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Religion and the New Republic
by Hutson, James H.

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Chapter 5


6

The Influence of Judaism and Christianity on the American Founding

Michael Novak

Dare I open this part of the symposium with a provocation? Can an atheist be a good American? That has been done, many times. Can American liberties survive if most of our nation is atheist? The most common, almost universal, judgment of the founders was that it could not. The aim of this chapter, provocatively put, is to explore the reasoning of the founders on this question.

Put more moderately, the aim of this chapter is to lift into view the convergence of Whig and Jewish-Christian theories of liberty in the Revolutionary era. It highlights "the logic of liberty" at work in the arguments of the founders, which linked liberty to reliable moral habits (virtues), and virtue to religion, and issued urgent warnings about the cultural precariousness of all three. Few historians or political philosophers are both trained in theology and familiar with the traditions of religious reflection on liberty, and so this modest effort may shed some light on connections no longer remembered without effort.

CHRISTIANS AND WHIGS

President Jefferson was on his way to church of a Sunday morning with his large red prayer book under his arm when a friend querying him after their mutual good morning said which way are you walking Mr. Jefferson. To which he replied to Church Sir. You going to church Mr. J. You do not believe a word in it. Sir said Mr. J. No nation has ever yet existed or been governed without religion. Nor can be. The Christian religion is the best religion that has ever been given to man and I as chief Magistrate of this nation am bound to give it the sanction of my example. Good morning Sir.

—The Rev. Ethan Allen²
Chapter 6

In a famous essay, "Why I am Not a Conservative," F. A. Hayek argued that the proper name for a partisan of liberty, political and economic, is "Whig." A partisan of liberty can scarcely be considered conservative, for liberty is a dynamic force that introduces surprising changes. In the middle of the twentieth century, neither could a partisan of liberty be called a progressive, for this term had been captured by socialists, social democrats, and other partisans of big government. Partly by a process of elimination, then, Hayek fell back on Whig. But he had another reason, too.

Hayek believed there is a tradition of ideas that can properly be called Whig. Following the lead of the historian of liberty, Lord Acton, Hayek further agreed that St. Thomas Aquinas (1224–1274) is properly called "the first Whig." There are three reasons for this: the argument of Aquinas that the first locus of political power lies in the consent of the people; his argument that the human person is born to be free and provident over his own destiny (imago Dei); and his argument that civilization is constituted, not by force, but by conversation—the rational persuasion of one person by another. These three arguments, crystallized by Aquinas, are three pillars of a free and civil society.

Before linking them to Britain, Acton summarizes these views of Aquinas as follows:

A king who is unfaithful to his duty forfeits his claim to obedience. It is not rebellion to depose him, for he is himself a rebel whom the nation has a right to put down. But it is to abridge his power, that he may be unable to use it. For this purpose, the whole nation ought to have a share in governing itself; the Constitution ought to combine a limited and elective monarchy, with an aristocracy of merit, and such an admixture as shall admit all classes to office, by popular election. No government has a right to levy taxes beyond the limit determined by the people. All political authority is derived from popular suffrage, and all laws must be made by the people or their representatives. There is no security for us as long as we depend on the will of another man.

When at the end of World War II Hayek helped to organize a society committed to rebuilding Europe as a free society, he recalled such Whig principles, and at first proposed calling his group the Acton-Toqueville society, to indicate the tradition of ideas he had in mind.

It was, of course, a commonplace for Thomas Jefferson and others among the American founders to say that "there was but one opinion on this side of the water. All American Whigs thought alike on these subjects." Compared to Hayek's usage, however, what the Americans had in mind was a different meaning of Whig, at least on the surface. Its more immediate roots were Protestant, deeply steeped in the antipathy for the Stuarts manifested in the Revolution of 1688. Its more ancient roots, however, anticipated Christianity altogether—they went back to the German (Saxon) tribes that migrated to

Britain in its pre-Christian era. According to the historians of English liberty favored by Jefferson and his peers, these ancient Germanic tribes had institutionalized the three principles listed previously long before Aquinas articulated them. All tribal power, these historians maintained, was vested in the people, and their consent was expressed in large councils called together at least annually. In these, after argument and deliberation, the consent of all was secured for the ratification of significant decisions.

The freedoms implicit in these arrangements, including the recognition of the private property rights of all freemen, came in British speech to be recognized as "the basic rights of Englishmen." These rights were rooted in tradition, not abstraction. They had been real and practiced for centuries, even though they were often infringed upon and, for a time, taken away. The great act of despoliation, beloved of tories (such as David Hume in his History of England), came with the feudal aristocracy, feudal privileges, and feudal landholding arrangements imported by the Normans after 1066. This despoliation was renewed by the impositions of the hated Catholic Stuarts.

In Britain and America, the party of liberty was the Whigs, a party committed to the ancient traditions of their people, who pictured their foes as tyrants, usurpers, and violators of ancient—then, natural—rights. For the Whigs, "natural" was linked to "ancient" and "traditional," not to theory and abstraction, but to a utopian future. Their hope for a renewal of "ancient traditions of natural rights" was tempered by centuries of memories about how frequently and how easily these rights had been lost. Holding on to them, the American founders knew, is a precarious task.

In its modern period in Britain, as its historian Herbert Butterfield has emphasized, the Whig party was also the Christian party—emphasis on Protestant and radically opposed to the Catholic Stuarts and all that they were supposed to represent. The most interesting feature of the Whig tradition is how deeply it drew upon both natural reason and the Jewish-Christian Bible for its arguments on behalf of liberty. In America, these arguments from the Bible were especially important, because so many Americans took religion seriously, and because no other national institution was so deeply involved in the moral and civil education of the young. Moreover, ministers of the Gospel were the major speakers on regular occasions before the legislatures and public officials of the states, at annual civic festivals, and on patriotic holidays. American oratory, political and otherwise, was shaped by the rhetorical strategies, learning, passion, cadence, and even sounds of the Protestant pulpit. (What speaker in our day can fail to hear in his inner ear the voice of Martin Luther King, Jr.?) From the days of John Winthrop's discourse on the Arbella envisaging "the city on a hill," American religion had a worldly character. And right from the start the American world had a religious character.
Thus, the Americans of 1776 identified themselves with the Whigs, who wrested respect for Parliament from King John in the Magna Carta in 1215 and who deposed Charles II in the Glorious Revolution of 1688. They not only thought of themselves as traditionalists, they thought that it was King George III who was guilty of introducing novelties and abuses—a long train of abuses—and thus abrogating ancient rights and trampling upon sacred traditions. Against him they argued tradition; and they accused him of being the revolutionary who was overthrowing the ancient just order.

In their intentions and their presuppositions, the Americans were nearly the opposite of the French Revolutionaries of 1789–1791. The Americans saw themselves as restoring an ancient regime (the ancient Saxon liberties), the French as destroying one (that of the Bourbons). The Americans cited natural rights and reason in the same breath with tradition, the French cited abstract Reason, spelled with a capital "R," as an Ockham’s razor taken to tradition. The Americans took care to adopt their Constitution through a long process of debate, deliberation, and consent from below, state by state. In the name of the General Will, the French turned to the swifter, cleaner logic of the guillotine. The Americans were Whigs, the French Jacobins.12

In another way, too, the Americans were unlike the French revolutionaries. While it may be said that both revolutions were fruits of the Enlightenment, it cannot be said in the same sense of each. For the French revolutionaries, the Enlightenment was against religion as light is opposed to darkness; they wished to “écraser l’infâme.” For the Americans, religion—the Christian Bible, the Protestant churches—were sources of the revolution, and the cause of liberty was passionately embraced by the churches. In America, the fires of revolution were lit by the Puritan preachers of New England and their counterparts throughout the thirteen colonies. By contrast, the fury of the revolution in France was directed against church and synagogue, and in Paris the revolutionaries installed a prostitute upon the altar of Notre Dame cathedral. (For a vivid account of how contemporary Americans took the news, see the discourse of John Thayer in Boston in 1798.)13

The religiousness of the American Revolution, then, was utterly unlike the atheism of the French Revolution. When news reached the Continental Congress of the shelling of Boston in early September 1774, it voted that a distinguished preacher, “who loves his country,” be asked to begin the next day’s session with a prayer. And when upon the morrow the white-haired chaplain did so, praying from the Thirty-Fifth Psalm, he left not a dry eye in the chamber.14 George Washington, too, in one of his first official acts as Commander of the army, asked all his men to pray, and many times in later years gave thanks to Divine Providence for its many and signal intercessions on behalf of the cause of liberty. In his first Inaugural Address, Washington observed that “every step by which [the American people] have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency.”

During the past fifty years, markedly so among political philosophers concerned with the founding of the American Republic, it has become the convention so to stress the Enlightenment that the religious sources of American habits and institutions are abruptly dismissed.15 Excessive credit is given to Locke (much is due him, but not all), and Locke is interpreted in a thoroughly secular way. Some authors have even written that the founders intended to confine religion to the narrow sphere of private conscience, thus to set it on the path to extinction.17 Today, in dramatic contrast to the view of religion emphasized by the founders, one certainly gains the impression from the law schools and the nation’s courts that large parts of the legal profession have come to regard religion as a force inimical to democracy. Unlike the founders, today’s judges describe its influence on history as baleful, divisive, conducive to warfare and to hate, and in need of quelling, like a disease.18 In this respect, important elites in American life seem to have more in common with the French understanding of the antagonism between the Enlightenment and religion than with the understanding of the founders. It is not too much, I think, to call this tendency the Europeanizing of the American founding. Even Tocqueville noticed the difference:

There is no country in the world in which the boldest political theories of the eighteenth-century philosophers are put so effectively into practice as in America. Only their anti-religious doctrines have never made any headway in that country.19

This Europeanization of the American founding has three main parts. First, it holds reason to be adversarial to revelation—the Enlightenment to religion. Second, it holds that a morality based upon reason alone is superior to Christian morality; indeed, that Christianity is a threat to republican institutions. Third, it holds that the extinction of religion, in the public sphere at least, would bring the public into greater conformity with republican principles. By contrast, the American founders held that the extinction of Christianity would cause the nets of the Constitution to burst asunder in disintegration.

Quite contrary to these three principles of the European Enlightenment is the Third Article of the Constitution of the Commonwealth of Massachusetts, ratified in 1780:

Art. III. As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of public instructions in piety, religion, and morality: Therefore, To promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a
right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily.\textsuperscript{20}

Earlier, John Adams had exhorted clergymen to lead the way toward freedom. "Let the pulpit resound with the doctrine and sentiments of religious liberty," he said. "Let us hear of the dignity of man's nature, and the noble rank he holds among the works of God. . . . Let it be known that British liberties are not the grants of princes and parliaments." The clergy more than answered his call. In 1775, Adams bragged that the Philadelphia ministers "thunder and lighten every Sabbath" against George III's despotism, and Jefferson noted that in Virginia "pulpit oratory ran like a shock of electricity through the whole colony." John Wingate Thornton concluded that "To the Pulpit, the Puritan Pulpit, we owe the moral force which won our independence."\textsuperscript{21} In America, religion favored the cause of liberty, and political statesmen favored religion. No other institution in America was so responsible for inspiring and motivating the American War of Independence as the Protestant churches—and the few thousand Catholics of the land along with them.

But this is not all. Beyond guidance on the question of independence, the people also needed public instruction in the philosophy of freedom, the political philosophy of republican government, and the doctrine of natural rights; and this education was also, for the most part, carried out by the churches. This record supplied evidence to the founders of the American Republic that of all philosophies and religions, Protestant Christianity is the best foundation for republican institutions. Here are but a few texts, to whose number scores of others could be added:

- James Madison: "The belief in a God All Powerful wise and good, is so essential to the moral order of the world and to the happiness of man, that arguments which enforce it cannot be drawn from too many sources nor adapted with too much solicitude to the different characters and capacities impressed with it."\textsuperscript{22}
- Thomas Jefferson: "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 of the gift of God? That they are not violated but with his wrath?"\textsuperscript{23}
- Joseph Story: "The promulgation of the great doctrines of religion, the being, and attributes, and providence of one Almighty God: the responsibility to him for all our actions, founded upon moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues—these can never be matters of indifference in any well-ordered community. It is, indeed, difficult to conceive how any civilized society can exist without them."\textsuperscript{24}
- The preamble of the Constitution of North Carolina: "We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution."\textsuperscript{25}

\section*{The Logic of Liberty}

The logic of the founders moves forward in five steps, through five interconnected insights. First, the founders saw in two human capacities—reflection and choice—the key to their concept of liberty. Second, from this, they developed an original, highly moral concept of the natural right to liberty, drawing both upon revelation and reason. Third, they experienced revelation and reason, at least in respect to liberty, as friends and correlates, not foes. Fourth, they learned from experience that in a republic liberty is not practicable without virtue, nor virtue without religion. This insight has a corollary: that the free society is necessarily precarious, given the changeability of human morals over time, and their persistent tendency to decline. Finally, they learned by trial and error that the advantages of liberty and the virtues it inculcates can be better secured when religion is not established. These five insights are tightly connected, one to another. Disentangling them requires some patience.

Why did the American founders believe that religion is a sound foundation for a republic, when Europeans of the Enlightenment held precisely the opposite? The Americans reached their own distinctive concept of natural rights by two different paths, one religious and one philosophical, and these two chains of argument reinforced each other in their minds. As the founders understood them, both reason and revelation showed the natural right to liberty to be a moral concept imposing moral obligations upon citizens, and located the very evidence for the existence of this natural right in man's moral nature.

This distinctive American understanding of natural rights is implicit, for example, in the opening lines of \textit{The Federalist}, No. 1. Indeed, it is a precondition of the entire process of ratifying the proposed new Constitution of the United States. Here are the crucial words:

it seems to have been reserved to the people of this country, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force.\textsuperscript{26}
The question is not whether humans have these two capacities, “reflection” and “choice.” If they didn’t, there would be no point in proceeding with public debates, written arguments, and deliberative votes. The question is whether these observed capacities are strong enough for the great social task of forming governments.

Since no creature but human beings acts from these two capacities, reflection and choice are nature’s testimony to human destiny. To live according to reflection and choice is both the law of nature and the law of God. Since both nature and God impel humans to exercise their liberty, it follows that humans must have a natural right to liberty. Without such a right, they could not obey either the law of their own nature or the law of God. Further, since to be free is to incur responsibility for one’s own deliberate choices, no one can hand off his liberty to others; liberty is not alienable.

To violate a person’s natural liberty is, therefore, to deface, deform, and frustrate the laws of nature and nature’s God. It is both a sin against justice that cries out to heaven and a crime indictable before the tribunal of humankind. In religious terms generic enough not to be limited to Christians solely, Jefferson wrote: “The God who gave us life gave us liberty at the same time.” It is a self-evident step from this conviction to the phrase of the Declaration, “endowed by their Creator with certain inalienable rights.”

Skills in constitution writing, however, are not the same as skills in metaphysics. The founders were not primarily metaphysicians, they were nation builders. They were less concerned to publish precise disquisitions on liberty than to contrive institutions of liberty that would work among people as they were. This point was emphasized on the eve of the constitutional convention by John Adams in his A Defence of the Constitutions of Governments of the United States, with a sharp elbow in John Locke’s eye:

A philosopher may be a perfect master of Descartes and Leibniz, may pursue his own metaphysical inquiries to any length, may enter into the innermost recesses of the human mind, and make the noblest discoveries for the benefit of his species; nay, he may defend the principles of liberty and the rights of mankind with great abilities and success; and, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity. Mr. Locke, in 1663, was employed to trace out a plan of legislation for Carolina; and he gave the whole authority, executive and legislative, to the eight proprietors, the Lords Berkley, Clarendon, Albemarle, Craven, and Ashley; and Messieurs Carteret, Berkley, and Colleton, and their heirs. This new oligarchical sovereignty created at least three orders of nobility . . . Who did this legislator think would live under his government? He should have first created a new species of beings to govern, before he instituted such a government.

The American founders, evidently, were quite clear about who would live under their own new government. They wanted an independent republic and a constitution that would work in America—that is, would both endure among Americans and be worthy of American hopes? Through and through, such a project had to exhibit reflection and choice at work, in order to meet the standards of the natural right to liberty for which it was designed. Such a requirement endowed the building of the republic with substantive moral purpose. An entire citizenry had to be taught how to pursue the public business—and conduct their private lives—in ways compatible with sober reflection and reasoned choice.

For it is soon a matter of immediate experience, if not of self-evidence, that not every human all the time is in the frame of mind required for reflection and deliberate choice. Passion, ignorance, bias, interest, fear—all these are common motives and conventional means for cutting reflection short and acting in ways contrary to dispassionate choice. The free citizen must be able to summon up at will a capacity for sober reflection and duly measured choice, such as the authors of The Federalist properly demanded of them. Thus, citizens who depend upon reflection and choice will necessarily depend upon an array of inclinations, dispositions and habits that, when duty calls, clear their souls of passion, ignorance, bias, interest, and fear.

George Washington, in particular, grasped the inner dependence of the republican experiment upon the sound habits of its citizens. For this reason alone, at full risk to his own reputation (with everything to lose, nothing to gain), he could not refuse to come out of retirement to guide the first generation of citizens of the new republic through its first foundational years. His principle was this: A nation, like a child, forms its character around its earliest transactions. Therefore, Washington determined to lead the nation at large through the ways in which a citizenry called to self-government must comport itself. The people themselves must become an example to the world of reflection and deliberate choice, and the enabling and supportive virtues on which these capacities depend.

This distinctive concept of natural rights embodied, therefore, a national moral project. This project may be expressed through the two-sided meaning of the term self-government. A republican experiment is an experiment in public self-government through public institutions on the part of the whole people. At the same time, such public self-government can only succeed if its citizens also practice self-government in their personal lives. That is, the citizens must comport themselves with capacities for sober reflection and deliberate choice at the ready. It is not necessary for all or even most to be saints. Nonetheless, to suppose that a republican government could succeed without at least a modicum of virtue in its citizens would be a pipe dream.

Further, it is the great merit of the Protestant Christian religion (which in this is remarkably close to Orthodox Judaism) that it emphasizes both personal responsibility and self-mastery. It emphasizes these virtues for reasons
both religious and prudent in the ways of the world. It sees them as commanded equally by the laws of nature and nature’s God.

On these points, Madison, Washington, Jefferson, Adams, and the others were as one.

THE CONVERGENCE OF REVELATION AND REASON

Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human law should be suffered to contradict these.—Blackstone

If ever on a hot and muggy day in July, when you were young, you dove into the clear cool water of a mountain lake, you know the shock that greets you when you dive from the intellectual world of modern secular scholarship into a leisurely reading of the papers of the founding fathers. The latter were so plainly religious, compared to intellectuals of today, and not merely religious, but pious—moved by sentiments of whose warmth and tenderness there can be no doubt.

For the founders, reason and revelation are not in fundamental opposition. Rather, regarding the character and centrality of liberty, they converge. In their view, the ideas and practice of Judaism and Christianity are the best foundation for republican government. This point of view is the decisive stumbling block for many contemporary scholars, who are accustomed to thinking of Judaism and Christianity as threats to the free society. Such scholars hold that reason and revelation are radically opposed to each other.

Yet the founders drew much inner strength from several texts. One supposed skeptic among the founders, Benjamin Franklin, proposed as a motto for the seal of the United States a powerful religious axiom of long standing: "Rebellion to tyrants is obedience to God." To oppose George III, and to commit one’s life and honor to liberty, not only was there no need to renounce Christian faith; that faith itself was fertile with motives.

The wise and much-revered Dr. Benjamin Rush of Philadelphia anchored the republican form of government in religion: "The only foundation for a useful education in a republic is to be laid in religion. Without this there can be no virtue, and without virtue there can be no liberty, and liberty is the object and life of all republican governments." This text expresses the essential core of the logic of the founders: A Republic means liberty. Liberty needs virtue. Virtue among the people is impossible without religion. Therefore, there must be education in religion. Otherwise, there will sooner or later be moral weakness, from which will follow obsequious obedience to tyrants. Many distinguished lawyers and scholars today, atheists and secularists in particular, do not believe these things.

Rush feels so strongly about this that he would sooner see the teachings of Confucius or Mahomet taught in American schools than "see them grow wholly devoid of a system of religious principles." Unmistakably, however, he points out that the religion he means is "that of the New Testament." (Almost all his references, however, are to the Jewish Testament.) "It is foreign to my purpose," Rush continues, "to hint at the arguments which establish the truth of Christian doctrine." (He holds, with the Christian university tradition in which nearly all the founders shared, that there are such arguments, even though voicing them is not his present purpose.) "My only business is to declare, that all its doctrines and precepts are calculated to promote the happiness of society, and the safety and well-being of civil government." Rush then utters a sentence that he will repeat three times, and so I add emphasis to it: "A Christian cannot fail of being a Republican." Rush has three arguments for this point, and that is why he repeats it thrice.

His first argument is that "the history of the creation of man, and of the relation of our species to each other by birth, which is recorded in the Old Testament, is the best refutation that can be given to the divine right of kings, and the strongest argument that can be used in favor of the original and natural equality of all mankind."

In other words, one does not need Locke to come to natural rights. Locke rendered valuable service in bringing arguments from reason to this same conclusion. But the basic point is available to any coppersmith or carpenter who reads his Bible closely. Each citizen, no matter how humble, knows that God knew his name before the ages, that all are equal in his sight, and that the mighty will be brought low and the lowly exalted.

Then comes Rush’s second argument: "A Christian, I say again, cannot fail of being a republican, for every precept of the Gospel inculcates those degrees of humility, self-denial, and brotherly kindness, which are directly opposed to the pride of monarchy and the pageantry of a court."

Here an objection may as well be faced: Rush’s presentation, emphasizing kindness, indicates how much the Christian teaching seems to differ from Locke’s “state of nature,” in which men are certainly not social, civil or brotherly.

But is there really a contradiction? Man in the state of nature is by definition outside Christianity, outside any religion. This does not contradict, it reinforces, what Rush holds, viz., that without religion virtue is impossible. What Christians mean by “original sin”—the inherited disorder of man’s nature in which each of us is born—is not exactly what Locke intends by “state of nature.” But both concepts, “original sin” and “state of nature,” put the brakes on utopian hopes about the moral potency of human nature, left to itself. Even the great John Witherspoon, president of Princeton, signer of the Declaration of Independence, teacher of James Madison, three Supreme Court Justices, 21 senators, 29 congressmen, and 30 lower court judges—
even John Witherspoon used the term "state of nature" to describe humans in the state of original sin, outside God’s grace.35

In fact, by one gauge, Christians may be more pessimistic than Locke. Locke places considerable hope in civil society, but the American founders believed that even a good social contract and a well-intentioned civil society will in time disintegrate, unless fortified by virtue, itself reinforced by religion. They tended to go beyond Hobbes and Locke in tying natural rights to the “eternal and immutable law” of God, which they called “the law of nature.”36

To generalize this point: When the founders use the terminology and arguments of Locke, as they often do, they are neither denying nor qualifying their Christian beliefs. They do not advance academic arguments; they do not explore crucial differences between Locke and Sidney. They are not acting as philosophers but as nation builders among a particular—and religious—people.

Some followers of Leo Strauss today are said to argue that Locke used conventional Christian language in order to subvert it. (Locke never asserts such an intention.) But it is equally possible that, in good faith, Locke’s philosophical equipment was not subtle enough to make all the distinctions his argument needed. One does not suppose that those whose moves in chess end in disaster intended what they did not have the wit to foresee. Just so, one ought not to take as willful the unforeseen logical consequences of moves taken in the heat of play even by philosophers. On the borderline between philosophy and religion, it is a common occurrence that thinkers are inadvertently led into trains of logic that were no part of their intention.

Besides, if it is legitimate to argue that Locke used Christian terms to subvert Christian premises, it is equally legitimate to hypothesize that many in the founding generation used Locke’s terms to subvert Locke’s premises, by using them to Christian purposes. It is true that “natural rights” are not mentioned in the Bible in *ipsis verbis* (but then neither is the “trinity”), and that Locke supplied the term. Yet the content the founders give to the term had more to do with what they learned from the Bible than with the content Locke gave to it.

“And lastly,” Benjamin Rush writes in offering his third reason why a Christian cannot fail of being a republican, “his religion teacheth him, in all things to do to others what he would wish, in like circumstances, they should do to him.”38 This is a good teaching for a society that wishes to be civil and brotherly and whose desperate struggle is to maintain the union.

The physician of Philadelphia is not the only one to hold that biblical religion is particularly linked to republican government. John Adams himself wrote to Rush in 1807: “The Bible contains the most profound philosophy, the most perfect morality, and the most refined policy, that ever was conceived upon earth. It is the most republican book in the world.”39

Noah Webster repeated this theme in 1834, eight years after the death of Jefferson and Adams: “the Christian religion ought to be received, and maintained with firm and cordial support. It is the real source of all genuine republican principles. It teaches the equality of men as to rights and duties; and while it forbids all oppression, it commands due subordination to law and rulers. It requires the young to yield obedience to their parents, and enjoins upon men the duty of selecting their rulers from their fellow citizens of mature age, sound wisdom, and real religion.”40

Lest this admonition sound merely theoretical, Webster, as becomes the author of a dictionary, uses words limpidly: “Never cease then to give to religion, to its institutions, and to its ministers, your strenuous support... Those who destroy the influence and authority of the Christian religion, sap the foundations of public order, of liberty, and of republican government.”

Because the principle we are tracking seems so strange to contemporary secular scholars, it is no doubt useful to provide two more texts, the more precisely to stress the convergence in question. A native of Scotland and later a justice on the Supreme Court, Pennsylvania’s James Wilson wrote in “The Laws of Nature” in 1790:

> How shall we, in particular cases, discover the will of God? We discover it by our conscience, our reason, and by the Holy Scriptures. The law of nature and the law of revelation are both divine; they flow, though in different channels, from the same adorable source. It is, indeed, preposterous to separate them from each other. The object of both is—to discover the will of God—and both are necessary for the accomplishment of that end.41

A second example of that confidence in the convergence of reason and revelation appears in a passage from a New England divine, Samuel Cooper, D.D., preached before Governor John Hancock and the Senate and the House of Representatives of Massachusetts on October 25, 1780, on the day of the Commencement of the Constitution of Massachusetts and the Inauguration of the New Government. Cooper had received his doctorate at Edinburgh after graduation from Harvard, served as member of the Harvard Corporation, and turned down the presidency of Harvard. His sermon, anthologized even in Holland, is often taken as the model American patriotic sermon.

Cooper began his sermon that October day with an extended parallel between the people of Israel and “our own circumstances” of the present day. His text for the day was the thirtieth chapter of Jeremiah, and he dwelled on the groaning of the Israelites in captivity, desolation, and conquest. He did not hesitate to link George III to Nebuchadnezzar. Recognizing that the Hebrew government, “tho’ a theocracy, was yet as to the outward part of it, a free republic, and that the sovereignty resided in the people,” he spelled out his meaning from vivid examples. In this argument, he follows Algernon Sidney in setting forth a theory of civil government and republican liberty that
emphasized their reliance on virtue and religion. "Such a constitution," he proceeded, "twice established by the hand of heaven in that nation, so far as it respects civil and religious liberty in general, ought to be regarded as a solemn recognition from the Supreme Ruler himself of the rights of human nature." Abstract the key points of that constitution from circumstances peculiar to the situation of the Jews at that time, he adds, and you may discern "in general what kind of government infinite wisdom and goodness would establish among mankind."

Then comes a passage directly germane to our present concern, the convergence of revelation and reason:

We want not, indeed, a special revelation from heaven to teach us that men are born equal and free; that no man has a natural claim of dominion over his neighbours, nor one nation any such claim upon another; and that as government is only the administration of affairs of a number of men combined for their own security and happiness, such a society have a right freely to determine by whom and in what manner their own affairs shall be administered. These are the plain dictates of that reason and common sense with which the common parent of men has inflected the human bosom. It is, however, a satisfaction to observe such everlasting maxims of equity confirmed, and impressed upon the consciences of men, by the instructions, precepts, and examples given us in the sacred oracles.42

Having made the case for liberty, independence, and republican government from revelation, Dr. Cooper raises again the question of virtue, from reason's point of view.

As piety and virtue support the honour and happiness of every community, they are peculiarly required in a free government. Virtue is the spirit of a republic; for where all power is derived from the people, all depends on their good disposition. If they are impious, factious and selfish; if they are abandoned to idleness, dissipation, luxury, and extravagance; if they are lost to the fear of God, and the love of their country, all is lost.

If the whole of Dr. Cooper's sermon was actually read that day, that was a long and learned discourse they heard at Harvard in October 1780. The new House and Senate of Massachusetts, in the middle of a dangerous war, had reason to feel much strengthened by the artillery of philosophy and religion that was rolled up to their support.

What faith taught them, reason supported. What reason taught them, revelation reinforced.

**FOUNDATION, YES; ESTABLISHMENT, NO**

The first ground for the American belief that religion is a friend, not a foe, to republican government, then, lay in the distinctively moral idea of natural rights cherished by the American founders, and in their familiar ease in relating reason to revelation, and revelation to reason, as two converging arguments on behalf of human liberty. The second ground lies in an original approach to religion, public and private, as the "foundation" of republican virtue. The Americans developed an original conception of "foundations." In Europe, to found a system of government upon religion meant to build upon an established church with prescribed doctrines and rituals, so as to secure a unified public ethos. In America, it became clear by trial and error that that traditional method had destructive consequences both for the church and for the state.

Unusually at first, for want of knowledge about how to do things any better, these European traditions of church and state had been carried over into America. Catholic Maryland, having learned a salutary lesson from the sad experience of Catholic states in Europe, had launched an early and tentative experiment in religious liberty; it did not last long. Pennsylvania, under the Quakers, did better. Virtually all the other states had established churches, many of them continuing to retain these establishments for at least two generations after independence. These arrangements awakened much objection, not least from dissenting churches such as the Baptists and other evangelicals. (What today would be called the "religious right" was then the "religious left.")

In sum, the traditional alliance of throne and altar saddled the state with tasks for which it had little or no competence, and bred hostility and resentment among religious dissenters and nonbelievers. This traditional arrangement also saddled the church with practices that, however common they had been in the past, had come to seem from painful experiences inimical to Christian ideals and aspirations—the use of the state to punish or to banish heretics, for instance, as had happened in Massachusetts with respect to Roger Williams.

Therefore, in order to strengthen both the church and the republican state, the founding generation decided not to establish a national church. These almost unanimously Protestant leaders elected, instead, to build the foundation of the republic elsewhere.43

Where, then? They chose the open exercise of everyday religious life in every locality and state. In other words, through the open, visible, and often publicly encouraged practice of a vigorous religious life, in free and mutually respectful amity, the American people would form and publicly exhibit those religious habits of the heart necessary for the proper working of republican institutions. And these religious habits of the heart, demonstrated daily in private and in public behavior, would be the moral foundation of the republic. Thus, when Madison wrote that our rights are not protected by "parchment barriers," but by the habits and institutions of the American people,44 this was the strong foundation on which he relied.
stition expressly avoids the explicit confession of Christian faith found in the Constitutions of several of the states. On the other hand, the U.S. Congress works under the prayers and counseling of a salaried pastor. Presidents issue proclamations of Days of National Thanksgiving, and both Congress and presidents have declared national days of prayer and fasting in cases of urgent national need. The U.S. government pays for the installation of Stars of David and crosses on the graves of U.S. servicemen buried overseas. But federal homage to the Creator and source of our rights, Who is the Lawgiver, Governor, and Judge mentioned in the Declaration of Independence, is limited—more limited than homage openly paid by states and localities, visible in the practices of state establishments of religion at that time. In maintaining a sphere of reverential silence, however, in the place where its citizens give to the transcendent God the particular names they have learned from their families, the American Federal State may be paying the only form of homage becoming to a pluralistic people. It is not an achievement without ambiguity; but it is a great achievement.

Thus, what Madison wrote in Federalist, No. 14, about the body of the Constitution might with even greater force be said of the originality of the founders with respect to religious liberty.

They accomplished a revolution which has no parallel in the annals of human society. They reared the fabrics of governments which have no model on the face of the globe.46

That it is original does not mean, of course, that it will endure forever. And that possibility, indeed probability, led to another step in the logic of the framers.

THE PRECAUSIOUSNESS OF LIBERTY

There is a danger in the American solution. That danger may be a greater threat to the state than it is to Judaism and Christianity. The danger is that a three-step process may ensue, undermining conscience and clearing the way for tyranny.

- The first step in the decay of the republican experiment would be to conceive of the human person as solitary and atomic, cut free from—liberated from, unbridled by—bonds and responsibilities to multiple communities (family first of all, covenantal communities, freely chosen associations, etc.). This step follows in the path of Locke, rather than in the way of the ancient Saxons and the early Whig tradition.
- The second step would be to imagine that such an individual is unable to discern by intellect any responsibilities or obligations except those whose origin lies in his own volition; that is, each merely chooses to create the laws, or lack of laws, under which he or she will live.
The third step would be to empower the government to root out every vestige of religious expression from every aspect of public life; that is, to change the nonestablishment of religion into an erasure of religion (écrasez l’infâme).

A people that descended these three steps would put Judaism and Christianity on the road to extinction, not solely in the public square but in private life as well. Such steps would clear the path in America, as it did in France, for the inexorable logic of the Terror. Why? Because once these steps had been taken, the triumph of political orthodoxy and legal positivism would be assured. Against these, there would remain no principled intellectual defense. If legitimate authority wills to put something into law, and does so, citizens can no longer argue that that is unjust (says who?) or in violation of the laws of nature and nature’s God (so what?).

To prevent the nation from taking such a self-destructive track, the founders often stressed the dependence of liberty on truth. They loved the text from St. John: “And ye shall know the truth, and the truth shall make you free” (John 8:32). Accordingly, they believed that there are laws of nature and laws of God, whose truth is either self-evident or easily discovered by serious persons of goodwill and sound judgment. Anybody who wishes to preserve his freedom had better learn—and help others to learn—these truths. The founders took extraordinary care in recommending the study of those books in which such truths may be found.

No one can argue, then, that the founders did not foresee, and attempt to forestall, these dangers. Thomas Jefferson made George Washington’s Farewell Address required reading at the University of Virginia, since in it Washington clearly describes the “pillars” of the free society and the dangers to which it is vulnerable. Washington does not call religion “optional.” The word he uses is “indispensable.”

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and cherish them. A volume could not trace all their connections with public and private felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

John Adams was even clearer in his warning in 1798:

We have no government armed with power of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution is made only for a moral and religious people. It is wholly inadequate to the government of any other.

So strongly did John Adams believe this that when he wrote to his cousin Zabdiel, a minister of the Christian gospel, two weeks before the adoption of the Declaration of Independence, he described his fears for the future, and urged upon him the importance of his work in religious ministry:

Statesmen my dear Sir, may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles, upon which Freedom can securely stand.

Adams then wrote a shocking warning that the alternative to virtue in the people is tyranny.

The only foundation of a free Constitution is pure Virtue, and if this cannot be inspired into our People, in a greater Measure, than they have it now, They may change their Rulers, and the forms of Government, but they will not obtain a lasting Liberty.—They will only exchange Tyrants and Tyrannies.

After these heavy thoughts, Adams encouraged his cousin to continue with enthusiasm as a minister of God, for the good of the republic—“You cannot therefore be more pleasantly, or usefully employed than in the Way of your Profession, pulling down the Strong Holds of Satan.” Adams, like Franklin, feared for the future of the Republic.

“The only foundation of a free Constitution is pure Virtue.” A way must be found to inspire virtue in our people, or independence is in vain. The foundation of the American republic is not an established church; it is the religious and moral habits of its people. This is a foundation deeper and stronger—and truer to Christianity—than an establishment of religion by Caesar. It is, however, a foundation that is subject to erosion over time. That erosion can be prevented only by eternal vigilance. This was a common sentiment—and a common concern—of the founding generation.
CONCLUSION

Judaism and Christianity provided a great deal more than meets the eye, then, to the American founding. They reinforced in men's minds the role of reason in human affairs; the idea of progress in history (as opposed to a wheel of endless rotation); the centrality of personal dignity and personal liberty in human destiny; and the idea of a cosmic process conceived, created, and governed (even in its tiniest details) by a benevolent Deity: Lawgiver, Governor, Judge, gentle and caring Providence. This Deity would one day ask of each human an accounting for his thoughts and deeds. In other words, liberty is not trifling matter. How humans use this liberty matters infinitely. Liberty, so to speak, is the purpose for which the sun and the stars are made. In that respect, America's experiment in liberty is especially dear to Providence. Looking down on it, God smiles. So, at least, the founders inscribed on the Seal of the United States:

ANNUIT COEPTIS

The other inscription they placed on the Seal, in its seventh and final draft, called attention to the originality of their new design:

NOVUS ORDO SECLORUM

In its place, for the first six drafts, they had originally had a single word:

VIRTUE

Given their understanding of liberty, calling attention to virtue must have seemed to them too obvious. What they needed to emphasize was the newness and daring of their experiment. For sometimes experiments go wrong. It is all too easy to see how this one might do so.

One thing our generation must not do is take our republic's longevity for granted.

NOTES

The author thanks Thomas Kilroy for distinguished research assistance.

1. Most of the materials in this chapter—and in the writings of the founding generation—are Christian, but most of the relevant points are shared alike by Jews and Christians and are, in fact owed by Christians to their Jewish inheritance. Thus, I say "Jewish-Christian" rather than mostly "Christian."

2. From Rev. Ethan Allen's handwritten history "Washington Parish, Washington City" in the Library of Congress MMC Collection, 1167, MSS, as quoted in James H. Hutson, Religion and the Founding of the American Republic (Washington, D.C.: Library of Congress, 1998), p. 96. According to the most sustained study of Jefferson's religious convictions, it is probably more accurate to say that Jefferson was a Unitarian rather than a Christian. He disbelieved in miracles and other evidences of the workings of grace beyond the natural order. But he did believe that Protestant Christianity—as distinct from "monkish superstition"—is crucial to the American Republic, and for this reason he kept his own heterodoxies private and gave biblical Christianity public support. His letters show that he also believed in a divine Judge and, provisionally, in eternal life. The chronicler of his religious journey concludes that:

Jefferson assumed an ordered, theocentric world; chaos was not king. He also affirmed that ours was and is a moral universe; unrestricted libertinism did not, must not, rule. In addition, he believed that free men and women could not find ultimate satisfaction in a religion devoid of Reason; phantoms and fanaticisms must not drive Reason from its proper place. And finally, Thomas Jefferson knew that he was not God. A large measure of perspective, a considerable degree of humility, arose from the keen sense that he, too, was only one of God's creatures. He, along with all other human beings, did not enter into the world bristling and spurred, to mount the backs of those less fortunate. Rather, he, like all women and men, was bound in a bundle with the living, called and challenged to elevate, educate, liberate, and introduce lasting reforms in politics, morality, and religion.


4. The references in Aquinas for these three propositions are, successively: for the first, Summa Theologica, 1a–2ae.cv.1.; for the second, Commentary, II Sentences, XLIV.i.3; ad 1. and Summa Theologicae, 2a–2ae.Ixiv.2., ad 3; and for the third, Commentary, I Politics, lect. I. See also Thomas Gilby, O.P., The Political Thought of Thomas Aquinas (Chicago: University of Chicago Press, 1958), p. 290, and Between Community and Society: A Philosophy and Theology of the State (London: Longmans, 1953), pp. 93, 185.

5. After quoting this text, Lord Acton comments, "This language, which contains the earliest exposition of the Whig theory, is taken from the works of St. Thomas Aquinas, of whom Lord Bacon says that he had the largest heart of the school divines. And it is worthwhile to observe that he wrote at the very moment when Simon de Montfort summoned the Commons; and that the politics of the Neapolitan friar are centuries in advance of the English statesman's." From "The History of Freedom in Christianity," in The History of Liberty, ed. J. Rufus Fears (Indianapolis: Liberty Classics, 1985), p. 34.


7. A fuller portion of the letter is even clearer about the breadth of the Whig tradition:

But with respect to our rights, 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, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. 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, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc. The historical documents which you mention as in your possession, ought all to be found, and I am persuaded you will find, to be corroborative of the facts and principles advanced in that Declaration.


9. As Colbourn recounts, these are the facts as the founding generation understood them. Recent scholarship has shown that the reality of Saxon life was considerably crude, and that the founders were unwittingly influenced by an unrealistic picture of the past. Ibid., Appendix I, “The Saxon Myth Dies Hard.”


14. John Adams described that prayer in a letter to his wife, Abigail:

When the Congress met, Mr. Cushing made a motion that it should be opened with Prayer. It was opposed by Mr. Jay of New York, and Mr. Rutledge of South Carolina because we were so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians, and some Congregationalists, that we could not join in the same act of worship.

Mr. Samuel Adams arose and said that he was no bigot, and could hear a Prayer from any gentleman of Piety and virtue, who was at the same time a friend to his Country. He was a stranger in Philadelphia, but had heard that Mr. Ducheș deserved that character and therefore he moved that Mr. Ducheș, an Episcopal clergyman, might be desired to read Prayers to Congress tomorrow morning. The motion was seconded, and passed in the affirmative. Mr. Randolph, our president, waited on Mr. Ducheș, and received for answer, that if his health would permit, he certainly would.

Accordingly, next morning, the Rev. Mr. Ducheș appeared with his clerk and in his pontificals, and read several prayers in the established form, and read the collect for the seventh day of September, which was the thirty-fifth Psalm. You must remember, this was the next morning after we heard the horrible rumor of the cannonade of Boston.

I never saw a greater effect upon an audience. It seemed as if heaven had ordained that Psalm to be read on that morning. After this, Mr. Ducheș, unexpectedly to every body, struck out into an extempore prayer, which filled the bosom of every man present. I must confess, I never heard a better prayer, or one so well pronounced.

Episcopalian as he is, Dr. Cooper himself (Adam’s personal pastor) never prayed with such fervor, such ardor, such earnestness and pathos, and in language so elegant and sublime, for America, for the Congress, for the province of Massachusetts Bay, and especially the own of Boston. It had an excellent effect upon everybody here. I must beg you to read that Psalm.


16. See, for instance, the collection edited by Robert H. Horowitz, The Moral Foundations of the American Republic (Charlottesville: University Press of Virginia, 1986). Of fourteen essays in this collection, only two focus on religion. Walter Berns’s essay “Religion and the Founding Principle” is one of those two; he treats religion as a subordinate institution: “The origin of free government in the modern sense coincides and can only coincide with the solution of the religious problem, and the solution of the religious problem consists in the subordination of religion” (p. 223). It would be equally true that the American system subordinates politics “under God” by declaring its own incompetence in the field of religion. To give Caesar what is Caesar’s is not to subordinate religion. To give God what is God’s is not to subordinate politics.

17. See the discussions of Strausian writers in Thomas G. West, “Religious Liberty: The View from the Founding,” a lecture prepared for a Salvatori Center Conference on Modern Freedom, April 19, 1996. Unfortunately, the published version of this lecture, in Daniel C. Palm, ed., On Faith and Free Government (Lanham, Md.: Rowman & Littlefield, 1997), omits the relevant materials. For example, Strauss wrote that in Locke and in modernity “the individual, the ego, had become the center and origin of the moral world, since man—as distinguished from man’s end—had become that center or origin.” Natural Right and History (Chicago: University of Chicago, 1969), p. 248. Modern commentators claim that the founders were proponents of this Lockean canon and intended to make the human will, not the will of God, sovereign.


According to the dicta of the majority in Lee v. Weitzman, the picture of religion is easily summarized. Religion is a potentially dangerous and harmful phenomenon. It is apt to engender divisiveness, even homicidal urges, in the political community. It threatens the psychological health and development of children. It tends to subvert the ordinary meanings and values of life. It is not rational, but rather subjective and idiosyncratic. It is contrary to the institution of democracy.
19. Tocqueville introduced this quote with the following observation:

I have sometimes asked Americans whom I chanced to meet in their own country or in Europe whether in their opinion religion contributes to the stability of the State and the maintenance of law and order. They always answered, without a moment's hesitation, that a civilized community, especially one that enjoys the benefits of freedom, cannot exist without religion. In fact, an American sees in religion the surest guarantee of the stability of the State and the safety of individuals. This much is evident even to those least versed in political science.


33. Common Revolutionary slogan and Ben Franklin's proposed motto for the dollar bill. William J. Bennett, ed., Our Sacred Honor (New York: Simon & Schuster, 1997), p. 412. We have taken as many citations as possible from the Bennett volume, an easily accessible compendium of texts from the founders.

34. Benjamin Rush, "Of the Mode of Education Proper to a Republic" in 1798. Bennett, Our Sacred Honor, p. 412.

35. From 1771 through part of 1772, the young James Madison stayed on at Princeton after his graduation for an extra year of study with Witherspoon in philosophy and Hebrew. Four years later, two weeks before the Declaration of Independence, one of Witherspoon's great sermons was published in Philadelphia, where it aroused great excitement and admiration. This was the first time in his life, Witherspoon said, that he had addressed a question of politics from his pulpit. But since the cause was liberty, and since the loss of civil rights always presaged the loss of religious liberties, he judged that in the face of imminent war he was right to speak to the religious necessities of the moment.

At one turn in his argument, Witherspoon further explained how all his experience of the world and his observation every day led him to see confirmed the evidentiary basis for what Christian doctrine termed "original sin," that ravages wreaked in previously tranquil communities by greed, lust, ambition, pride, selfishness, profligacy, luxury, sloth, and other sinful states of soul; how even brother sets upon brother, and neighbor upon neighbor, who in civil war burn down the very house in which they had once been happy guests. He referred to man's sinful condition as "the state of nature," including even the ordinary state of human beings without the grace that comes through Jesus Christ.

I do not speak this only to the heaven, daring profligate, or grovelling sensualist, but to every insensible secure sinner; to all those, however decent and orderly in their civil deportment, who live to themselves and have their part and portion in this life; in fine to all who are yet in a state of nature, for "except a man be born again, he cannot see the kingdom of God." The fear of man may make you hide your profanity: prudence and experience may make you abhor intemperance and riot; as you advance in life, one vice may supplant another and hold its place; but nothing less than the sovereign grace of God can produce a saving change of heart and temper, or fit you for his immediate presence.

Sandoz, Political Sermons of the American Founding Era, pp. 532–546.

36. The difference between the founders and Hobbes (who stands behind Locke) is explicit in a passage from Alexander Hamilton:

Moral obligation, according to him [Hobbes], is derived from the introduction of civil society, and there is no virtue but what is purely artificial, the mere contrivance of politicians, for the maintenance of social intercourse. But the reason he ran into this absurd and impious doctrine was that he disbelieved the existence of an intelligent superintending principle, who is the governor and will be the final judge of the universe... To grant that there is a supreme intelligence who rules the world and has established laws to regulate the actions of his creatures; and still to assert that man, in a state of nature, may be considered as perfectly free from all restraints of law and government, appears to a common understanding altogether irreconcilable. Good and wise men, in all ages, have embraced a very dissimilar theory. They have supposed that the deity, from the relations we stand in to himself and to each other, has constituted an eternal and immutable law, which is indispensably obligatory upon all mankind, prior to any human institution whatever. This is what is called the law of nature... Upon this law depend the natural rights of mankind.


49. John Adams, "To the Officers of the First Brigade of the Third Division of the Militia of Massachusetts," October 11, 1798. Bennett, Our Sacred Honor, p. 370.


37. In working out this argument, I have noted that when the founders cite authorities for their theories they often pair together Algernon Sidney and John Locke, although they more often cite Locke. It has struck me again and again, however, that Sidney is religiously more orthodox than Locke, and closer to the traditions of Aristotle and Cicero both in defining liberty and in linking it to certain indispensable virtues. The hypothesis has forced itself upon me that Sidney is a better guide to what the founders actually said and did on these matters (not all matters) than the works of Locke. Sidney gives a larger role to virtue in the definition of liberty; Locke tends to stress the natural equality of all and thus to see individuals as "equal," that is, de-nuded of the virtues that characterize them differentially. In this, Sidney is closer to the ancients, and Locke to the tendencies of modernity. See Thomas West, Introduction, Discourses, by Algernon Sidney (Liberty Fund: Indianapolis, 1997). Moreover, by interpreting the American constitutional tradition in a Lockean way, and thus detaching liberty from virtue, and virtue from religion, Lockean interpreters may have been nudging the country down the winding road to Gomorrah, into the decadence that has destroyed many nations. See Robert Bork's analysis of the three errors in liberal—i.e., Lockean—presuppositions, in Slouching Toward Gomorrah, pp. 53-54. But this is not the place for a long argument on the relative merits of Sidney and Locke. Both authors were, in their respective masterpieces, commenting on the same work of Filmer.

38. Bennett, Our Sacred Honor, p. 412.


42. Sandoz, Political Sermons of the American Founding Era, p. 637.

43. The number one priority of the Catholic signer of the Declaration and participant in the Constitutional Convention, Maryland’s Charles Carroll, friend of Washington, was no religious test for office. Nonestablishment—in advance, almost too much to hope for—greatly cheered the whole Catholic body. For evidence of the enthusiasm of Catholics for the founding, see the Thayer discourse, n. 12, supra.


45. When, at the Constitutional Congress, Peter Sylvester of New York objected to the provision that “no religion shall be established by law,” because “it might be thought to have a tendency to abolish religion altogether,” Madison replied that he understood the language to mean merely that “Congress should not establish a religion, and enforce the legal observation of it by law.” Annals of Congress, 1:757 (August 15, 1789) as quoted in Walter Berns, “Religion and the Founding Principle,” The Moral Foundations of the American Republic, ed. Robert H. Horwitz, p. 209.