enlarging functions of public office, and the quality of the character of these latter type of citizens cannot *but* affect the virtue of the population. Religion, needless to say, is both a means (moral) and an end (the perfection of speculative reason) in the case of both electors and their representatives.

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81. *How to Think about the Amer can Revolution*, pp. 131-35.

82. *Discourse* p. 243.

Like Hobbes, and unlike Spinoza or the ancients, the American founders judge the polity able to philosophize. But unlike Hobbes, the ability of the community to engage in the kind of speculative discourse that both discloses rights and is itself the end of human happiness, is achieved not by lowering the goals of philosophy to mere self-preservation but by optimistically raising the level of the citizenry to the task of contemplation. Needless to say, the very richness of talents and of resources in that polity is both a source of strength and of weakness.[83] The failure of the American order to take account of the roots of its existence, a failure indicated by the sort of practical problems sketched at the beginning of this article, is no mere theoretical difficulty.

Unlike politics whose existence is the result of arational traditions, the American republic is founded upon principle. It persists successfully, it lives the good life only to the extent that those principles and their theological grounding are the main object of public duty as well as *private satisfaction.*

83. *Ibid,* pp. 275-76.