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ONE PHILOSOPHY FOR AN AMERICAN REVOLUTION

*Paul K. Conkin**

THE PHILOSOPHY OF THE AMERICAN REVOLUTION. By *Morton White*. New York: Oxford University Press. 1978. Pp. xii, 299. \$15.95.

The title of this book is misleading. Morton White realizes that no single body of beliefs, be they philosophical or not, informed the thousands of individual choices that made possible a successful war for American independence, a war that only exemplifies some of the many definitions of a revolution. We do not even have conclusive evidence of any fully common beliefs among the quite diverse and quite large body of colonial leaders. In any case, this is not what White seeks. Instead, he takes the Preamble of the Declaration of Independence as his departing point and explores some possible epistemological assumptions reflected in the "self-evident" claim and some possible theological and metaphysical assumptions behind the doctrine of unalienable rights. The key person, as almost always in such exploration, is Thomas Jefferson, the original author of the Declaration. Throughout, White intimates that Jefferson represented a rather broad consensus in moral philosophy, but White rarely makes this claim in a precise and explicit way, and he vindicates it by only a few appeals to the expressed beliefs of John Adams, James Wilson, and Alexander Hamilton.

White's purpose is neither carefully to verify descriptions of what Jefferson believed, nor rigorously to explore how he came to hold certain beliefs. We get little personal biography. White seems content to establish by biographical evidence that Jefferson was in a position to hold certain views. White draws his major inferences about philosophical positions from texts, from the actual words of the Declaration of Independence, and from other roughly contemporaneous statements by Jefferson or by his contemporaries. Once he infers a lurking but unanalyzed belief among such Americans, he turns to major and much more explicit European intellectuals to explore its fullest implication. Thus, the several analytical essays that largely make up the book var-

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iously engage the meaning and implication of doctrines originated or developed not by Americans, but by such European mentors as Locke, Hutcheson, Pufendorf, and Burlamaqui. White occasionally sees a direct lineage, as from Burlamaqui to Jefferson, but he rarely develops the evidence for such direct links.

This strategy largely finesses the all but unanswerable historical issues. Precisely what philosophical position did Jefferson really intend by his loftier moral statements? White does a lot of challengeable mind reading and often outfits an impressionable, elusive, and conventional Jefferson in some surprisingly logical and sophisticated philosophical dress. The probabilities in this game are always so low that other historians can suggest quite different but equally persuasive alternatives. More often than not, I suspect Jefferson had not thought through the subtler implications of his language and that his words retained some measure of ambiguity. I find it hard to argue, as White often does, that major philosophical alternatives rose and fell with shifts of a single word in the Declaration, or that Jefferson or anyone else really perceived the subtler issues that now seem at stake. I am also confident that Jefferson borrowed much of the very elliptical wording of the Declaration from the earlier, less eloquent, but more explicit and precise Virginia Declaration of Rights, and that quite possibly he never struggled intellectually with many of the word choices that now seem so significant to White. Throughout this book, White all but ignores the American context, not only the practical urgencies but even the extensive American pamphlet literature that preceded the Declaration. I suspect his leap to Europe, and to major and reasonably systematic philosophers, oversimplified his task.

Such doubts challenge the historical credentials of such an abstract analytical excursion, not its usefulness. Whether Jefferson followed Hutcheson or Burlamaqui in his understanding of natural law, or, more probably, made a typically eclectic use of both, the two points of view existed as intellectual options. Both provided Jefferson, had he so desired, philosophical tools for filling in all the ellipses of his Declaration or for fleshing out the exact meaning of his eloquent but often elusive language. They provide us such an opportunity today. I prefer to read White's book as an exploration of the possible meanings present in the original Declaration, or even those meanings that we may ascribe to such a living document today. For he is not concerned only with a description of eighteenth-century options, but offers his

evaluation of the present philosophical credentials of such doctrines. Present concerns, and personal preferences, clearly and correctly guided White in his selection of issues worth detailed exploration, as well as in his evaluation of their logical or epistemological credentials. In a few places, I suspect, present concerns also precluded his understanding past options. It is these lapses from historical accuracy that deserve extended exploration in this Review.

In the first half of his book, White explores the "self-evident" claim. He believes that Jefferson, like most American moral theorists, adhered to some version of what he calls rationalistic intuitionism. To such theorists, certain moral obligations seemed as undoubtable and unchallengeable as Euclidian axioms. White uses Locke's *Essay* to exemplify a very sophisticated version of this theory. He is balanced and fair in his reading of Locke. He also clarifies some of the problems in any form of intuitionist claim. Intuitive principles are not innate, but in some sense learned, grasped, or inferred. Moral understanding requires thought and judgment. Yet, all who think carefully about certain moral issues will reach similar conclusions—for example, all will agree that one cannot make murder a rule of conduct. But this is no sooner said than it must be qualified. One who values life will not be able, consistently, to urge murder as a rule, as Kant pointed out. Given a universal commitment to the preservation and enhancement of human life, any condoning of murder is obviously impermissible because it threatens such goals. But this seems to push back the problem. Is it self-evident that we should always value life? Surely not. Thus, moral claims, which usually relate to matters of fact but are not themselves cognitive statements, always seem to beg issues of personal identity, of developed sentiments and preferences, of how one experiences things.

White works out all these implications clearly. He also argues persuasively what I think is too obvious to justify his labor—that none of our major founding fathers were utilitarians. Of course, they often appealed to utility and believed that their moral axioms would indeed conduce to greater happiness for greater numbers. But they were unwilling to rest their appeal to principle on any interaction of developed commitments and matters of fact. They were afraid of any teleology that was only human and contextual. They wanted, somehow, to justify what ought to be by what eternally is. They appealed either to an essential human nature or to a creator and his purposes for man. Again, White carefully and at times brilliantly establishes what has long

seemed all but obvious—that in moral theory men like Jefferson still adhered to a cosmic teleology rooted either in Christian theology or Aristotelian science. This distresses White, for all such supports for self-evident principles subvert the epistemological claim or fall into a vicious circularity. The so-called self-evident principles turn out to be only logical inferences from an ontological position that itself begs grounds for beliefs. For example, without conclusive evidence for the existence of a purposeful creator and sustainer of our universe, and without evidenced knowledge of his (or its) goals, the self-evident claim becomes only a sophistic camouflage of self-affirmation.

This line of analysis leads White to the most distorting and diverting thesis of his book—that the Declaration was not a “democratic” document. He here creates an amazing straw-man—that in some sense the Declaration of Independence either contained, or was widely believed to contain, a “democratic” justification for revolution. He has no basis for such an assumption except a few off-handed statements to the effect that Jefferson has gained a reputation as a democrat. If anything is clear, it is that the Declaration was not an appeal to any consensus, but to enlightened opinion and, beyond that, to the objective moral authority of a god and his creation. In the political sense, such an authoritarian appeal seems the very antithesis of democratic. Of course, the word “democratic” is impossibly loaded. White knows this and clarifies his rather unusual meaning—by “democratic” he here refers to the political implications of various moral theories. A “democratic” moral argument would be one that the people—literally everyone—understand and respond to. Thus, if self-evident principles are “democratic,” they must not involve esoteric or technical knowledge and must not be the property of a moral elite. By this criterion, the self-evident claim in the Declaration, and its supporting ontology, cannot qualify as “democratic.” The insights are too subtle, the supporting arguments too refined for the untutored to understand, as anyone can testify who has struggled with all the intricacies of natural law theory. This seems to White either deplorable, disappointing, or at least contrary to conventional assumptions. Since Locke indicted the elitist and arbitrary political potential of appeals to innate ideas, White feels justified in proving, as did Hobbes, that intuitively self-evident axioms almost equally lend themselves to elitist abuse, to a Gnostic-like moral dictatorship of priests, judges, or philosophers who alone claim fullest access to what is true or to what is beautiful.

Such purported elitist implications are, of course, present in the Declaration. But they are present in any moral discourse. White builds a vast argument around a vacuous comparison. His point would repay beating through three chapters only if one could identify any moral theory that was "democratic" in his perverse sense of the word. White never identifies any truly democratic moral theory, for some conditions—of intellectual effort, of accepted logical conventions, of knowledge of context, of honesty in matters of taste—qualify any conceivable moral theory. Moral discourse always departs from a felt apprehension that some people either misbehave or misunderstand what is good in the way of behavior. A world in which everyone was morally perfect, or even perfectly understood their moral obligations, would have no need for moral philosophy. The very game itself has a built-in qualification—that people need to attend to their behavior or to their thinking about behavior. Thus, in the natural law tradition, one had to appeal, not to the diverse perceptions and understandings of everyman, but to right reason, to people who are concerned, to those who will think carefully on moral issues. No one is born a moral philosopher any more than one is born well versed in Euclidian axioms. But, so the theory went, anyone with ordinary human intelligence can come to understand either and to recognize their undoubted validity. If this is elitism, so be it. Even utilitarian theory, which seems more congenial to White, requires an active and often very demanding attention to matters of sentiment and of fact. Morality is never something spontaneous. The only "democratic" claim in any moral theory is always one of possibility—anyone can understand.

This political perspective guides White's analysis of the Scottish moral-sense view so often identified with Jefferson. White presents such a theory as an alternative to rationalistic intuitionism, and in the late eighteenth century it often seemed so. White thus argues, as against the recent claims of Garry Wills, that a youthful Jefferson adhered to the intuitionist view and only later embraced the moral-sense position. Given such disjunctive options, I agree with White. On textual grounds, the wording in the Declaration supports an intuitionist view and with it the restrictive, juristic meaning that White finds in the concept of human equality, and not the more radical sense of equal abilities that Wills reads into it. Jefferson later insisted that an overly intellectualized understanding of morality was false to the facts—simple people are often not only the most moral (this might be because of habit) but also exemplify refined moral sensi-

bility in their judgments of other people. This makes the idea of a moral faculty appear a nonintellectual alternative to natural law, even if the moral content ends up being identical, and also rests morality on a theoretical viewpoint which seems more consistent with an equalitarian political order. But as White makes clear, Jefferson recognized that the moral faculty has to grow and develop. In a less intellectualized context, this still suggests a moral elite made up of all those with a healthy, mature moral sense. Jefferson only shifted his criteria from intellectual standards to esthetic norms, from logical acuity to a cultivated moral sensibility. Such a shift might, indeed, suggest that we should seek out the moral aristocrats of a society among simple plowmen and not learned schoolmen.

I distrust this reading of Jefferson's shifting commitments. It depends too much on the analysis of a few texts and again assumes too much in the way of philosophical self-consciousness. Intuitionist and moral-sense appeals interpenetrate too much to vindicate the argument that there was a major shift in Jefferson's moral theory, although no doubt he found the Scottish view increasingly congenial. But the moral-sense position is not necessarily inconsistent with more intuitive or intellectualist views. Much more than White suggests, the two emphases can complement each other. Scottish philosophers, such as Francis Hutcheson, joined Jonathan Edwards in offering an esthetic conception of virtue. Virtuous acts are beautiful, and those who observe them rush to praise because of intrinsic qualities in the acts and not because of contemplated outcomes or reference to some carefully thought-out moral theory. People have a mental faculty that recognizes and endorses certain actions. Note that such a theory relates directly to human action, or to complaisance toward such action. One does not need to have the guidance of self-evident axioms to be kind or generous or to celebrate such qualities in others.

Such a focus upon the act, and upon a very primitive type of moral taste or sensibility, does not preclude very useful thinking about one's behavior. Experience itself, or certain qualities present in experience, bring one into a moral universe, but an esthetic response is nevertheless an inadequate tool of moral judgment or criticism. The moral sense can be generous but still blind to long-term consequences. Thus, such an esthetic foundation is not inconsistent with hard intellectual work or with ethical systems that merge sensibility and intellect. Insofar as people such as Jefferson believed in self-evident moral axioms, albeit

axioms learned through intellectual effort, they could see these as indispensable critical tools. In fact, few moralists are ever able to remain at either pole or extreme—at only sensibility or only intellectual guidelines. Hutcheson did not. In the context of act and character, taste predominates; in the area of rule-making, intellect dominates. It is not surprising that Jefferson, as determined a moralist as we have had in American history, easily moved back and forth between both theories, variously stressing whichever seemed most consistent with practical contexts or argumentative purposes.

In the second half of his book, White explores the meaning, and the ontological foundations, of unalienable rights. He skirts the classical and medieval development of natural law theory and touches on only a few of its modern developments. Again, he is attuned to a few texts, not to broader continuities. He proves, and I suspect no one doubts, that even Jefferson's conception of natural law depended upon a belief in a creative and benevolent deity and upon his purposes for man. To White, a natural law expresses a duty or obligation consistent with man's essence and God's will. A natural right is a power or leeway to act consistently with one's God-given nature. Such rights are unalienable, not in the sense that they cannot be taken away from a person, but in the sense that one cannot give them up or transfer them without violating moral law. Such a near-governmental meaning of right did gain some credence in the eighteenth century, but White drastically oversimplifies the issues by suggesting that any one meaning ever prevailed, even in the thought of Jefferson. The word "right" remained loaded, full of ambiguities. Contrary to White's arguments, a much more traditional meaning, one tied more to identity or status than to behavioral leeway or to power, remained persuasive in the eighteenth century. A right, in this sense, is a possessive moral claim, a part of rather than a function of the essence of man. Such a right is the opposite of a wrong and is literally unalienable—no matter what a person does, or what others do to him, he retains a right to his life and his liberty. Even as a slave, he still possesses the right of liberty.

Given his functional orientation to rights, it is not surprising that White attends most carefully to life and to happiness. In doing so, he slights liberty and completely distorts all the historical issues tied to the word "property." Like so many other recent historians, White sees the three unalienable rights of the Declaration as parallel, which suggests that "pursuit of happiness" was Jefferson's chosen substitute for property. This seems the most

obvious reading, but it faces enormous problems. Traditionally, the three rights of life, liberty, and property always came first, to be followed by happiness as a more summative or encompassing term. Most American states followed this pattern in their declarations of right. In doing so, they adhered to traditional state-of-nature conventions, in which the protection or preservation of these three fully interactive and inseparable rights—life, liberty, and property—was the minimal necessity for human happiness and thus the minimal and justifying moral end of any government. The emphasis upon happiness goes back at least to early Calvinist political theory, when this term began to gain equal status with justice or security. The emphasis upon happiness did not, as White suggests, derive from a new, more benevolent eighteenth-century conception of a deity who not only created man to be happy, but even made the pursuit of happiness an obligation. Given the developed tradition, I believe the best guess is that Jefferson, probably for literary reasons, reduced the normal trinity of rights to only two—life and liberty—but kept happiness as a summative term. This makes sense if one reads the abbreviated statement in the Declaration as an exceedingly elliptical version of the earlier Virginia Declaration of Rights, which spelled out in quite explicit detail the traditional rights of man: “the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

What about property? No contemporary historian seems willing to deal honestly with the issues here. Present meanings seem always to intrude. The word “property” is a bundle of ambiguities. By the time of the French Revolution Jefferson came to realize this, a realization that gives some credence to the argument that he deliberately left the word out of the Declaration. The problem is one of meaning, not of words. In natural law theory, the word “property” gained full equality with life and liberty only at the time of the Reformation. But for any careful moral theorist, including Locke, only certain types of property deserved such a status. If one is to preserve his life, he must eat. If he is to be at liberty, independent of the control of other men, he must have access to natural goods or to productive resources and also must be able to keep the products of his own labor. If “property” means such access and such control, then it is inseparable from life and liberty. Such access and such control does not require private ownership; communal property may equally well meet the moral imperative. Thus, “property” in its broadest

meaning may be a natural and unalienable right totally apart from any conventions that undergird private property. Given the early Christian experiment in communism and the continued communalism of several monasteries, Christian theorists up through Aquinas stopped short of making even strictly qualified private ownership a natural and unalienable right. In the sense that White uses the term, Aquinas did make private property an adventitious right, although one quite essential in the social context of European nations. But the legal form that such private property always takes is, to some extent, conventional, a matter of political choice and not of man's essence or God's will.

Protestant theorists raised *private* property to the level of a natural and unalienable right. In order to do so they had to circumscribe such private ownership by all manner of qualifications, such as need and responsible use. Even more critical, they had to support it by arguments in behalf of natural plenty. Even Locke denied any natural right to monopoly property and forbade enclosure if land of equal fertility was not still in the commons and thus available for other people. By the time of Jefferson, most of the earlier moral content in the concept of natural property could already best be translated as "economic opportunity." The states, in stressing the right to acquire, still gave some lip service to earlier meanings. But in such a positive sense American governments did not live up to the implications of natural property. Instead, in their positive laws concerning private possessions, the states certified all but unlimited accumulation, endorsed growing rents, and thus permitted the exclusion of more and more people from ownership. This led, by 1829, to the agrarian claims of Thomas Skidmore and others that Jefferson had betrayed the American people by his flaccid euphemism, "pursuit of happiness." This euphemism allowed our governments to renege on their highest obligation—to assure everyone their right to property, that is, their right to obtain their equal share of what God had given to all mankind.

White addresses none of these subtleties. In fact, he seems totally oblivious to even the ambiguities in the word property and characteristically uses a gold watch as an example of private property. Since it is not immoral to give away (to alienate) such a gold watch, then property cannot be an unalienable right. Of course, one gives away a watch, not necessarily one's moral claim to it, for such a claim is implicit in giving as much as in selling. And if we substitute for the watch food necessary for the survival of one's family, or the productive resources necessary for one to

earn a living, one can see quite easily how one cannot morally justify giving away property. It would then be an unalienable right even in White's peculiarly functional sense of right. By superficial arguments about watches, White reveals his own restrictive, commodity-like use of the word "property." Thus, as is characteristic of contemporary American intellectuals, he so conceives of property as to make it, not an essential aspect of one's personality, of one's chance for happiness and fulfillment, but a potential obstacle to such happiness. Here we obviously flounder in a tyranny of words, and White is not the first to wade all but blindly into such a semantic jungle. After all, either hypocritical or morally insensitive Americans soon appealed to a right of property even in defense of slavery.

I must emphasize that White's problem here is, strangely enough, a failure to be analytical. He surrenders his philosophical credentials. Behind the verbal confusion, he clearly favors a very positive government obligation in the economic area, or something close to the root meanings of property in the natural law tradition. White finds momentous implications in a shift, apparently approved by Jefferson, from an original draft of the Declaration which made it the duty of government "to secure these ends"—life, liberty, and pursuit of happiness—to an obligation in the final draft "to secure these rights." To White, ends entail a positive role for government, one not only of protecting rights (a negative duty), but of doing what is needed to help people secure such goals. I suspect he reads too much into such a word shift and sets up an impossible disjunction between negative and positive guarantees. He even sees here evidence of a deep ambivalence in Jefferson, who is at one point a libertarian fearful of other than limited government, at another a person quite willing to use government as a tool to help people become happy. Thus, White believes Jefferson, at his best, was really an early advocate of a welfare state. I suspect that all such arguments are viciously presentist.

White's distinctive, often highly private reading of natural rights theory brings him back at the end of the book to the same sermon he preached against self-evident truths. Natural law and natural right theories can also subvert the possibilities of "democracy." Here, "democracy" does not so much denote a consensus on moral theory as full political participation. Even though Jefferson left property out of the Declaration, almost every other American leader embraced ill-defined property rights and clothed them all with the sanctity of natural law. For exam-

ple, in the Revolutionary era those leaders continued older franchise rules; they joined property qualifications with sexual and racial criteria to deny citizenship to a majority of Americans. They argued that one without property was dependent, unable to function as an agent and thus as a responsible citizen. Once again, moral dictators had their way, and even persuaded simple people to go along. White does not take such an association of property with citizenship seriously enough to analyze its meaning or to consider its logical and factual justification. He simply sees such a flagrant and undemocratic abuse of a doctrine as a perfect illustration of his central claim—that any intuitive moral claim or any appeal to the essence of man or to the will of a creator is a potentially dangerous weapon of an arrogant elite. It is hard for me to conceive of any moral theory not subject to such abuse, but it does seem incumbent upon White, if he is to use this as an example of abuse, to clarify exactly why it is so. After all, I had always supposed, with Skidmore and to a certain extent even with John Adams, that the tie between voting and property made good sense and that the moral implication of such a relationship was not so much disfranchisement as government policies adequate to provide everyone a realistic opportunity of owning property.

I have emphasized the weaknesses of White's book, not its strengths. I applaud much that he attempts. He is concerned, except for the one case of property, to penetrate the veil of words and to find the various concepts that lay behind them. Once launched on an analytical excursion, White is meticulously logical in his inferences. But I still find his book surprisingly unenlightening. Over half of it involves analytical clarifications of what has long been obvious to historians. So many of White's strawmen would embarrass a recent high school text. And by narrowing his analytical focus, by working with a few texts or a few key statements, White often moves into an abstract limbo far removed from any specific historical context. Why, for example, does he work with a few phrases in the Declaration of Independence and all but ignore the numerous and much more explicit state declarations of rights? Finally, even though equipped with the needed analytical tools, White is not a sensitive moral theorist. He moves awkwardly through the subject matter of traditional moral philosophy. Consequently, he is blind to most subtleties and nuances. This may be because he is not sympathetic enough to Christian theology and natural law theory to present them at their best, however persuasive his reading of detached bits and pieces.