

# *Classical and Christian Dimensions of American Political Thought*

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I SHALL HERE take the advice of William James and try to apply it to the American political experience. He wrote:

Place yourself...at the center of a man's philosophic vision and you understand at once all the different things it makes him write or say. But keep outside, use your post-mortem method, try to build the philosophy up out of the single phrases, taking first one and then another and seeking to make them fit, and of course you fail. You crawl over the thing like a myopic ant over a building, tumbling into every microscopic crack or fissure, finding nothing but inconsistencies, and never suspecting that a center exists.<sup>1</sup>

What is this vision, where this center, if one seeks them in Jamesian fashion? It is the synthesis authoritatively expressed by the generation of Founding Fathers, preeminently but not exclusively in the familiar words of the Declaration and Constitution. The key elements accord with the crucial insights of Classical and Christian thought and give them renewed force in the emergent nation. Jefferson and John Adams called the amalgam "the dictates of reason and pure Americanism."<sup>2</sup> The self-interpretive symbols of American nationhood denoted in the quoted phrase look in two directions: toward the truth of man's existence personally, socially, and historically, on the one hand, and toward the persuasive and evocative articulation of that truth in the foundation myth of the new community, on the other hand. In short, the articulation by reason of the truth of Americanism is a rearticulation of the existential and transcendental truth of the Western civilization of which America is representative. The vision at the center of American politics, then, is structured by insights into human reality taken to be universally valid for all mankind even as they are adapted to the concrete conditions of

time and place at the moment of the articulation of the new nation as an entity politically organized for action in history.<sup>3</sup>

Neither the pragmatic nor the purely parochial aspects of the Founding should be permitted to obscure the universalist elements: in human experience the universal is encountered only in concrete and particular events which existentially form the participatory reality of men's lives in the In-Between of time and eternity, birth and death. This tensional reality of existence in the In-Between, including the apperceptive insights that the Whole is structured by the indices of immanence and transcendence and that the development of human existence in time is a directional process unfolding historically and ontologically from a divine Beginning toward an equally divine goal of fulfillment, composed the consciousness of the human beings who essayed the Founding as heirs of classical philosophers and of the carriers of Christian civilization down to their own time. To be sure, the Founders were heirs to other influences of cardinal importance as well, such as the Old Whig or Country "ideology" of English politics so meticulously explored by Bernard Bailyn and other scholars. But the larger framework of the American vision reached beyond Plymouth and Jamestown, beyond the institutional and theoretical structures of Anglo-American civilization, and even of Western civilization itself as conventionally understood. And it was the contemporary recognition of this universal reach of their vision which explains the Founders' sense of exclusiveness and election, rather than ethnocentricity, tribalism, or simple nationalism. John Pocock has from time to time argued that, so far from being the first act of modernity, "the American Revolution and Constitution...form the last act of the civic Renaissance...."<sup>4</sup> He might better have said that they form the rebirth of classical and medieval constitu-

tionalism. For though influenced and conditioned by all that had gone before it, the thought of the Founders sought its headwaters in the oldest traditions of the civilization and partook in no essential way of the currents of radical secularist modernity already swirling around them.

The warp and woof of American political thought in the period from 1761-1791 was the movement toward truth and virtue and the quest for a just and stable order in the wake of the Revolution.<sup>5</sup> The standards of these several goals, and others they subsume such as liberty, equality, and happiness, were supplied by the great tradition of Western thought now revalidated. The sense in which this assessment is true can be established through an illustrative analysis of our subject matter.

### I. *Revolutionary Perspective*

For the purposes of this discussion the American Revolution may be considered to be a meaningful complex of experiences and symbolisms articulated with especial force and clarity during the thirty year period just indicated. The spectrum of understanding here summarized ranges from self-interpretation by the actors and contemporaries to the level of theoretical formulation. Since, however, the American Revolution was enacted and reflected upon by persons often deeply rooted in the controlling theoretical symbolisms of philosophy and revelation, the self-interpretive end of the spectrum necessarily partakes of theoretical formulation and the lines of distinction blur.

From the founding of the nation through the Declaration of Independence (explicit in the opening line: "When...one people [N.B.!]...dissolve[s] the political bands which have connected them with another...."), to the framing of the Constitution and its exegesis by Publius in the *Federalist*, to the declaration of "the great rights of mankind secured under this Constitution" in the Bill of Rights, the Revolution is dominated by actions intended to restore a true and just social and political order.<sup>6</sup> The *restorative* dimension of the Revolutionary experience is, therefore, dominant and determinative. It is adumbrated in the deeds and language of lawyers, politicians, and preachers; *i.e.*, by the intellectual leadership of the country. The rights, privileges and immunities of the

free men of the English colonies were being systematically violated and must be restored. The English constitution was perverted by multiple means to the end that balance among the Estates had been destroyed and liberty itself thereby imperilled. Political influence and corruption were but palpable manifestations of the deeper spiritual malaise of *sin* and iniquity whose rot portended divine retribution unless the people (individually and collectively) repented, prayed for forgiveness, and returned to Christ in humility and faith. "The Biblical conception of a people standing in direct daily relation to God, upon covenanted terms and therefore responsible for their moral conduct," Perry Miller wrote, "was a common possession of the Protestant peoples" who overwhelmingly comprised the country's population.<sup>7</sup> The general sentiment of the times was that America was a land blessed of Divine Providence, inhabited by a Chosen People, led through Divine Grace by Christian men of heroic stature. And, while repentance for iniquity, constant struggle with temptation and evil of every form, fasting and prayerful supplication for forgiveness and fortitude must accompany her every step, America's righteousness and adherence to the true faith must inevitably bring the reward of victory over Great Britain and a high place in history such as can only be achieved by the godly among nations.

The union of the temporal and spiritual communities on these general terms might be illustrated in countless ways. The intimate connection is perhaps best suggested by the practice of the Continental Congress' repeatedly calling upon the fledging nation to observe days of "publick humiliation, fasting and prayer" as well as days of "thanksgiving." One such occasion was decided upon even prior to declaring independence, on June 12, 1775, when a communication was sent from Philadelphia to the thirteen colonies and published in newspapers and handbills that called for observance of a day of public humiliation on July 20:

...that we may with united hearts and voices unfeignedly confess and deplore our many sins, and offer up our joint supplications to the all-wise, omnipotent, and merciful Disposer of all events; humbly beseeching him to forgive our iniquities, to remove our

present calamities, to avert those desolating judgments with which we are threatened....<sup>8</sup>

The ritualistic form of this resolution, adopted unanimously by Congress, involves a national confession of sin, followed by repentance, supplication for forgiveness, and prayer that punishment be stayed. Clearly expressed is the pathos of the emergent people which experienced itself as, beyond the personal hope of salvation of individuals who have entered into covenant with their maker, "explicitly merged with the society's covenant" with the "great Governor" of Creation in a "living sense of a specific bond between the nation and God."<sup>9</sup>

Thus the dynamic of the fall from faith and restoration to grace visibly traced in revolutionary events defined the substance of man's existence in the world for Americans of this age. The immediate experiential power arose from its universality among people of a Christian nation who eagerly and fervently hoped for redemption and peace despite lapses and frailty. Corruption of religion and its restoration through the Reformation is a major motif of modern European history. The restoration sought was conceived to be to the purity of the original foundation of the church by Jesus and the Apostles. Similarly the Renaissance was a restoration or rebirth of learning to the level attained also in distant antiquity. The cycle of fall and restoration was repeatedly enacted in English politics in the seventeenth and eighteenth centuries from Coke onwards with appeals even beyond *Magna Carte* (itself a restoration) to the ancient constitution, whose misty immemorial beginnings lay in the Saxon forests of the fifth century (Jefferson) or, perchance, in the remnant of settlers led by the mythical Brutus of Troy to ancient Albion's shore (Coke). The eternal and natural law safeguarded timeless custom assured justice and the liberty due freemen. Politics as such was an embedded dimension of the natural order of reality whose hierarchical texture was epitomized in man's existential participation in history and being, as Aristotle's analysis of composite human nature in *Ethics I* and *Politics I* had taught. Thus King Charles I in 1642 could think of no better way to counter the Long Parliament's demands for enlarged powers than to conclude his *Answer to the XIX Propositions* by repeating the

celebrated words of the assembled barons of the Merton parliament of 1236: *Nolumus Leges Angliae mutare*. We do not want the Laws of England to change!<sup>10</sup> And James Otis in 1764 appealed beyond the recently established convention of absolute parliamentary sovereignty to the unchanging natural and divine order in this striking language:

To say Parliament is absolute and arbitrary is a contradiction. The Parliament cannot make 2 and 2, 5: omnipotency cannot do it. The supreme power in a state is *jus dicere* [to speak law] only: *jus dare* [to give or make law], strictly speaking, belongs alone to God. Parliaments are in all cases to *declare* what is for the good of the whole; but it is not the *declaration* of Parliament that makes it so. There must be in every instance a higher authority, viz., GOD. Should an act of Parliament be against any of *his* natural laws, which are *immutably* true, *their* declaration would be contrary to eternal truth, equity, and justice, and consequently void.... All power is of GOD. Next and only subordinate to Him in the present state of the well formed, beautifully constructed British monarchy..., [whose] pillars are fixed in judgment, righteousness, and truth, is the King and Parliament.<sup>11</sup>

It is difficult to imagine a more perfectly medieval view of human law in its relationship to natural and eternal law than Otis' statement.<sup>12</sup> The point to stress for the moment, however, is that this sentiment infused the restorative thrust of the Revolution; for what was to be restored was the reasonable and just ordering of human affairs so as to harmonize again human and divine governance in natural concord. Nor was this solely or even primarily a matter of secular or civil concern. To the contrary. Ecclesiastical polity and religious liberty were equally at issue. The strength of Americans' reaction against obnoxious trade regulations and taxes, tending (they were convinced) toward the enslavement of freemen, was powerfully magnified by the growing conviction that the very terms upon which eternal salvation itself depended were, for each of them, profoundly jeopardized by a comprehensive conspiracy against liberty:

Too much emphasis cannot be laid on the

fact that sooner or later there was something in British policy that directly affected, or seemed to threaten, the religious or political liberties of every individual in the English colonies. Each successive step toward further commercial and political control by authority external to the colonial assemblies was apparently accompanied by parallel proposals to extend ecclesiastical control. This almost rhythmic or periodic sequence of external regulations and piling up of events during the sixties induced a situation that was highly charged with emotion.... The sustained secular drift of our own times must not be permitted through sheer ignorance or cynicism to black out of history the potent fact that religion was the central concern for most Americans, not only throughout the entire century and a half of settlement on this continent but of the era of the Revolution as well. Who can deny that for them the very core of existence was their relation to God?... No less eminent personage than the [great evangelist] George Whitefield gravely warned two prominent ministers at Portsmouth, New Hampshire, in April 1764: "There is a deep laid plot against both your civil and religious liberties, and they will be lost. Your golden days are at an end." When the Grenville reform program took effect in 1764 and 1765, many colonials had come to the conclusion that the Sugar, Currency, and Stamp acts and the plan for [an Anglican] bishop were all part of one concerted plan.... John Adams...urged all printers to spread news of this imminent catastrophe throughout the land. Obviously he accepted the idea of a conspiracy to subvert American liberties and sought to link civil and religious tyranny in the minds of his readers.<sup>13</sup>

The repeal of the Stamp Act in March 1766 was immediately followed by enactment of the Declaratory Act in which Parliament asserted its right to bind the colonies "in all cases whatsoever." The cry of "Tyranny!" that then went up, beginning with James Otis' "black regiment, the dissenting clergy" and his committees of correspondence, thundered through America in a steady crescendo to climax in Independence and Tom Paine's *Crisis Papers* a decade later.<sup>14</sup>

Published in the deep gloom of retreat the day before Washington's famous crossing of the Delaware on Christmas Eve, 1776, *Crisis I* captured the somber resolve and pathos of the Revolution in these bitter words:

Britain, with an army to enforce her tyranny, has declared that she has a right (not only to TAX) but "TO BIND *us* in ALL CASES WHATSOEVER," and if being *bound in that manner*, is not slavery, then is there not such a thing as slavery upon earth. Even the expression is impious; for so unlimited a power can belong only to God.... Not all the treasures of the world...could have induced me to support an offensive war, for I think it murder; but if a thief breaks into my house, burns and destroys my property, and kills or threatens to kill me, or those that are in it, and to "*bind me in all cases whatsoever*" to his absolute will, am I to suffer it? What signifies it to me, whether he who does it is a king or a common man; my countryman or not my countryman; whether it be done by an individual villain, or an army of them?... Let them call me rebel and welcome, I feel no concern from it; but I should suffer the misery of devils, were I to make a whore of my soul by swearing allegiance to one whose character is that of a sottish, stupid, stubborn, worthless, brutish man.<sup>15</sup>

The paradigm of Revolution itself, then, was conceived similarly to *stasis* in Aristotle, but with biblical overtones added. Outrage over property matters and unconscionable injustice lay at the root of American discontent. The perversion (*parekbasis*) of the monarchy admired by Otis into the tyranny loathed by Paine at the hands of George III, the ministry and their parliamentary accomplices, aroused the sense of injustice in the citizenry to the point where stability finally gave way and the people withdrew allegiance from a king who had wantonly violated his trust. There was no question of tyrannicide, however. The Lockean "appeal to Heaven" might be cited, and indeed it was. But the whole of medieval Christian constitutional and political theory as well lay squarely behind the American determination. The pungency of Paine's words in *Crisis I* arises partly from the skill with which he brings to bear the older elements of the political heritage in con-

cert with the newer elements supplied by the contract theorists. From William the Conqueror onward the English community was founded on *fides*, first symbolized in ceremonies of liege homage and the oath of fealty in a reciprocal act of faith between man and Lord in which service and allegiance were promised in return for protection, peace, and justice. The mutual bonds of obligation so covenanted were cemented by the pledge of one's Christianity itself; or as Pollock and Maitland stated it, "he pawn[ed] his hope of salvation."<sup>16</sup> If either party failed to meet his obligations, then the other was freed from his. The essentials of this relationship were retained into modern times and symbolized in the English coronation ritual.

The teaching of St. Thomas also is apposite, not as the voice of the "popish" church roundly despised by most of our revolutionaries as the reign of the Antichrist overthrown at the Reformation, but as a great spokesman of the medieval Christian synthesis.<sup>17</sup> For St. Thomas, "Just as the government of a king is the best, so the government of a tyrant is the worst."<sup>18</sup> The end of rule befitting freemen is the common good of the multitude. Such rule is right and just when it conduces to the happiness of men, their natural and eternal end. Such is kingly rule, or true rule, whether by one, a few, or the many. Perverse rule, of which the worst is tyranny in its absolute form, on the other hand, does not aim at the common good but at the private good of the ruler(s) and is, therefore, unjust.<sup>19</sup> The tyrant, more specifically, is one who "oppresses by might instead of ruling by justice."<sup>20</sup> How can a people rid themselves of a tyrant? Among other alternatives St. Thomas offers these:

If to provide itself with a king belongs to the right of given multitude, it is not unjust that the king be deposed or have his power restricted by that same multitude if, becoming a tyrant, he abuses the royal power. It must not be thought that such a multitude is acting unfaithfully in deposing the tyrant, even though it had previously subjected itself to him in perpetuity, because he himself has deserved that the covenant with his subjects should not be kept, since, in ruling the multitude, he did not act faithfully as the office of king demands.... Should no human

aid whatsoever against a tyrant be forthcoming, recourse must be had to God, the King of all, who is a helper in due time in tribulation.... But to deserve to secure this benefit from God, the people must desist from sin, for it is by divine permission that wicked men receive power to rule as a punishment for sin.... Sin must therefore be done away with in order that the scourge of tyrants may cease.<sup>21</sup>

And, finally, St. Thomas counsels in this vein: "Man is bound to obey secular princes in so far as this is required by the order of justice. Wherefore if the prince's authority is not just but usurped, or if he commands what is unjust, his subjects are not bound to obey him...."<sup>22</sup> The drift of St. Thomas' words closely accords with the logic of the American revolutionaries (however vehemently they might have scorned the association), as the pathos of national days of "public humiliation" and all that went with it eloquently suggests. Moreover, the Declaration's persuasive dynamic echoes the common heritage of classical and Christian civilization shared by the thirteenth century philosopher and our eighteenth century Founders. For that document's initial and final appeals to God and the natural order of reason and justice for ultimate justification bracket a bill of particulars wherein "absolute Tyranny" is proved against George III. So far from securing peace, protection, and justice essential to the common good of his people, "He has abdicated Government here, by declaring us out of his Protection and waging War against us." In so doing monarchy has been perverted into tyranny, with the justifiable and necessary consequences that faith is broken and obligations covenanted between king and people dissolved: "...the good People of these Colonies...are Absolved from all Allegiance to the British Crown, and...all political connection between them and the State of Great Britain...is and ought to be totally dissolved...."<sup>23</sup> In brief, the action is to depose the monarch because he has become a tyrant, and to declare independence for the reconstituted community and its new polities, the States. The guiding sentiment of the action was perhaps best captured by the motto Jefferson chose in 1776 for his personal seal: "Rebellion to tyrants is obedience to God."<sup>24</sup>

Jefferson claimed he looked at no books in drafting the Declaration: "All of 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., &c."<sup>25</sup> The classical as well as feudal cast of Jefferson's thinking is underscored by his language of the time as used elsewhere, and it sustains the account of the meaning of the Declaration in certain of its key aspects just summarized. The "Composition Draft" of the Declaration containing the charges against the king was substantially identical with Jefferson's drafts for the pertinent part of the Virginia Constitution of 1776. It opened with these words: "Whereas George Guelf King of Great Britain & Ireland and Elector of Hanover, heretofore entrusted with the exercise of the Kingly office in this government, hath endeavored to pervert the same into a detestable & insupportable tyranny [:] 1. by putting his negative on laws the most wholesome & necessary for the public good.... 16. and finally by abandoning the helm of government & declaring us out of his allegiance & protection."<sup>26</sup> In his "First Draft" of the Virginia Constitution, Jefferson wrote that "public liberty may be more certainly secured by abolishing an office which all experience hath shewn to be inveterately inimical thereto, and it will thereupon become further necessary to re-establish such antient principles as are friendly to the rights of the people...." A later passage continues: "...it is declared that the said colonies are in a state of open Rebellion & hostility against the king & his parliament of Great Britain, that they are out of their allegiance to him & are thereby also put out of his protection...." Whereupon Jefferson quotes from "the original charter of compact granted [by Queen Elizabeth] to Sr. Walter Raleigh on behalf of himself & the settlers of this colony & bearing date the 25th of March 1584" whose terms supply justification for "lawfully, rightfully, & by consent of both parties divest[ing George Guelf] of the kingly powers."<sup>27</sup> In the "Second Draft": "...he is hereby deposed from the kingly office within ys. government & absolutely divested of all it's [sic] rights & powers...."<sup>28</sup> In the "Third Draft": because of his "misrule George Guelf has forfeited the king-

ly office and has rendered it necessary for the preservation of the people that he should be immediately deposed from the same...."<sup>29</sup>

A king who perverts his rule is a tyrant. He perverts it by abandoning public good in favor of using his power against the people for private good, that is for the good of only a part of the community. For this the people can justly depose him, *if* it is within their purview to provide themselves a king. We have seen that these were thoroughly medieval Christian notions, with roots in the teachings of Aristotle and St. Thomas. But they were equally American conceptions by 1776. What of the missing links? Did the king's authority rest on the people's consent? As early as 1765 John Adams delivered this warning to the English in reacting to the abusive policies of Grenville and his henchmen: "Do you not represent [the king and parliament] as forgetting that the prince of Orange was created King William [III in 1689], *by the people*, on purpose that their rights might be eternal and inviolable?"<sup>30</sup> Aristotle's teaching plainly undergirds Adams' caustic reminder of the English constitution's principles: "[K]ingship implies government with consent as well as sovereignty over the greater part of affairs...for when subjects cease to consent, a king is no more a king; but a tyrant is still a tyrant, though his subjects do not want him."<sup>31</sup>

To depose the king clearly lay within the right of the people. But on what specific terms? In the unfolding debate over American rights and the place of the colonies in the British Empire, arguments were conducted on a variety of levels, political theory and natural rights perhaps being the ones most attended to by scholars. Obviously, however, the constitutional debate was central historically, and within that the questions of authority and allegiance were pivotal. This brings to view the feudal relationship between America and the English monarchy within the Empire. For from 1773 onward, in rejecting the authority of Parliament to legislate for them (to bind them "in all cases whatsoever" as the unrepealed Declaratory Act of 1766 obnoxiously and alarmingly asserted), the Americans turned to the king. Led by the Boston Adamses, Sam and John, they argued that personal allegiance to the king in the reciprocal bonds of protection, homage, and fealty constituted the *sole* bond of community

with England. John Adams' scathing denunciation of the feudal system and its covert popery of 1765 did not prevent his shifting the debate to the new ground by 1774. Earlier Adams had derided bitterly the notion of the personal relationship between mother and child which the court claimed underlay the detestable policies of Great Britain toward the colonies. It reminded him (with "horror") of Shakespeare's depiction of another mother, Lady Macbeth, "who

'Had given suck, and knew  
How tender 't was to love the babe that  
milked her,'  
"but yet, who could  
'Even while 't was smiling in her face  
Have plucked her nipple from the bone-  
less gums,  
And dashed the brains out.'"<sup>32</sup>

In the *Resolutions* adopted by the First Continental Congress on October 14, 1774, Adams prevailed over the stubborn opposition of Joseph Galloway to win approval of this familiar language:

That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed.

In their petition to the king adopted on October 26, Congress called England "that nation" with which the Americans are in contention and stated: "We wish not a diminution of the prerogative."<sup>32a</sup>

The basis of this final and rather astonishing constitutional position of the Americans lay in reasoning elaborated at length in Adams' *Novanglus* and succinctly displayed in a Massachusetts document of 1773; and the position taken there rested, in turn, primarily on the precedent of *Calvin's Case*, decided in 1608.

By the feudal basis of the relation of realm to dominions, lordship and dominion are solely in the king, all power is his; feudal principles "afford us no idea of parliament." Considered as merely feudatory, "we are subject to the king's absolute will, and there is no authority of parliament, as the sovereign authority of the British empire." Moreover, no allegiance is due by Americans to "the crown of England." The tie is a strictly *personal* one: "Every man swears allegiance for himself, to his own king, in his natural person." Coke's opinion in *Calvin's Case* is quoted: "Every subject is presumed by law to be sworn to the king, which is to his natural person. The allegiance is due to his natural body.' ...If, then, the homage and allegiance is not to the body politic of the king, then it is not to him as the head, or any part of that legislative authority..." vested in Parliament. Rather, "our ancestors received the lands [in America], by grant, from the king; and, at the same time, compacted with him, and promised him homage and allegiance, not in his public or politic, but natural capacity only." It then follows that "the right of being governed by laws, which were made by persons in whose election they had a voice, [our ancestors] looked upon as the foundation of English liberties. By the compact with the king, in charter, they were to be free in America as they would have been if they had remained within the realm; and, therefore, they freely asserted that they 'were to be governed by laws made by themselves, and by officers chosen by themselves.'" To hold otherwise and subject Massachusetts' people to the arbitrary will of a Parliament in which they have no voice, one claiming authority to make laws binding upon them in all cases whatsoever "without our consent," can only be "destructive of the first law of society, the good of the whole."<sup>33</sup>

This feudal conception of the English constitution is distinctly contrary to the Whig principle—whether New Whig or Old Whig—of vesting sovereignty in Parliament. In plain fact, this is the medieval conception of the English constitution. It supplemented the appeal to natural law and rights in the late phases of the debate leading to Independence. And it alone makes intelligible both Jefferson's designation of the king as "George Guelph" and the stress placed in both the Virginia Constitution and

the Declaration of Independence as adopted on proving the political sins of the monarch, with only minimal attention being paid Parliament. The personal relationship was central, the bonds of faith reciprocal between persons in America and the person of the king; the king had broken his faith in perverting just rule into misrule, thereby freeing the Americans from their obligation of allegiance. Parliament's role in this scenario was constitutionally negligible (whatever its actions), since by the Americans' theory it had no valid claim whatever to authority over them.

It is worthwhile to give the last word to John Adams in this rather technical argument, although the testimony of Benjamin Franklin, James Wilson, John Dickinson, and Thomas Jefferson might also be adduced. In *Novanglus* he summed up the cardinal point this way:

Lands are holden according to the original notices of feuds, of the natural person of the lord. Holding lands in feudal language, means no more than the relation between lord and tenant. The reciprocal duties of these are all personal. Homage, fealty &c. and all other services, are personal to the lord; protection, &c. is personal to the tenant. And therefore no homage, fealty, or other services, can ever be rendered to the body politic, the political capacity, which is not corporated, but only a frame in the mind, an idea. No lands here, or in England, are held of the crown, meaning by it the political capacity; they are all held of the royal person, the natural person of the king. ...as soon as [the colonists] arrived here, they got out of the English realm, dominions, state, empire, call it by what name you will, and out of the legal jurisdiction of parliament."<sup>34</sup>

## II. *General Perspective and a Quibble or Two*

It is, of course, no novelty to point out that Christianity is basic to American politics. This has been done before by many writers in many ways, few more incisively than Tocqueville who published this view in 1840:

It was religion that gave birth to the English colonies in America. One must never forget that. In the United States religion is mingled

with all the national customs and all those feelings which the word fatherland evokes. For that reason it has peculiar power.... Christianity has kept a strong hold over the minds of Americans, and...its power is not just that of a philosophy which has been examined and accepted, but that of a religion believed in without discussion.... Christianity itself is an established and irresistible fact which no one seeks to attack or to defend.<sup>35</sup>

Ralph Barton Perry over a century later still reported that America is a "Christian country" whose "general Hebraic-Christian-Biblical tradition embraces ideas so familiar that, like the air, they are inhaled without effort or attention."<sup>36</sup> And he identified the "fallacy of difference" in the delineation of Puritanism by writers who unwarrantedly ignore the fundamentally common ground shared by Puritans with all other Christian communions—a point of consideration for an argument that cites Thomas Aquinas in viewing the American Revolution as a study in restoration. "Puritanism was an offshoot from the main stem of Christian belief, and puritans, equally with Catholics, claimed descent from St. Paul and Augustine...." Puritanism he defines as "theocratic, congregational-presbyterian, Calvinistic, protestant, medieval Christianity."<sup>37</sup> Persuasive scholarship has traced the rise of *Americanism* itself to the Great Awakening of the 1720's onward as the beginning of a series of waves of revivalism rising and falling down to the end of the eighteenth century and even beyond. This surge of renewed faith can be seen as the decisive factor in the emergence of American national consciousness by the 1760's. The Great Awakening, Herbert Osgood flatly states, "was an event of general human significance" marking an "epoch" in our history.<sup>38</sup>

The citations might go endlessly on. The curiosity is that relatively little detailed connection with political theory has been traced, after the decline of Puritanism toward the end of the seventeenth century. The influence of the Classical philosophers is minimized even more, despite the fact that one can scarcely read a paragraph of the political literature of the revolutionary period without stumbling on direct Classical allusions and steady use of the



Greek and Roman categories of thought. Bernard Bailyn's exciting analysis finds him identifying at the outset five major sources of revolutionary thought, including Classical antiquity and New England Puritanism: the former he decides is universal but merely illustrative rather than determinative of thought; the latter is important for the covenant theology, the contribution of the notion of the cosmic, providential sweep of America's destiny, ubiquitous, but ultimately incoherent and filled with conflicts. Enlightenment thought is directly influential, but superficial apart from Locke who is centrally important; and the common law is historically important but not determinative. Dominant and determinative, he finds, for our revolutionaries is the "radical social and political thought of the English Civil War and Commonwealth period": Milton, Harrington, and especially Sidney composed the "textbook of the Revolution." It is this strand of thinking, Bailyn contends, which drew together and harmonized all other elements into the distinctive synthesis seen in the formative period.<sup>39</sup>

I have here time to say only that in so concluding I think Bailyn wrong, even if elegantly wrong. Christianity and Classical theory together constitute the matrix of both the sense of community and the "antient principles" of man and government whose synthesis distinguishes the Founders' thought. This synthesis they and I call by the familiar name Americanism. McIlwain was close to the fact when he asserted that "1768 was the high-water mark of Whiggism in America. There it stopped."<sup>40</sup> Alan Heimert, his Harvard colleague, once remarked of Bailyn that he wrote almost as though the preachers did not exist. While too much need not be made of a casual observation, there is indeed in Bailyn's account a suspicion of what Perry Miller called "obtuse secularism." As to the mobilizing sentiment of the American Revolution Miller added: "A pure rationalism such as [Jefferson's] might have declared the independence of these folk, but could never have inspired them to fight for it."<sup>41</sup> Neither Louis Hartz's "irrational Lockianism," nor Wills' or others' Enlightenment thought, nor Bailyn's Country ideology deserves first regard in our understanding of the mind of the American founders—significant as all three may be in the sophisticated and highly stratified con-

sciousness of that uncommonly well educated generation.<sup>42</sup>

The meaning of equality and happiness as held by such *aristoi* as Jefferson and Adams, together with the esteem in which the *people* are held in the repeated references to them in the Constitutional Convention, all are quite mystifying unless the Classical and Christian notions of a common human nature present to all men *qua* men and the dignity of man as created in the divine image and loved of God are borne in mind.<sup>43</sup> As John Adams asserted in 1765:

A native of America who cannot read and write is as rare an appearance as a Jacobite or a Roman Catholic, that is, as rare as a comet or an earthquake. It has been observed that we are all of us lawyers, divines, politicians, and philosophers.... [A]ll candid foreigners who have passed through this country, and conversed freely with all sorts of people here, will allow, that they have never seen so much knowledge and civility among the common people in any part of the world.... Be it remembered...that liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood. And liberty cannot be preserved without a general knowledge among the people, who have a right, from the frame of their nature, to knowledge, as their great Creator, who does nothing in vain, has given them understanding, and a desire to know....<sup>44</sup>

### III. *Constitutional and Historical Perspectives:* *Conclusion*

Time and space available here permit no more than a passing glance at the constitutional and historical perspectives commonplace to the Founders. But I can scarcely conclude without stressing a few of the central points. Richard Gummere is indubitably right in his judgment: "The delegates to the Constitutional Convention assembled at a time when the influence of the classics was at its height. They were not interested in mere window dressing or in popular slogans filched from history books. They dealt with fundamental ideas and considered them in light of their applicability."<sup>45</sup> Aristotle, Cicero,

and Polybius were central. The majority of delegates to the Convention knew the classics as Gummere shows and as one can conclude easily enough for himself by reading through the character sketches of fifty-three of the participants done by William Pierce of Georgia in the Convention.<sup>46</sup>

The central principle of the Constitution as establishing a rule of law and not of men, took its rise from Aristotle's *Politics*, Book III, Chapter 16, as did also the fundamental insight into human nature of that passage that Madison and his colleagues institutionalized in the separation of powers and system of checks and balances—expounded in *Federalist No. 47-51*—as Edward Corwin knew a half-century ago:

“To invest the law then with authority is, it seems, to invest God and reason; to invest a man is to introduce a beast, as desire is something bestial, and even the best of men in authority are liable to be corrupted by passion. We may conclude then that the law is reason without passion and it is therefore preferable to any individual.” ... The opposition which [Aristotle's formulation] discovers between the desire of the human governor and the reason of the law lies, indeed, at the foundation of the American interpretation of the doctrine of the separation of powers and so of the entire system of constitutional law.<sup>47</sup>

The mediation of common notions of rule from antiquity by such important writers as Harrington, Bolingbroke, Montesquieu, and others ought not confuse the fact that the original sources were Greeks and Romans; and the Framers knew not only the mediators but the originators themselves, thoroughly and often in the original languages. Madison's repeated clarification of the “ends” of man and government as happiness and justice, and the echoing agreement with him on all sides, traces to the headwaters of Plato and Aristotle as confirmed in Cicero and Polybius. Toward the close of *Federalist No. 51* his summary is clear: “Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.” After opening the *Ethics* with the clarification that the highest good at-

tainable by action is Happiness, Aristotle went on to his analytical inquiry, arriving at this pertinent juncture:

The laws make pronouncements on every sphere of life, and their aim is to secure... the common good of all.... Accordingly, in one sense we call those things “just” which produce and preserve happiness for the social and political community.<sup>48</sup>

To be sure, the Founders kept the context of their efforts constantly in mind in fashioning the Constitution, an attitude strongly present also in Plato's *Laws* and Aristotle's *Politics* for all of the amplitude of their vision of transcendental truth. As Pierce Butler of Georgia phrased the Framers' task: “We must follow the example of Solon who gave the Athenians not the best Gov't. he could devise; but the best they wd. receive.” And above all that meant as Gouveneur Morris said much later in the Convention's proceedings to remember that, in America: “The people are king.” Still the *Justice* to which the Constitution was dedicated was that of the higher Law of God and Reason—the “Law coeval with mankind” in Cicero's phrase, as Blackstone had reaffirmed for the hundredth time in 1765 when volume one of the *Commentaries* appeared.<sup>50</sup> In short, it is divine and natural Justice which supplies the standard of what is lawful and within the reach of the consent of the people by their Constitution.

The historical vista is accordingly wide. The sobriety of Americans in politics also characterizes their view of history and the nation's destiny. Apocalypticism is a potent factor from the early years of settlement onward, but I think it was never a dominant one. Still there is the understanding of special favor and an intimacy with God that supplies peculiar meaning to America's pilgrimage through time. Americans for all their enthusiasm in religion from time to time could never forget the fundamental of the faith: “My kingdom is not of this world.” But at the Founding the New Order of the Ages was, in fact, proclaimed; and Manifest Destiny appeared before the eighteenth century was out. And if the end of history and the translation of time into eternity at the millennium are eagerly anticipated, along with America's special role in this final fruition of

faith, the representative attitude is suspenseful and hopeful rather than dogmatic and certain. The flavor is caught by the illustrious Ezra Stiles in his Election Day sermon of 1783, in a passage with which I close:

I have thus far shown wherein consists the true political welfare of a civil community or sovereignty. The foundation is laid in a judicious distribution of property, and in a good system of polity and jurisprudence, on which will arise, under a truly patriotic,

upright, and firm administration the beautiful superstructure of a well-governed and prosperous empire.... Already does the new constellation of the United States begin to realize...glory.... And we have reason to hope, and I believe, to expect that God has still greater blessings in store for this vine which his own right hand hath planted, to make us high among the nations in praise, and in name, and in honor. The reasons are very numerous, weighty, and conclusive.<sup>51</sup>

<sup>1</sup>William James, *A Pluralistic Universe* (1909) in *Essays in Radical Empiricism; A Pluralistic Universe*, ed. Ralph Barton Perry (1942; repr. ed., Gloucester, Mass.: Peter Smith, 1967), 2:263. <sup>2</sup>Thomas Jefferson to Edward Rutledge, June 24, 1797, *Writings of Thomas Jefferson*, eds. A. A. Lipscomb and A. E. Bergh, 20 vols. in 10 (Washington, D.C.: Thomas Jefferson Memorial Association, 1905), 9:409. For "Americanism" in Adams, *Old Family Letters, Copies from the originals for Alexander Biddle* (Philadelphia, 1892), 70. <sup>3</sup>For the theories of articulation and representation implicit here see Eric Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1952), chaps. 1-3. <sup>4</sup>J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, N.J.: Princeton University Press, 1975), 462. <sup>5</sup>The period indicated is from James Otis' speech against the writs of assistance of February, 1761, to the ratification of the Bill of Rights in December, 1791, the beginning and end of the Revolution. <sup>6</sup>The phrase "great rights of mankind" is Madison's, taken from his speech of June 8, 1789, in the House of Representatives in which he introduced the Bill of Rights for adoption as amendments to the Constitution. Quoted from Bernard Schwartz, ed., *The Bill of Rights: A Documentary History*, 2 vols. (New York, etc.: Chelsea House Pubs., McGraw-Hill Book Co., 1971), 2:1024. <sup>7</sup>Perry Miller, "From Covenant to Revival," in *Religion in American Life*, eds. J. W. Smith and A. L. Jamison, 4 vols. (Princeton, N.J.: Princeton University Press, 1961), 1:325. <sup>8</sup>Quoted in *ibid.*, 322. <sup>9</sup>*Ibid.*, 326, 361. <sup>10</sup>Cf. Corinne Comstock Weston, "Beginnings of the Classical Theory of the English Constitution," *Proceedings of the American Philosophical Society*, 100 (April, 1956): 133-44 at 144. <sup>11</sup>James Otis, "The Rights of the British Colonies Asserted and Proved," in Bernard Bailyn, ed., *Pamphlets of the American Revolution, 1750-1776*, 4 vols. (?) (Cambridge, Mass.: Belknap Press, 1965-7), 1:454, 456. Emphasis as in the original. <sup>12</sup>Cf. St. Thomas Aquinas, *Summa Theologica*, I-II, Qq. 90-97. <sup>13</sup>Carl Bridenbaugh, *The Spirit of '76: The Growth of American Patriotism Before Independence 1607-1776* (London, Oxford,

New York: Oxford University Press, 1975), 117-19. <sup>14</sup>Cf. *ibid.*, 120-21. <sup>15</sup>Philip S. Foner, ed., *The Complete Writings of Thomas Paine*, 2 vols. (New York: Citadel Press, 1945), 1:50, 55. Emphasis as in original. <sup>16</sup>F. Pollock and F. W. Maitland, *The History of English Law Before the Time of Edward I*, 2 vols. (2nd Ed., Cambridge: At the University Press, [1898]), 2:190. Cf. Sandoz, "Political Obligation and the British In Man," *Review of Politics*, 33 (Jan. 1971): 95-121 at 103-104. <sup>17</sup>Cf. Ernest L. Tuveson, *Redeemer Nation: The Idea of America's Millennial Role* (Chicago: University of Chicago Press, 1968), 17-19 and *passim*. This view of Reformation and papacy is not uniquely American, of course. For example, for the Pope as *Antichrist* by Melchior Lorch see the plate, as well as the general analysis, in Norman Cohn, *The Pursuit of the Millennium: Revolutionary messianism in medieval and reformational Europe and its bearing on modern totalitarian movements* (2nd Ed.; New York: Harper & Brothers, Torchbook ed., 1961) facing p. 48 and *passim*. <sup>18</sup>St. Thomas Aquinas, *On Kingship* I. iii. 21. <sup>19</sup>*Ibid.*, I. i. 10. <sup>20</sup>*Ibid.*, I. iv. 49, 51, 52; quoted from Dino Bigongiari, ed., *The Political Ideas of St. Thomas Aquinas: Representative Selections* (New York: Hafner Pub. Co., 1969), 190-92. <sup>21</sup>*Summa Theologica*, II-II, Q. 104, A.6, Reply Obj. 3. <sup>22</sup>Quotations from the Declaration are from *Documents Illustrative of the Formation of the Union of American States*, 69th Congress, 1st Session, House Document No. 398 (Washington: Government Printing Office, 1927), 24-25. <sup>23</sup>Julian P. Boyd, ed., *Papers of Thomas Jefferson*, 19 vols. to date (Princeton, N.J.: Princeton University Press, 1950- ), 1:677-79. Boyd's conclusion here is that Benjamin Franklin probably originated the motto. <sup>24</sup>*Writings of Thomas Jefferson*, ed. Paul L. Ford, 10 vols. (New York: 1892-99), 10:343. The statement is hooted at by Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Vintage Books, 1979), 174: Recommending John Locke's *Second Treatise* to another, despite Jefferson's own supposed ignorance of the text himself, says Wills, was no more "dishonest" than "...his crediting Aristotle (of all people) with formation of the background for his

Declaration." Wills' argument aims to disabuse us of the traditional and "useful vagueness of Jefferson" by proving him to have been specifically or "quintessentially a man of the Enlightenment; he lived in the world of Catherine and Diderot" (*ibid.*, 368). But Jefferson lived in some other worlds as well. Wills' argument is tendentious, whatever the merits of his book otherwise. <sup>26</sup>Boyd, ed., *Papers of Thomas Jefferson*, 1:427, 419. Cf. the wording of the Virginia Constitution (adopted June 29, 1776) in *ibid.*, 377-78. For true and perverse rule and their relation to the common good see Aristotle, *Politics* III.7. <sup>27</sup>Quoted from *Papers of Thomas Jefferson*, 1:339-40. Boyd dates this and the other two drafts "Before 13 June 1776." <sup>28</sup>*Ibid.*, 347. <sup>29</sup>*Ibid.*, 357. <sup>30</sup>"Dissertation on the Canon and Feudal Law," in *Works of John Adams: Second President of the United States*, ed. Charles F. Adams, 10 vols. (Boston: Charles C. Little & James Brown, 1851), 3:447-64 at 461. Emphasis added. <sup>31</sup>Aristotle, *Politics* V. 10; trans. T. A. Sinclair (Baltimore, Md.: Penguin Books, 1962), 224. <sup>32</sup>Adams, "Dissertation on the Canon and Feudal Law," *Works of John Adams* 3:461. For the shift in Adams' emphasis, see "Novanglus" in *ibid.*, 4:1-177, which fully explores the feudal-medieval theory of the English constitution as sketched herein. <sup>33</sup>Quoted from Charles H. McIlwain, *The American Revolution: A Constitutional Interpretation* (New York: Macmillan Co., 1923), 114-16. <sup>34</sup>Quoted and summarized from *ibid.*, 130-36; cf. pp. 92-95 for the details of *Calvin's Case*. <sup>35</sup>*Works of John Adams*, 4:176-77. Cf. McIlwain, *The American Revolution*, 138-47. The views stated by Adams were voiced already by Franklin in 1766; cf. *ibid.*, 147. <sup>36</sup>Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence, 2 vols. in 1 (Garden City, N.Y.: Doubleday & Co., Inc., Anchor Books, 1969), 432. Volume one of *Democracy in America* appeared in 1835, the second volume (from which the quotation is taken), in 1840. <sup>37</sup>Perry, *Characteristically American* (New York: A. A. Knopf, 1949), 93. <sup>38</sup>Perry, *Puritanism and Democracy* (New York: Vanguard, 1944), 82, 83. <sup>39</sup>Herbert L. Osgood, *The American Colonies in the Eighteenth Century*, 4 vols. (1924; repr. ed., Gloucester, Mass.: Peter Smith, 1958), 3:409. Carl Bridenbaugh confirms the judgment in numerous places, e.g., *Cities in Revolt: Urban Life in America, 1743-1776* (New York: A. A. Knopf, 1955), 64, 150-56, 424. <sup>40</sup>Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Mass.: Belknap Press, Harvard University Press, 1967), 23-35, 53. <sup>41</sup>McIlwain, *The American Revolution*, 157. <sup>42</sup>Miller, *Religion in American Life*, eds. Smith and Jamison, 1:336n, 343. For Heimert's settled views see his *Religion and the American Mind: From the Great Awakening to the Revolution* (Cambridge, Mass.: Harvard University Press, 1966). <sup>43</sup>See Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace & World, Inc., Harvest Books, 1955), 62 and *passim*. <sup>44</sup>For the discussion of *aristoi*

(best men by nature) see *The Adams-Jefferson Letters...*, ed. Lester J. Cappon, 2 vols. in 1 (1959; repr. ed., New York: Simon & Schuster, Clarion Books, 1971), 387-92, Jefferson's letter dated Oct. 28, 1813; also the other letters in this period, *ibid.*, 365-99. <sup>45</sup>*Works of John Adams*, 3:456. Cf. Aristotle, *Metaphysics* I, first line: "All men by nature desire to know." <sup>46</sup>Richard M. Gummere, *The American Colonial Mind and the Classical Tradition: Essays In Comparative Culture* (Cambridge, Mass.: Harvard University Press, 1963), 174; for the college curriculum and its thorough education of Americans in the Classics see *ibid.*, 55-59. <sup>47</sup>*Ibid.*, 178. Cf. "Notes of William Pierce (Ga.) In the Federal Convention of 1787," in *Documents Illustrative of the Formation of the Union*, 96-108. <sup>48</sup>Corwin, *The "Higher Law" Background of American Constitutional Law* (1928, 1929; repr. ed., Ithaca, N.Y.: Cornell University Press, Great Seal Books, 1955), 8-9. <sup>49</sup>Aristotle, *Nicomachean Ethics* V.1; trans. Martin Ostwald (Indianapolis, New York: Bobbs-Merrill, Library of the Liberal Arts, 1962), 113. <sup>50</sup>"Debates In the Federal Convention of 1787 As Reported by James Madison," in *Documents Illustrative of the Formation of the Union*, 159, 421. <sup>51</sup>Cicero, *Republic* III.33; *Laws* I.18. William Blackstone, *Commentaries on the Laws of England*, 1:41. <sup>52</sup>Ezra Stiles, "The United States Elevated to Glory and Honor," in *The Pulpit of the American Revolution...*, ed. John W. Thornton (Boston: Gould and Lincoln, 1860), 438-39. An edited version of this sermon is reprinted in *God's New Israel: Religious Interpretations of American Destiny*, ed. Conrad Cherry (Englewood Cliffs, N.J.: Prentice-Hall, 1971), 82-92, which also contains useful bibliographies. For analysis see Tuveson, *Redeemer Nation*.

*Bibliographic Note:* I have made no attempt to reconcile the argument of this paper with the substantial body of scholarly debate most closely related to it, particularly as that addresses the question of the Founders' debt to Classical political theory. In that regard see especially the following: Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill, N.C.: University of North Carolina Press, 1969); Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford, Calif.: Stanford University Press, 1970); and the assessment of Wood's and Stourzh's arguments, together with the literature cited, in Pocock, *The Machiavellian Moment*, 506-52 (cf. Note 4, above), Juergen Gebhardt, *Die Krise des Amerikanismus: Revolutionaere Ordnung und gesellschaftliches Selbstverstaendnis in der amerikanischen Republik* (Stuttgart: Ernst Klett Verlag, 1976), 116-47 and *passim*, and Gary J. Schmitt and Robert H. Webking, "Revolutionaries, Anti-Federalists, and Federalists: Comments on Gordon Wood's Understanding of the American Founding," *Political Science Reviewer* 9 (1979): 195-229.