

Adopting the *A Priori* Ethics of the Founders

In my last posting on *The Daily Censored*, I argued that it was not only possible but necessary to engage in a larger, conceptual ethical analysis of the breakdown of America we are seeing today. This argument finds good company in the ethical pronouncements of the Founders themselves, who tended to be much more rationalist than empiricist in their moral pronouncements that lie at the foundation of our democracy. Part of the reason for this is their indebtedness to the philosopher John Locke, who was himself a rationalist when it came to moral propositions. It will be argued here that if we are to reestablish a functional democracy today as a result of the crises we see about us, it will take a return to distinctively democratic values, to reason, and to dialogue, all of which may be seen in Locke and subsequently in the Founders, and brought forward to our time.

Before presenting the argument for this, a caveat is in order. When I state that Locke and the Founders were rationalist and *a priori* in their approach to the moral principles that were bedrock to constitutional concerns, I do not mean that they believed that moral principles and values were themselves innate in humans. Locke himself clearly rejected such an idea. Rather, for Locke and for the Founders, the understanding of morality began with self-evident principles, which both Locke and the Founders, Alexander Hamilton in particular, hoped would be developed into a rational moral science in which principles would serve as axioms. From these axioms other principles, such as the Golden Rule, could be deduced.¹ An example of a self-evident *moral* principle for Locke was that of equality: “nothing is more evident than that creatures of the same species and rank...should also be equal one amongst another.”²

I have argued in other essays that Lockeian rationalism in ethics was far more influential to the Founders than, say, Humeian empiricism.³ The very idea that people had “natural rights,” for example, is a rational abstraction, not an empirical or historical observation. For the Founders, it was “self-evident,” one of the hallmarks of rationalistic thinking. In addition to the rights issue, we can see Lockeian moral rationalism at work in such examples as these: when one adds Madison’s comparison of anarchy to the state of nature (in *Federalist* n. 51) as a variation of Locke’s observation in his *Second Treatise of Government* that people will surrender part of their rights in the state of nature; in the

¹ Locke, John. *An Essay Concerning Human Understanding*, Book I, Chapter III, Section 4. By “self-evident” principles, Locke meant those that garner “universal and ready assent upon hearing and understanding the terms.” See Book I, Chapter II, Sections 4 & 18. In other words, once they are understood, they are undeniable. Locke gives the example of the Law of Noncontradiction as a self-evident *speculative* principle (i.e. “It is impossible for the same thing to be and not be”).

² Locke, *Second Treatise of Government*, Chapter 2, Section 4. So self-evident principles, and the deduction of other principles from axioms, are two telltale signs of a rationalist moral epistemology. In general, rationalist ethical epistemology asserts that ethical knowledge could be gained simply by crafting, defining, and comparing *ideas* of right and wrong. Locke refers to this type of knowledge as “intuitively known”—i.e. the mind can immediately perceive the agreement or disagreement between ideas as expressed by certain terms. Such ideas, when self-evident or deduced from self-evident ideas, constituted knowledge of reality.

³ For an extended example, see my *A User’s Guide to the USA PATRIOT Act* (University Press of America, 2004), Chapter One.

presupposition of all of the Founders of the Lockean social contract theory (see, for a single example, John Jay's reference in *Federalist* n. 2); in Hamilton's embrace of Locke's natural law theory (for example, in "The Farmer Refuted"); in his further assertion of political principles which could be established by examining ideas (*Federalist* n. 31), and his embrace of the Lockean idea that some political truths can be demonstrated in the manner of mathematics (*Federalist* n. 85); in Thomas Paine's listing of Lockean natural rights (in *The Rights of Man*). These examples may be furthered in triplicate. Thus, it does not take long to see the rationalistic approach the Founders took to discussing the ethical values that were to be lived by being instantiated in the distinctive form of government they were founding.

If one is to make a case for the recovery of democratic values, one must take into account the presuppositions behind those values that were held at the time of the inception of our democracy. Although we need not be rationalists today in order to rediscover and recommit to our founding (hence, fundamental) values, we do need to reinstate the role of rational discourse in order to do this. Without an understanding of some notion of objectivity to the values we proclaim, we will continue to see a significant segment of our culture reject all values (e.g. bank executives and corporate CEO's), in addition to seeing many others hold their values to be equal to any others, no matter what those values may be. The recognition of objectivity need not be ideological, dogmatic, or oppressive, either. It can come about in at least two far less threatening ways. First, we can recognize that the structure of ethical dialogue is universal *in intent*. That is, whenever I make an ethical claim (e.g. that freedom is a necessary principle for human well being), I am suggesting that I can not only support it by reasons, but equally important, that anyone else will accept it as true through the process of rational dialogue. Thus, to have an objective notion of ethics does not require a belief in transcendent, universal givens to which all must succumb; all it requires is the recognition of the universal intent of ethical discourse. For an example of what this means, consider the experience of resentment. The philosopher P.F. Strawson, in an essay entitled "Freedom and Resentment," analyzes what we mean when we say we resent the actions or words of another. In brief, his conclusion is that we are not simply expressing a subjective state when we make such utterances. Rather, we are implying that it would be wrong for *anyone* to do or say what was done to us. In that recognition is contained the claim for the intended universality of values.

The second way to reclaim the objectivity of values is easily achieved when we distinguish primary from secondary values. Primary values are those which all humans require to live *qua* human (e.g. life, liberty, and equality); secondary values concern how those primary values should be lived and instantiated in a society (e.g. federalism versus anarchism; etc). What our relativist culture has done, particularly over the last 25 years, is to place all values into the category of secondary values, relegating them all to a simple historical-cultural moment, and thus ignoring the universal nature of primary values. There should be little or no disagreement about primary values if there is general agreement about what humans need to live the fullest lives of which humans are

capable.⁴ By renewing the value of the dialogue concerning secondary values, we reclaim our democratic heritage. Even if we never come to full agreement about the values we want to derive from the universal intent of asserting primary values, at least the process of dialogue has been reengaged. Further, if we pay heed to the structure of specifically ethical discourse, we can perceive the objective intent of assertions of principle, which is a necessary (even if it is not a sufficient) condition for making ethical statements to begin with. This recognition puts us in close proximity to how the Founders perceived the values on which to build the nation.

The point of this abridged analysis regarding values and democracy is to point out that in our attempt to restart the engine of democracy after the Bush years and the meltdown of laissez-faire capitalism, it is important to take the deeper approach of recognizing once again our fundamental values, and engaging in open dialogue concerning the form of both government and society that those values entail. Only when we do this will we be in a position to reclaim democracy for ourselves. But no reclamation can be complete without understanding that not all values are relative. Our Founders considered primary values to be *a priori* and universal values, and thus sought to embed them in the Constitution. There is no reason we cannot recapture the intent of this without becoming dogmatic or imperial in our pretensions. We have simply to surrender our deep individual relativism, which has played its own significant role in the social collapse we are now seeing. What we replace it with makes all the difference in the world concerning what type of society we will see in America in the 21st century. It is the position of this author that reclaiming some objectivity in ethics is a first start to reclaiming American democracy. It not only puts us back in touch with our roots, but allows us to stay true to the necessary structure of distinctively ethical dialogue as well.

⁴ This is the position taken by Noam Chomsky, who begins his political theory with what he calls his “faith” that humans require freedom to live fully human. See, for example, his “Notes on Anarchism,” 1970.