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“David Hume’s Law of Human Experience: An Essay on the Role of Christian Lawyers and Judges within the Secular State”©

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The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the tenth essay in this series: “David Hume’s Law of Human Experience.”

INTRODUCTION¹

For many years, from between 1991 up to the present, I have grappled with the question of whether natural law, the English common law, and the American constitution are fundamentally “Christian” in nature. The writings of David Hume certainly have contributed to this vexing inquiry. I read David Hume’s and George Berkeley’s writings simultaneously during my undergraduate years, sometime between 1989 and 1991.² Both men helped me to formulate the idea that *the human understanding* is founded upon the *human experience*, and that *human experience* is the foundation of *jurisprudence*.³ For Hume, *human experience*, not

¹ This essay is written in honor of Dr. Francis A. Boyle of the University of Illinois College of Law. Professor Boyle (J.D., Ph.D., Harvard University) was a devout Catholic and renowned human rights advocate and international law scholar. He supervised my juris doctor paper, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910*. (200-page unpublished manuscript)(1993). Like David Hume, Professor Boyle stood against conventional norms and the status quo within the legal academy, in order to fight for the rights of unpopular viewpoints, human and civil rights, and unconventional legal scholarship. Students could talk to Professor Boyle on most any subject, such as the plight of the Third World, Marxism, Socialism, Racism, Sexism, anti-Americanism, Globalization, etc., etc. Professor Boyle also seemed to care passionately for setting the record straight, even at the cost of unsettling the status quo. I found him to be an oasis of fresh and unconventional thinking at the College of Law.

² They were first presented to me in the book *The English Philosophers From Bacon To Mill* (citation below) in 1989. Hume was the last major European philosopher whom I studied while still an undergraduate student. As I can recall, I did not finish reading *The English Philosophers* until my third year of law school, when I read James Mill, Jeremy Bentham, and John Stuart Mill. I also read *The Federalist Papers* during my second and third years of law school, together with a rich sampling of a variety of European, Asian, and African economists, legal and political theorists, and philosophers.

³ Quite frankly, after reading David Hume, I deduced that the *law of human experience* could be most vividly understood from reading history, political economy, and sociology. I deduced that history, political economy and

a priori reasoning, is the foundation of philosophy, science, and jurisprudence. However, I did not reach this realization as an undergraduate student; rather, I linked Hume and Berkeley to jurisprudence in law school, after I happened to read a passage in a Howard University law review article that quoted Associate Justice Oliver W. Holmes, who wrote: “*the life of the law has not been logic: it has been experience*... we must consult history [because] the substance of the law... depends very much [on] the study of history.”⁴

David Hume had a different impact upon me than George Berkeley. Berkeley was a devoted Christian clergyman, whereas Hume, who was an accomplished and celebrated British historian, revolted against the oppressive power of organized religion and the Church. I was greatly impressed with Berkeley’s theology. Nevertheless, I was most influenced by Hume, because Hume’s “law of human experience” forced me to grapple with a whole new set of challenging issues, such as “**Can an authentic Christian have true faith and still doubt the validity of the Bible?**” At some point during undergraduate and law school, I grappled with this question. Hume forced me to do this. My deeply Christian, rural, and Southern upbringing in Bible belt of northern Florida had left an indelible mark upon my worldview. God was the supreme author of things seen and unseen; He reigned as ruler of the universe. During my college years in Baltimore, my dear mother re-instilled this value system. She frequently and constantly reminded me of St. Paul’s stern admonition to all Christians:

“Beware lest any man spoil you through philosophy and vain deceit after the tradition of men, after the rudiments of the world, and not after Christ.”
Colosians 2:8

This was a very difficult proposition for a Christian college student who loved philosophy and learning. I had to grapple with and unravel a lot of things, in order to maintain my Christian faith through my years of college, law school, and beyond. Natural law (or the law of nature) was the linchpin that seemed to hold ideas together for me. On the one hand, I had first learned of natural law from St. Augustine, St. Thomas, and the Catholic Church, and so I readily accepted natural law as “Christian.” On the other hand, I frequently observed what appeared to be the exact same “natural law” in the writings of non-Christian philosophers such as

sociology were the foundations of American jurisprudence. I entered law school with this belief in mind. My law school thesis, *The American Jurist : A Natural Law Interpretation of the U.S. Constitution, 1787 – 1910*, grew out of , and reflected, David Hume’s and George Berkeley’s laws of human experience.

⁴ O. W. Holmes, Jr., “The Places of History in Understanding Law,” *The Life of the Law* 3 (J. Honnold, Ed.,1964).

Plato, Aristotle, and Cicero. Ralph Waldo Emerson’s Unitarian essays and speeches seemed to tie all of this together for me. And, in the New Testament, Saint Paul synthesized this pre-Christian natural law into the “law of Christ,” even suggesting that the law of nature contained the same mandate as the Law of Moses or the Law of Christ. In his letter to the Romans, St. Paul also promulgated a Christian theology that incorporated natural law, as follows:

For there is no respect of persons with God. For as many as have sinned without law shall also perish without law: and as many as have sinned in the law shall be judged by the law. (For not the hearers of the law are just before God, but the doers of the law shall be justified. For when the Gentiles, which have not the law, *do by nature the things contained in the law*, these, having not the law, are a law unto themselves. Which shew *the works of the law written in their hearts*, their *conscience* also bearing witness and their thoughts the mean while accusing or else excusing one another;) in the day when God shall judge the secrets of man by Jesus Christ according to my gospel.⁵

I studied Paul’s writings together with the writings of Cicero. And for a long time, from 1990 through 2010, my understanding of natural law theory was somewhat bifurcated, as follows:

Pre-Christian Natural Law	Christian Natural Law
Ancient Egypt, Greece & Rome	St. Paul’s Theology
Plato	St. Augustine of Hippo
Aristotle	St. Thomas Aquinas
Cicero	

Many years later, I would eventually merge the two versions of natural law into one doctrine, thus leading to my post-doctoral dissertation, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (2015).

In law school, my Juris Doctor thesis, *American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910*, reflected St. Paul’s fundamental understanding that the law of nature reflected the law of God (i.e. the Law of Christ). Furthermore, I also understood that natural law or natural philosophy encompassed the sciences and mathematics, as well moral philosophy.

⁵ Romans 2: 11-16.

In other words, I concluded that “pre-Christian natural law” was synonymous with Catholic or Christian natural law. I certainly interpreted St. Thomas’ theology (i.e. Eternal Law → Divine Law → Natural Law → Human Law) as meaning precisely the same theology which St. Paul had articulated in his letter to the Romans.⁶ And yet for many years I struggled with the question of whether natural law, the English common law, and the American constitution were fundamentally “Christian” in nature.

All of this prepared me to grapple with secular philosophers who proclaimed to deprecate the Christian faith, while simultaneously claiming to search for “truth,” and “social justice.” For this reason, I could read men like Elijah Muhammad, Bertrand Russell, Karl Marx, Friedrich Nietzsche and others who boisterously criticized the Christian faith, but who nevertheless had important contributions to make to the foundations of philosophy and knowledge. Indeed, had not the ancient philosophers—those had never even heard the name of Christ, men such as Plato, Aristotle, and Cicero—done the same sorts of things? Had not Saint Paul, a leading Christian, made the admission in his letter to the Romans that non-Christian Gentiles might fulfill the law of Christ, unwittingly, by being doers of the law of nature, which is within their consciences and hearts? In summary, during my academic studies in undergraduate and graduate school, I opened up my mind to the search for truth, wherever it could be found, regardless of whether the source was “non-Christian” or “Christian,” since in the final analysis the important test was “truth” and “untruth.” I cannot diminish the influence that Ralph Waldo Emerson’s Unitarian ideals had upon me during the early 1990s—these ideals complimented my budding “catholic” Christianity. However, a fundamental problem that still troubled me was this question: “*Is non-Christian truth the same the truth of Christianity?*”⁷

Although he lived in England during the Eighteenth Century, David Hume fell into this category of pre-Christian or non-Christian era philosophers who had many important “truths” to make to philosophy and the foundations of knowledge,

⁶ Ibid.

⁷ Hume prepared me to begin to function as a Christian lawyer within a secular state. For I would come to appreciate other world viewpoints which I did not completely and wholly embrace as my own, viz., atheism, Social Darwinism, Marxism, Islam, Judaism, Buddhism, Hinduism, etc., etc. I began to look for the essential truths behind a diversity of world thought and opinion, and, applying an empirical analysis to ascertain truth in other religions, without rejecting the core principles of my Christian faith. And I searched for essential universal truths that tied the diverse human family together into a single whole. If I had not been willing to do this, I reasoned, I would not be able to function as a Christian lawyer within the secular American state.

even though Hume seemingly rejected conventional Christianity and religion. He certainly rejected Catholicism and St. Thomas Aquinas' theory of law.

St. Thomas Aquinas' Legal Theory/ Anglican-Catholic Theology	David Hume's Philosophy of Human Experience
Eternal Law	Hume rejected "Eternal Law" because it is Unknowable.
Divine Law	Hume rejected "Divine Law" because it is Improbable; Unverifiable.
Natural Law	Hume accepted pre-Christian, Greco-Roman "Natural Law," since this law is founded upon human experience and reason. (Importantly, both the Greeks and Romans linked their legal systems to religious beliefs.)
Secular or Human Law	Hume held that "Secular or Human Law" must be founded upon "Natural Law" (i.e., human experience and reason); he believed that natural law (e.g., biological science) was linked to moral philosophy (e.g., human law)

In summary, Hume's basic philosophy can be summarized as follows:

1. Christianity is founded upon faith, not reason. Therefore, the Sacred Scripture and beliefs in miracles, etc., should not interfere with the sciences or philosophy.
2. Human nature is the foundation and source of moral philosophy.
3. The law of nature is three-fold: resemblance, contiguity, and cause-and-effect.
4. Only human experience can instruct or inform the human understanding.
5. Only human experience can teach humans the important law of probability.
6. Only human experience can teach humans the important law of necessary connections.
7. Natural law (i.e., science; mathematics) and moral philosophy (i.e., ethics, law, and religion) are linked.

In other words, Hume wanted the university to return to the tradition of the pre-Christian Greeks and Romans, before the Christian era. I could agree with most of Hume's ideas, but I believed that his deprecation of the Christian faith was unnecessary and misplaced, because Hume never grappled with the need for "agape love" in every aspect of human interaction and intercourse, including law government, and commerce.⁸ I concluded that while most of Hume's ideas were indeed ingenious, his glaring omission of fairly grappling with the Christian law of "agape love" fell flat. This is also my fundamental objection to modern-day secular philosophy and jurisprudence; they both largely fail to fairly take into account the law of Christ (i.e., "agape love"); and this problem seems tragically intractable as the world becomes less homogenous and more racially diverse.

Again, I rejected Hume's line of reasoning. But I had to deal with Hume; I had to honestly deal with his criticisms of Christianity. I could not ignore him in bad faith or ignore him through intellectual dishonesty or cowardice. For many years, I was frightened of Hume! What if his ideas were true? I honestly did not know how to deal with statements and assertions that boldly and pointedly doubted the validity of Bible!

The writings of the Saint Paul had been too ingrained within me by the time I got to David Hume's writings during the early and mid 1990s, writings such as:

Let no debt remain outstanding, except that continuing debt to love one another, for whoever loves others has fulfilled the law. The commandments, "you shall not commit adultery," "you shall not murder," "you shall not steal" "you shall not covet," and whatever other command there may be, are summed up on this one command: "Love your neighbor as yourself." Love does no harm to a neighbor. Therefore love is the fulfillment of the law.⁹

In my mind, this self-evident duty of love was the essence of the Christian faith and constituted the "Law of Christ." Therefore, I concluded that Hume's criticism of Christianity—a criticism of the Christian "miracles" mentioned in the Bible--was misplaced and taken out of proper context.

⁸ Here, I should point out that I am thinking of Dr. Martin Luther King, Jr.'s influence upon my understanding of "agape love."

⁹ Romans 13: 8-13

Importantly, David Hume was perhaps the first secular philosopher who seriously challenged my Christian faith and rural and Southern worldview.¹⁰ Hume prepared me for the secular, non-Christian worldview that dominated American law schools during the 1990s. Up to this point, during the early 1990s, all of the philosophers whom I read were avid Christians or philosophers who openly pronounced a Christian perspective and worldview. But this was not the case with respect to English philosopher David Hume. I read Hume together with George Berkeley (Bishop of Cloyne), and I gained a unique insight into Aristotelian inductive reasoning, which both men defined as a natural law of *human experience*. What was striking to me is that these two philosophers would reach the same basic conclusions from seemingly two different viewpoints. Bishop Berkeley was, of course, a Christian; but Hume seemingly rejected Christianity, in favor of a scientific god of nature, a form of Deism. Whereas George Berkeley founded his ideas upon Sacred Scripture, David Hume went so far as to proclaim that the Christian faith actually impaired the search for truth!¹¹ Unlike St. Augustine and St. Thomas Aquinas, who defined God as the essence of reason, Hume severed the concept of “reason” from the concepts of God and “faith.” Whereas John Locke still looked to the Sacred Scriptures as the foundation of revealed truth, Hume seemed to assert that the Sacred Scriptures merely got into the way of revealed truth, because, as Hume seemed to assert, authentic “revealed truth” is really the result of human experience; that is to say, human ideas implanted into the mind through human interactions with nature. Hume wanted to focus our attention on authentic scientific inquiry, measured by knowable “causes” and knowable “effects.” Hume admonished against grappling with religious questions of the nature of God and the creation of world, since these vast concepts were simply unknowable. But this only cemented the conclusion in my mind that “non-Christian natural law” was no different that “Christian natural law.”

As previously mentioned, Hume appeared to me as a Deist. (Although during the 1990s I was completely unfamiliar with that term.) The closest synonym to the word “Deist” which I likely used in law school was the concept of “Nature’s God,” as I found in the American Declaration of Independence. Apparently,

¹⁰ David Hume was the last great English philosopher who I studied as an undergraduate student at Morgan State University. In law school, I would later complete reading *The English Philosophers From Bacon To Mill*. The remaining English philosophers who I read in law school were James Mill, Jeremy Bentham, and John Stuart Mill.

¹¹ Such proclamations eventually prepared me for what I would later experienced in law school and beyond,— that is to say, the world of non-Christian philosophy and jurisprudence. Hume also prepared me for harsh criticisms of the Christian Scripture that I would later encounter throughout almost every aspect of university-level education and the American legal profession.

according to Deists, this “Nature’s God” did not behave like the God Jehovah in the Old Testament. “Nature’s God” was, according to Hume, the supreme cause of all things, but nothing more for the purpose of science and philosophy. For example, Hume conceded the existence of a God who is the “Author of all our volitions” and “the Creator of the world, who first bestowed motion on this immense machine, and placed all beings in that particular position, whence every subsequent event, by an inevitable necessity, must result.”¹² But Hume vehemently rejected the idea of God as presented in the Old and New Testament (and indeed all religious faith) as the foundation for law. Hume thus largely rejected the religious order (i.e., the Church of England) of his day. He believed that established organized religion such as the Roman Catholic Church and the Church of England tended to interfere with knowing truth and with the search for truth. And for Hume, such interference was most “un-Christian.” Hume concluded that “[t]here is no method of reasoning more common, and yet none more blamable, than, in philosophical disputes, to endeavor the refutation of any hypothesis, by a pretense of its dangerous consequences to religion and morality.”¹³ Hence, during the early 1990s, one of the most important lessons that I learned from Hume was his suggestion that “[t]o be a philosophical sceptic is, in a man of letters, the first and most essential step towards being a sound, believing Christian....”¹⁴

I later came to understand that Hume felt unduly pressured to conform to church dogma within the university during his academic career, and that he believed that this undue pressure stifled academic freedom and the search for unfettered truth. For this I felt a great deal of sympathy for Hume in this regards.

On the other hand, during the early 1990s, as I grappled with Hume and other classical theologians and philosophers, I honestly did not like Hume’s marginalization of the Christian faith! I had settled upon the Catholic doctrine that “faith is reason” and that “truth is God.” But Hume thus knocked me out of my intellectual comfort zone, when he asserted “[s]o that, upon the whole, we may conclude, that the Christian Religion not only was at first attended with miracles, but even at this day cannot be believed by any reasonable person without one.”¹⁵

¹²*The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 646.

¹³ *Ibid.*, p. 644.

¹⁴ *Ibid.*, p. 764.

¹⁵ *Ibid.*, p. 667.

Hume seemed to turn St. Thomas Aquinas' legal theory upside down, while eliminating the need for any comprehension of theology and divinity.

I nevertheless held to the Christian faith without rejecting outright those persons or ideas which rejected Christianity. Nor did I reject David Hume outright. Rather, I assumed that Hume had something very important to say, otherwise his ideas—however repulsive to my Christian sensibilities—contained an important contribution to the advancement of human knowledge. And so, as I was learning to understand and to appreciate David Hume, I was also learning to muster the courage to face the non-Christian world without ignoring it through self-righteous vitriol and fear. Hume prepared me to begin to function as a Christian lawyer within a secular state. For I would come to appreciate other world viewpoints which I did not completely and wholly embrace as my own, viz., atheism, Social Darwinism, Marxism, Islam, Judaism, Buddhism, Hinduism, etc., etc. I began to look for the essential truths behind a diversity of world thought and opinion, and, applying an empirical analysis to ascertain truth in other religions, without rejecting the core principles of my Christian faith. And I searched for essential universal truths that tied the diverse human family together into a single whole. If I had not been willing to do this, I reasoned, I would not be able to function as a Christian lawyer within the secular American state.

SUMMARY

David Hume's philosophy was a throw-back to the Western philosophy of the pre-Christian Greco-Roman era. It included the following fundamental tenets:

First, Christianity is founded upon faith, not reason. Therefore, the Sacred Scripture and beliefs in miracles, etc., should not interfere with the sciences or philosophy.

Second, human nature is the foundation and source of moral philosophy.

Third, the law of nature is three-fold: resemblance, contiguity, and cause-and-effect.

Fourth, only human experience can instruct or inform the human understanding.

Fifth, only human experience can teach humans the important law of probability.

Sixth, only human experience can teach humans the important law of necessary connections.

And, seventh, natural law (i.e., biological and physical sciences; mathematics) is linked to moral philosophy (i.e., ethics, political theory, law, and religion).

This philosophy helped to set in motion an Eighteenth-century “Age of Reason” or “Age of Enlightenment” trend in western philosophy,-- a trend which hastened the decline of Christianity as the primary foundation of secular law. Hume’s secular philosophy also set in motion the idea of the complete separation of organized religion from the modern university. Hume also helped to remove the Catholic worldview from law and science and from the university; his critique of the uncertainties of religion paved the way toward the modern idea of complete separation of Church and State.

Most of Hume’s ideas were ingenious. On the other hand, I criticize David Hume for precisely the same reasons that I am critical of American jurisprudence. Hume’s philosophy does not appear have any interest in, or insight into, the fundamental importance of the law of Christ (“agape love,”) to secular jurisprudence, moral philosophy, or political theory. Hume also failed to recognize the need for “agape love,”¹⁶ “faith” and “good faith and fair dealing” in secular contracts and social relations in general, as the foundation for preventing tortuous conduct between citizens and neighbors and for the establishment of family relations, and the abatement of criminal activity. If he had done so, he would likely have embraced St. Augustine’s theology as presented in *The City of God*. Hume was overly scientific and rational, and disdainful towards Christianity and religion. His dichotomy between “faith” and “reason” is problematic, yet Hume’s position eventually became the dominant viewpoint within Protestant societies in Western Europe and the United States. On the other hand, Hume’s disdain toward outrageous religious dogma and superstition that impaired academic freedom and the search for truth was justifiable. And his view that natural law is linked to moral philosophy was a most profound and ingenious expression of secular theology, humanist ethics, and intellectual integrity. For this reason, Hume’s secular philosophy does not detract from the Christian faith but rather reinforces several aspects of the Catholic natural-law doctrine as set forth by St. Thomas Aquinas.

¹⁶ Here again, I should point out that I am thinking of Dr. Martin Luther King, Jr.’s influence upon my understanding of “agape love.”

Part I. David Hume- Biography

David Hume (1711 – 1776) was a bold man, in that he was willing to risk career and job for the integrity of what he believed. He lived during a time when the Church of England and correct belief in the Christian faith controlled the career advancement of aspiring scholars and public servants. Hume’s unconventional Christianity was difficult for most to understand, and thus he was often described (or misunderstood) as being an atheist by many of his contemporaries. This caused Hume to lose tenured professorship opportunities, thus limiting him to lower-level positions, such as “Keeper of the Advocates’ Library in Edinburgh,” a position which he accepted in 1752.

Although I disagreed with Hume’s skepticism and critique of conventional Christianity, I admired his free spirit and fight for academic freedom; his philosophy on the law of “human experience”; and career as historian, librarian, and author of a History of England. Hume refused to allow religious superstition to shield him from the truths of his own existence or from the truths and experiences of human history. This part of Hume I liked. I also liked the fact that Hume had risen from semi-humble beginnings:

“David Hume... was the younger son of a Scotch gentleman. He was educated at the college of Edinburgh. The family had few means, and, as a younger brother, he had to shift for himself. He first tried reading for the bar, and then business in the office of a Bristol merchant, but his ‘passion for literature’ led him to abandon both. After a period of study at the family home, Ninewalls, he went to France where he settled for three years. Here he composed his *Treatise of Human Nature*.”¹⁷

Hume’s other published works included: *Essays Moral and Political* (1742); *Philosophical Essays Concerning Human Understanding* (1748); *An Enquiry Concerning the Principles of Morals* (1751); and *The Dialogues Concerning Natural Religion*.

Part II. “An Enquiry Concerning Human Understanding”

A. Christianity is Founded Upon Faith, Not Reason

¹⁷ *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 587.

When I first encountered David Hume during the early 1990s, I had thoroughly embraced St. Thomas Aquinas' theory of law (i.e., eternal law ---→ divine law ---→ natural law ---→ human law). But Hume seemed to reject this scheme altogether, thus freeing human beings to chart their own existential course, based upon the truths of their own experiences. Hume obviously believed that St. Thomas Aquinas' theory of law had been applied in Eighteen-Century universities too harshly, and that religion had suffocated free-thinking. Hume wrote:

Our conversation began with my admiring the singular good fortune of philosophy, which *as it requires entire liberty above all other privileges*, and chiefly flourishes from the free opposition of sentiments and argumentation, received its first birth in an age and country of freedom and toleration, and was never cramped, even in its most extravagant principles, by any creeds concessions and penal statutes. For, except the banishment of Protagoras and the death of Socrates, which last event proceeded partly from other motives, there are scarcely any instances to be met with, in ancient history, of this *bigoted jealousy, with which the present age is so much infested*. Epicurus lived at Athens to an advanced age, in peace and tranquility; Epicureans were even admitted to receive the sacerdotal character, and to officiate at the altar, in the most sacred rites of the established religion. And the public encouragement of pensions and salaries was afforded equally, by the wisest of all the Roman emperors, to the professors of every sect of philosophy. How requisite such kind of treatment was to philosophy, in her early youth, will easily be conceived, if we reflect, that, even at present, when she may be supposed more hardy and robust, *she bears with much difficulty the inclemency of the seasons, and those harsh winds of calumny and persecution, which blow upon her*.¹⁸

Hume did not say that the Christian religion was not true or that it could be proven to be false; but he did utterly marginalize the Christian faith and religion in his scheme for the search for truth. According to Hume, "faith" and "reason" were incompatible; they should not relate to each other. For instance, Hume wrote:

[o]ur most holy religion is founded on faith, not on reason; and it is a sure method of exposing it to put it to such a trial as it is, by no

¹⁸ *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 668.

means, fitted to endure. To make this more evident, let us examine those miracles, related in scripture; and not to lose ourselves in too wide a field, let us confine ourselves to such as we find in the *Pentateuch*, which we shall examine, according to the principles of these pretended Christians, not as the word or testimony of God himself, but as the production of a mere human writer and historian. Here then we are first to consider a book, presented to us by a barbarous and ignorant people, written in an age when they were still more barbarous, and in all probability long after the facts which it relates, corroborated by no concurring testimony, and resembling those fabulous accounts which every nation gives of its origin. Upon reading this book, we find it full of prodigies and miracles. It gives an account of a state of the world and of human nature entirely different from the present: of our fall from that state; of the age of man, extended to near a thousand years; of the destruction of the world by a deluge; of the arbitrary choice of one people, as the favorites of heaven; and that people the countrymen of the author; of the deliverance from bondage by prodigies the most astonishing imaginable. I desire anyone to lay his hand upon his heart, and after a serious consideration declare, whether he thinks that the falsehood of such a book, supported by such a testimony, would be more extraordinary and miraculous than all the miracles it relates; which is, however, necessary to make it be received, according to the measures of probability above established.¹⁹

Thus, under Hume’s scheme, “faith” and “reason” played different roles that were not related, as the following chart reveals:

Faith	Reason
Christianity	Natural Philosophy or Science
Other world religions	Jurisprudence

Moreover, Hume set forth several reasons for his separation of “faith” and “reason.” Hume wrote, “[i]n the foregoing reasoning we have supposed, that the testimony, upon which a miracle is founded, may possibly amount to an entire proof, and that the falsehood of that testimony would be a real prodigy. But it is

¹⁹ Ibid., pp. 666-667.

easy to show that we have been a great deal too liberal in our concession, and that there never was a miraculous event established on so full an evidence.”²⁰

Hume criticized the existence of any evidentiary support for “miracles” as mentioned in the Bible. “For first,” wrote Hume, “there is not to be found, in all history, any miracle attested by a sufficient number of men, of such unquestioned good sense, education, and learning as to secure us against all delusion in themselves; of such undoubted integrity, as to place them beyond all suspicion of any design to deceive others...”²¹

“Secondly... [t]he passion of *surprise* and *wonder*, arising from miracles, being an agreeable emotion, gives a sensible tendency towards the belief of those events, from which it is derived... But if the spirit of religion join itself to the love of wonder, there is an end of common sense; and human testimony, in these circumstances, loses all pretensions to authority.”²²

“Thirdly” Hume wrote, “It forms a strong presumption against all supernatural and miraculous relations, that they are observed chiefly to abound among ignorant and barbarous nations; or if a civilized people has ever given admission to any of them, that people will be found to have received them from ignorant and barbarous ancestors, who transmitted them with that inviolable sanction and authority, which always attend received opinions.”²³

In his criticism of Biblical miracles, Hume wrote: “[i]t is strange, a judicious reader is apt to say, upon the perusal of these wonderful historians, that such prodigious events never happen in our days. But it is nothing strange, I hope, that men should lie in all ages.”²⁴ Finally, Hume admonished against mixing “faith” with the search for scientific truth, because religion seriously impairs the ability to comprehend the “laws of nature.” Hume wrote: “[t]hough the Being to whom the miracle is ascribed, be, in this case, Almighty, *it does not, upon that account, become a whit more probable; since it is impossible for us to know that attributes or actions of such a Being, otherwise than from the experience which we have of his productions, in the usual course of nature. This still reduces us to past observation, and obliges us to compare the instances of the violation of truth in the testimony of men, with those of the violation of the laws of nature by miracles, in*

²⁰ Ibid., p. 657.

²¹ Ibid., p. 658.

²² Ibid.

²³ Ibid., p. 659.

²⁴ Ibid., p. 660.

order to judge which of them is most likely and probable. *As the violations of truth are more common in the testimony concerning religious miracles, than in that concerning any other matter of fact; this must diminish very much the authority of the former testimony, and make us form a general resolution, never to lend any attention to it, with whatever specious pretense it may be covered.*²⁵

B. Human Nature is the Source of Moral Philosophy

Turning aside from religion, sacred texts, and Christianity, Hume looked to human nature, or the natural law as it pertains to human beings, as the foundation of morals. He defined moral philosophy as “the science of human nature.”²⁶ According to Hume, to truly understand human nature, the philosopher must live a full and real life, and be a real human being.

Hume wrote: “[m]an is a reasonable being; and as such receives from science his proper food and nourishment. . . . Man is also an active being; and from that disposition, as well as from the various necessities of human life, must submit to business and occupation: but the mind requires relaxation, and cannot always support its bent to care and industry. It seems, then, that nature has pointed out a mixed kind of life as most suitable to the human race. . . . Indulge your passion for science, says she but let your science be human. . . . Be philosopher; but, amidst all your philosophy, be still a man.”²⁷

In addition, Hume held that objective of real philosophy is to have some genuine and practical human end and benefit to society. “[T]hough a philosopher may live remote from business, the genius of philosophy, if carefully cultivated by several, must gradually diffuse itself throughout the whole society, and bestow a similar correctness on every art and calling.”²⁸ Hence, for Hume, the foundation of every art and science within the university is some practical objective to benefit human beings. For Hume, the need for light and learning, and the improvement of mankind was the basis for real philosophy.

Hume elevated natural philosophy and science above religion. Hume’s aim was to attack “superstition,” including religious superstition. “Accurate and just reasoning is the only catholic remedy, fitted for all persons and all dispositions,” he

²⁵ Ibid. p. 666.

²⁶ Ibid., p. 585.

²⁷ Ibid., p. 587.

²⁸ Ibid., p. 588.

recommended.²⁹ Hume believed that science led to enlightenment. “Obscurity, indeed, is painful to the mind as well as to the eye; but to bring light from obscurity, by whatever labor, must needs be delightful and rejoicing.”³⁰ Hume wrote that “[t]he sweetest and most inoffensive path of life leads through the avenues of science and learning; and whoever can either remove any obstructions in this way, or open up any new prospect, ought so far to be esteemed a benefactor to mankind.”³¹

In the fields of law, political science and government, Hume believed the philosopher to play an important role in providing insight as to how best to fashion laws and to govern. “The politician will acquire greater foresight and subtlety,” wrote Hume, “in the subdividing and balancing of power; the lawyer more method and finer principles in his reasonings; and the general more regularity in his discipline, and more caution in his plans and operations. The stability of modern governments above the ancient and the accuracy of modern philosophy, have improved, and probably will still improve by similar gradations.”³²

C. Nature or Natural Law is the Foundation of Philosophy

Hume insisted not only that the philosopher must live as a real person and that philosophy must have some practical purpose, but he also maintained that philosophy must not be so abstract that it served no purpose or connection natural law.

In fact, Hume believed in the supremacy of natural law; he held that ideas are really natural laws as revealed through our five senses. Hume concluded that philosophy should thus maintain its fidelity to ascribing the correct “meaning” to the appropriate or correct words that have been designated to represent that “idea” or “meaning.” So that, according to Hume, definitions of words that have no meaning, or that have an inaccurate meaning, will be always held accountable to natural law, or to a true and correct natural idea. For this reason, natural law will always trump an abstract philosophy that is untrue or without any meaning whatsoever. “When we entertain,” wrote Hume, “therefore any suspicion that a

²⁹ Ibid., p. 590.

³⁰ Ibid., p. 589.

³¹ Ibid., pp. 588-589.

³² Ibid.

philosophical term is employed without any meaning or idea (as is but too frequent), we need but inquire, *from what impression is that supposed idea derived?* And if it be impossible to assign any, this will serve to confirm our suspicion. By bringing ideas into so clear a light we may reasonably hope to remove all dispute, which may arise, concerning their nature and reality.”³³ Hence, Hume concluded that abstract, meaningless philosophy will always be exposed as counterfeit. “Nature will always maintain her rights,” he wrote “and prevail in the end over any abstract reasoning whatsoever.”³⁴

According to Hume, since philosophy is “the love of truth,” it “is surprising, therefore, that this philosophy, which, in almost every instance, must be harmless and innocent, should be the subject of so much groundless reproach and obloquy.”³⁵ For Hume, philosophy is subservient to nature and natural law. For this reason, he believed that true philosophy does not undermine common sense or common life. “Nor need we fear that this philosophy, while it endeavors to limit out inquiries to common life, should ever undermine the reasonings of common life, and carry its doubts so far as to destroy all action, as well as speculation. **Nature** will always maintain her rights, and prevail in the end over any abstract reasoning whatsoever.”³⁶ Hume thus respected “Nature” as a sovereign deity, as the supreme “Cause” of all other “Effects.” This theory of Nature ran consistently throughout the writings of all the natural-law theorists (Christian and non-Christian) whom I read. I observed it, for example, in Ralph Waldo Emerson’s “Fugitive Slave Law.” Hence, I incorporated this theory of Nature into my juris doctor thesis paper, *American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910* (200-page unpublished manuscript)(1993).

For Hume, philosophy is very practical and very real, and very much tied to nature. “All belief of matter of fact or real existence is derived merely from some object, present to the memory or senses, and a customary conjunction between that and some other object. Or in other words; having found, in many instances, that any two kinds of objects—flame and heat, snow and cold—have always been conjoined together; if flame or snow be presented anew to the senses, the mind is

³³ Ibid., pp. 595-596.

³⁴ Ibid., p. 609.

³⁵ Ibid., p. 608.

³⁶ Ibid., p. 609.

carried by custom to expect heat or cold, and to believe that such a quality does exist, and will discover itself upon a nearer approach.”³⁷

D. The Law of Nature is Threefold: Resemblance, Contiguity, and Cause-and-Effect

Hume believed that ideas, and their relations one with the other, fell into three basic categories: *resemblance*, *contiguity*, and *cause and effect*. The law of resemblance means that two ideas are similar in quality, quantity or appearance. The law of contiguity means that when one idea is present, another idea is also present; for example, “the idea of heat” is present with, and contiguous to, “the idea of fire.” And the law of cause and effect generally means that the “idea of an effect” means the existence of the idea of the “cause of that effect.”

“Though it be too obvious,” wrote Hume, “to escape observation, that different ideas are connected together; I do not find that any philosopher has attempted to enumerate or class all the principles of association; a subject, however, that seems worthy of curiosity. To me, there appear to be only three principles of connection among ideas, namely, **resemblance**, **contiguity** in time or place and **cause or effect**.”³⁸ “A picture naturally leads our thoughts to the original: the mention of one apartment in a building naturally introduces an inquiry or discourse concerning the others: and if we think of a wound, we can scarcely forbear reflecting on the pain which follows it.”³⁹ “All we can do, in such cases, is to run over several instances, and examine carefully the principle which binds the different thoughts to each other, never stopping till we render the principle as general as possible. The more instances we examine, and the more care we employ, the more assurance shall we acquire, that the enumeration, which we form from the whole, is complete and entire.”⁴⁰

E. Only Human Experience Completely Informs the Human Understanding

Hume divides human reason into two parts: *relations of ideas* and *matters of fact*. And these are known only through human experience. “This proposition,”

³⁷ Ibid., p. 612.

³⁸ Ibid. p. 597.

³⁹ Ibid.

⁴⁰ Ibid. p. 596.

wrote Hume “that causes and effects are discoverable, *not by reason but by experience*, will readily be admitted with regard to such objects, as we remember to have once been altogether unknown to us....”⁴¹

For Hume “all the laws of nature, and all the operations of bodies without exception, are known only by *experience*....”⁴² “Let an object be presented to a man of ever so strong natural reason and abilities; if that object be entirely new to him, he will not be able, by the most accurate examination of its sensible qualities to discover any of its causes and effects.”⁴³ “No object ever discovers, by the qualities which appear to the senses, either the causes which produced it, or the effects which will arise from it; nor can our reason, unassisted by *experience*, ever draw any inference concerning real existence and matter of fact.”⁴⁴ “It is certain that the most ignorant and stupid peasants—nay infants, nay even brute beasts—improve by *experience*, and learn the qualities of natural objects, by observing the effects which result from them.”⁴⁵ “When it is asked, What is the nature of all our reasonings concerning matter of act? The proper answer seems to be that they are founded on the relation of cause and effect. When again it is asked, What is the foundations of all our reasonings and conclusions concerning that relation? It may be replied in one word, *experience*.”⁴⁶ “For all inferences from *experience* suppose, as their foundation, that the future will resemble the past and that similar powers will be conjoined with similar sensible qualities. If there be any suspicion that the course of nature may change and that the past may be no rule for the future, all experience becomes useless, and can give rise to no inference or conclusion.”

Under Hume’s legal scheme, human experience creates habits, mores, folkways, customs and laws. “*Custom, then, is the great guide of human life*. It is that principle alone which renders our *experience* useful to us, and makes us expect, for the future, a similar train of events with those which have appeared in the past. Without the influence of custom, we should be entirely ignorant of every matter of fact beyond what is immediately present to the memory and senses. We should never know how to adjust means to ends, or to employ our natural powers

⁴¹ Ibid. pp. 599-600.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid., p. 607.

⁴⁶ Ibid., p. 602.

in the production of any effect. There would be an end at once of all action, as well as of the chief part of speculation.”⁴⁷

For Hume the source of law is rooted in nature: “We have already observed that nature has established connections among particular ideas, and that no sooner one idea occurs to our thoughts than it introduces its correlative, and carries our attention towards it, by a gentle and insensible movement. These principles of connection or association we have reduced to three, namely resemblance, contiguity and causation; which are the only bonds that unite our thoughts together, and beget that regular train of reflection or discourse, which, in a greater or less degree, takes place among mankind.... And if the case be the same with the other relations or principles of association, this may be established as a **general law**, which takes place in all the operations of the mind.”

Hume’s law of experience is really an on-going and perpetual interaction with nature, whereby customs and general laws are derived. “Here, then, is a kind of pre-established harmony between the course of nature and the succession of our ideas; and though the powers and forces, by which the former is governed, be wholly unknown to us; yet our thoughts and conceptions have still, we find, gone on in the same train with the other works of nature. Custom is that principle, by which this correspondence has been effected; so necessary to the subsistence of our species, and the regulation of our conduct, in every circumstance and occurrence of human life. Had not the presence of an object instantly excited the idea of those objects, commonly conjoined with it, all our knowledge must have been limited to the narrow sphere of our memory and senses; and we should never have been able to adjust means to ends, or employ our natural powers, either to the producing of good, or avoiding of evil.”⁴⁸

“As nature has taught us the use of our limbs, without giving us the knowledge of the muscles and nerves, by which they are actuated; so has she implanted in us an instinct, which carries forward the thought in a correspondent course to that which she has established among external objects; though we are

⁴⁷ Ibid., p. 611.

⁴⁸ Ibid., p. 617.

ignorant of those powers and forces, on which this regular course and succession of objects totally depends.”⁴⁹

F. Only Human Experience Teaches Human Beings the Important Law of Probability

For Hume, our beliefs, or belief systems, are based upon our past experiences with the nature of things in the real world. We then transfer our past experiences to judge the propensity and likelihood of future events, and this is what Hume calls the law of “cause and effect,” which is the foundation of reason and law.⁵⁰

According to Hume, our ignorance as to the effects of specific causes are referred to as “chance.” However, Hume believed that “there be no such thing as chance in the world,” because the word “chance” simply implies that we are ignorant as to the real causes of particular effects.

Hume thus draws on the rich tradition of natural law and science in reaching his conclusions: “Mr. Locke divides all arguments into demonstrative and probable. In this view, we must say, that it is only probable all men must die, or that the sun will rise tomorrow. But to conform our language more to common use, we ought to divide arguments into *demonstrations*, *proofs*, and *probabilities*. By proofs meaning such arguments from experience as leave no room for doubt or opposition.”⁵¹ “Here then it seems evident, that, when we transfer the past to the future, in order to determine the effect, which will result from any cause, we transfer all the different events, in the same proportion as they have appeared in the past, and conceive one to have existed a hundred times, for instance, another ten times, and another once.”⁵²

Hume believed in balancing the weight of evidence, as follows: “[t]here is certainly a probability, which arises from a superiority of chances on any side; and according as this superiority increases, and surpasses the opposite chances, the

⁴⁹ Ibid., p. 618.

⁵⁰ Ibid., pp. 618-620.

⁵¹ Ibid., p. 618.

⁵² Ibid., p. 620.

probability receives a proportionable increase, and begets still a higher degree of belief or assent to that side, in which we discover the superiority.”⁵³

In a nutshell, the mind develops an understanding of cause and effect (i.e., of probability) through human *experiences*. As Hume elaborated:

The case is the same with the *probability of causes*, as with that of chance. There are some causes, which are entirely uniform and constant in producing a particular effect; and no instance has ever yet been found of any failure or irregularity in their operation. Fire has always burned, and water suffocated every human creature: the production of motion by impulse and gravity is an universal law, which has hitherto admitted of no exception. But there are other causes which have been found more irregular and uncertain; nor has rhubarb always proved a purge, or opium a soporific to everyone, who has taken these medicines. It is true, when any cause fails of producing its usual effect, philosophers ascribe not this to any irregularity in nature; but suppose, that some secret causes, in the particular structure of parts, have prevented the operation. Our reasonings, however, and conclusions concerning the event are the same as if this principle had no place. Being determined by custom to transfer the past to the future, in all our inferences; where the past has been entirely regular and uniform, we expect the event with the greatest assurance, and leave no room for any contrary supposition. But where different effects have been found to follow from causes, which are to appearance exactly similar, all these various effects must occur to the mind in transferring the past to the future, and enter into our consideration, when we determine the probability of the event.⁵⁴

G. Only the Human Experience Teaches Us the Important Law of Necessary Connection

Hume compares “mathematical sciences,” such as geometry and physics, to “moral sciences.” I liked Hume’s ideas on the “moral sciences” because they

⁵³ Ibid., p. 618.

⁵⁴ Ibid., pp. 618-619.

helped with defining and better comprehending classical natural law theory, sociology, political science, and economics. Hume's ideas provided a system whereby I could see the "hand of God," even though Hume himself did not refer to it as such. Hume insisted that "moral philosophy" was no different than geometry or physics—we just needed to study human beings and human nature with greater vigor and persistence. This intrigued me, because Hume's position seemed to parallel those of Moses and the ancient Hebrew prophets, who made similar assumptions and predictions. Again, I could not help but to conclude that Hume was laying the groundwork for a scientific definition of the "law of God" or "acts of God," or prophecy. Hume believed that moral philosophy contained knowledge of phenomena leading to life and death, prosperity and social decline; and although Hume insisted that his ideas were not religious, I could see close parallels between Hume's secular humanist views and those of ancient Hebrew prophets. So that, by the time I entered law school, I had a conception of constitutional law that contained Hume's "moral philosophy," which I believed reflected Judea-Christian values.

H. Natural Law and Moral Philosophy are linked.

Hume concluded that natural law (i.e., science; mathematics) is directly linked to moral philosophy (i.e., ethics, political theory, law, and religion). This was the most lasting impression which made upon my fundamental understanding of jurisprudence. Hume had written that "[a]s moral philosophy seems hitherto to have received less improvement than either geometry or physics, we may conclude, that, if there be any difference in this respect among these sciences, the difficulties, which obstruct the progress of the former, require superior care and capacity to be surmounted."⁵⁵ He calls "power" the "necessary connection," which is the law of cause and effect (i.e. science and mathematics); and he believed that the "moral sciences" of ethics, political science, law, etc., reflected this same law of cause and effect. Hume believed in the universality of human nature, from which "moral science" could be derived and advanced. Hume made a mark as a British historian. For Hume, human history is a law of human experience and thus is the foundation of natural law. In fact, Hume's definition of human experience is

⁵⁵ Ibid., p. 620.

very similar to Cicero's definition of natural law.⁵⁶ For example, Hume defined human experience as follows:

It is universally acknowledged that there is *a great uniformity among the actions of men, in all nations and ages*, and that *human nature remains still the same*, in its principles and operations. The *same motives* always produce the *same actions*; the *same events* follow from the *same causes*.⁵⁷ Ambition, avarice, self-love, vanity, friendship, generosity, public spirit: *these passions*, mixed in various degrees, and distilled through society, have been, from the beginning of the world, and still are, *the source of all the actions* and enterprises, which have ever been observed among mankind.⁵⁸ Would you know the sentiments, inclinations, and course of life of the Greeks and Romans? Study well the temper and actions of the French and English: you cannot be much mistaken in transferring to the former most of the observations which you have made with regard to the latter.⁵⁹ Mankind are so much the same in all times and places, that history informs us of nothing new or strange in this particular.⁶⁰ Its chief use is only to discover the constant and *universal principles of human nature*, by showing men in all varieties of circumstances and situations and *furnishing us with materials from which we may form our observations* and become acquainted with the *regular springs of human action and behavior*. These records of wars, intrigues, factions, and revolutions, are so many *collections of experiments*, by which the politician and moral philosopher fixes the principles of his science, in

⁵⁶“ For there is a true law: right reason. It is in conformity with nature, is diffused among all men, and is immutable and eternal; its orders summon the duty; its prohibitions turn away from offense.... To replace it with a contrary law is a sacrilege; failure to apply even one of its provisions is forbidden; no one can abrogate it entirely.” [Cicero, Rep. III, 22, 33.]

⁵⁷ This central premise served as the foundation for my law school thesis, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 -1910* (unpublished manuscript, 1993).

⁵⁸ See, e.g., Roderick O. Ford, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 -1910* (unpublished manuscript, 1993).

⁵⁹ See, also, Ralph Waldo Emerson general observations on the universality within human nature. *The Portable Emerson* (New York, NY: Penguin Books , 1981).

⁶⁰ Ibid.

the same manner as the physician or natural philosopher becomes acquainted with the nature of plants minerals and other external objects, by the experiments which he forms concerning them.⁶¹ Nor are the earth, water and other elements, examined by Aristotle, and Hippocrates more like to those which at present lie under our observation than the men described by Polybius and Tacitus are to those who now govern the world.⁶²

So readily and universally do we acknowledge a uniformity in human motives and actions as well as in the operations of body. Hence likewise the *benefit of that experience*, acquired by long life and a variety of business and company, in order to *instruct us in the principles of human nature*, and *regulate our future conduct*, as well as speculation. By means of this guide, we mount up to the knowledge of men's inclinations and motives, from their actions, expressions, and even gestures; and again descend to the interpretation of their actions from our knowledge of their motives and inclinations. The general observations treasured up by a course of experience, *give us the clue of human nature, and teach us to unravel all its intricacies*. Pretexts and appearances no longer deceive us. Public declarations pass for specious coloring of a cause."⁶³

But were there no uniformity in human actions, and were every experiment which we could form of this kind irregular and anomalous, it were impossible to collect any general observations concerning mankind; and no experience, however accurately digested by reflection, would ever serve to any purpose. Why is the aged husbandman more skillful in his calling than the young beginner but because there is a certain uniformity in the operation of the sun, rain, and earth towards the production of vegetables; and experience

⁶¹ This central premise served as the foundation for my law school thesis, *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 -1910* (unpublished manuscript, 1993).

⁶² Edwin A. Burt, *The English Philosophers From Bacon To Mill* (New York, NY: The Modern Library, 1950), pp. 635-636.

⁶³ *Ibid.*, p. 636.

teaches the old practitioner the rules which this operation is governed and directed....⁶⁴

How could politics be a science, if laws and forms of government had not a uniform influence upon society?⁶⁵

And indeed, when we consider *how aptly natural and moral evidence link together, and form only one chain of argument*, we shall make no scruple to allow *that they are of the same nature*, and derived from the *same principles*....⁶⁶

I frankly submit to an examination of this kind, and shall venture to affirm that the doctrines, *both of necessity and of liberty, as above explained, are not only consistent with morality, but are absolutely essential to its support*.⁶⁷

It is safe to conclude that Hume's alleged secular humanism or atheism gave way to, and was overshadowed by, his classical Greco-Roman viewpoint of natural law. Hume's philosophy still fell within the purview of the teachings of the Roman Catholic Church. Hume's secular and humanist rationalism was "of the same nature" as Catholic moral philosophy (i.e., what the St. Thomas Aquinas defined as Natural Law and Human Law). Hume seemed to say that natural philosophy (i.e., science) and moral philosophy (e.g., ethics and religion) were "not only consistent" but also "are absolutely essential" and provided reciprocal reinforcement. For this reason, many Christians misunderstand why Hume rejects having the Bible serve as an authoritative source in this discussion. I believe, here, that Hume points to human experience and the history of abuse and superstition within organized religion as his primary reason for removing theology from his scientific approach to knowledge. For Hume, organized religion got into the way of the scientific search for truth. Hume believed that the hidden secrets and laws of nature were more reliable for scholars, lawyers, and practical politicians than a belief in theology or in miracles found in the Sacred Scriptures. Hume did not want Church dogma to get into the way of scientific truth. And so, on this point, I agreed with Hume. I agreed that organized religion's *complete control* over universities and the freedom to think independently of the status quo was dangerous. I also agreed with Hume on his position that human experience is the foundational source of natural

⁶⁴ Ibid., pp. 636-637.

⁶⁵ Ibid., p. 640.

⁶⁶ Ibid., p. 640.

⁶⁷ Ibid., pp. 644-645.

law and human law. But I disagreed with Hume regarding his idea that Christianity is founded on “faith” and not “reason,” because Jesus of Nazareth as the Son of God was considered *the logos* of Greco-Roman philosophy, the essence of reason. Moreover, the doctrine of “agape love” supports the essential interdependent nature of human social organizations and societies. The Church, at least in its official mandate and mission, plays a vital part in instilling this agape-love into the hearts and minds of members of these social orders. I also believed that Christian agape-love, which the Church is supposed to reflect, was an essential ingredient in laying the foundations of the social order, law, and governance. I have always believed that, when rightly conceived and at its best, the Church and organized religion, plays an important role in guiding law and society to its highest point of ethical and social development. (The long illustrious list of outstanding Christian theologians and pastors in the western tradition is too long to mention, but I would place the Pope Gregory the Great, Pope Leo XIII, Rev. John Wesley and Dr. Martin Luther King, Jr. high up on this list.) Hume inexplicably missed the central point of Christianity, which is not wholly dependent upon the validity of “miracles,” but rather upon the validity of the mandate to do *agape love*,⁶⁸ which, as I have argued in *Jesus Master of Law*⁶⁹, is also the foundation of modern secular jurisprudence. Without *agape love*, society simply cannot exist.

CONCLUSION

It is not far-fetched to conclude that David Hume’s perspective of law and religion was at the heart of Enlightenment thinking which influenced the American Founding Fathers,— an Enlightenment thinking that marginalized the Christian faith because of its proclamation of “miracles” and scandalous “church corruption,” but nevertheless remained within the umbrella of the Catholic and Christian theory of morality, ethics and law. Enlightenment thinking is pre-Christian era Greco-Roman law and philosophy, without taking into account the “law of Christ,”⁷⁰ which is to do agape love.⁷¹ Founding Father Thomas Paine certainly held to this view, and it appears that many of the Founding Fathers’ actions (e.g., support for the institution of slavery) also suggests that they might have seriously doubted the authenticity of the Christian faith as a viable source for

⁶⁸ Here I am thinking of Dr. Martin Luther King, Jr.’s definition of “agape love.”

⁶⁹ Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL: Xlibris Pub., 2015).

⁷⁰ Romans 13:8-13.

⁷¹ The mandate to do agape love found its expression in the United States beginning with the anti-slavery movement and culminating in the American Civil Rights Movement during the 1960s. Internationally, this mandate led to the founding of the United Nations and various protocols in favor of international human rights.

secular law and constitutional jurisprudence. There is ample evidence that the Founding Fathers knew, or should have known, that African slavery was inconsistent with the fundamental teachings of Christianity and the “Rights of Man.” But the Founding Fathers gave in to various economic interests that required slavery in exchange for political union. On balance, however, I believe that the Founding Fathers were pragmatic Christian empiricists who had to deal with the world as they found it, and not as they had hoped that the world should have been. Like Hume, the American Founding Fathers were at least nominally Christian, but they were unwilling to create a Constitution that was founded upon the Judea-Christian Sacred Scriptures or the idea of Christian agape-love, instead relying upon Nature’s God and the laws of nature as the Constitution’s foundation.⁷² *The Federalist Papers* not only reflect Hume’s set of values and perspectives, but they are also clearly grounded in ancient European and pagan law and philosophy, primarily Greco-Roman philosophy. And yet this did not resolve the central question of whether the *Declaration of Independence* and the *U.S. Constitution* were Christian documents.

I thus entered law school in 1991 with David Hume in the back of my mind, and, then, suddenly, I felt his powerful presence hovering over the entire apparatus of American jurisprudence. The prevailing legal philosophy at the University of Illinois appeared to be derived from David Hume’s religious skepticism and ultimate faith in human existentialism, rationalism, humanism, and empiricism. I soon learned in law school and, later, throughout my experience in the American legal profession, that “Christian faith” was to be separate and apart from the “secular law.” But I had long suspected that the constitutional doctrines of “due process of law” and “ordered liberty” had been derived from the very substance of Catholic natural-law doctrine, that is to say, Greco-Roman natural law plus the “law of Christ” (i.e., agape love)⁷³, as woven together by St. Thomas Aquinas. Thus, when I commenced writing *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 to 1910* during the period 1992-93, I conceptualized that the *United States Constitution* and the *Declaration of Independence* were connected to Judea-Christian Sacred Scriptures (i.e., the “law of Christ”) as the following illustrations show:

CHRISTIANITY ←-----→ U.S. Declaration of Independence

⁷² I have argued in my book *Jesus Master of Law* that Dr. Martin Luther King, Jr. essentially led the moral movement to instill Christian “agape-love” into American constitutional and statutory law. See, e.g., Dr. King’s *Letter From the Birmingham City Jail*.

⁷³ Here, I should point out that I am thinking of Dr. Martin Luther King, Jr.’s influence upon my understanding of “agape love.”

Jehovah God; God as Deity	Nature's God; Law of Nature
Faith; Agape Love	Reason; Reason Unaffected by Desire
Moral Philosophy; Ethics	Natural Philosophy or Science
Judea-Christian Sacred Scriptures (Eternal Law; Divine Law)	Secular Jurisprudence; Human Law; Equity.

CHRISTIANITY ←-----→ U.S. CONSTITUTION

Christian Natural Law⁷⁴	Pre-Christian Natural Law
St. Paul's Theology -----→	Ancient Egypt, Greece & Rome
St. Augustine of Hippo -----→	Plato
St. Thomas Aquinas -----→	Aristotle
Western civil jurisprudence ----→	Cicero, Stoicism, etc.

In sum, David Hume's philosophy was a throw-back to the Western philosophy of the pre-Christian Greco-Roman era. Hume's philosophy included the following fundamental tenets: first, Christianity is founded upon faith, not reason. Therefore, the Sacred Scripture and beliefs in miracles, etc., should not interfere with the sciences or philosophy. Second, human nature is the foundation and source of moral philosophy. Third, the law of nature is three-fold: resemblance, contiguity, and cause-and-effect. Fourth, only human experience can instruct or inform the human understanding. Fifth, only human experience can teach humans the important law of probability. Sixth, only human experience can teach humans the important law of necessary connections. And, seventh, natural law and moral philosophy are linked together. In truth, I would later find Hume's ideas reflected in the writings of the Founding Fathers such as Thomas Paine and Thomas Jefferson, as well as in *The Federalist Papers*.

In law school, Hume's influence upon me was threefold: first, I accepted Hume's fundamental challenge to Christians who held to superstition but maintained a fear and rejection of scientific knowledge and enlightenment;

⁷⁴ Catholicism or "Christian Natural Law" is really Greco-Roman "Natural Law" plus the "Law of Christ" (agape love). Agape love is what makes pagan natural law truly Christian.

second, Hume's ideas helped to shape my realization that real, authentic Christians love universal truth. Real, authentic Christians love to engage in the search for scientific truth, since scientific truth really a reflection of God's eternal and divine law. Third, Hume's ideas helped to shape my understanding of the natural-law foundations of the United States Constitution. (According to Hume, natural law (i.e., secular law) and moral philosophy (i.e., ethics and religion) are linked.)

In law school, I embraced Roman Catholicism and the legal philosophy of Thomas Aquinas; I believed that scientific phenomena and scientific principles were really the revealed laws of God, and were the same laws that were reflected in the Judea-Christian Sacred Scriptures. Similarly, David Hume concluded that natural law (i.e., science; mathematics) is directly linked to moral philosophy (i.e., ethics, political theory, law, and religion), where he writes, “[a]nd indeed, when we consider *how aptly natural and moral evidence link together, and form only one chain of argument*, we shall make no scruple to allow *that they are of the same nature*, and derived from the *same principles....*”⁷⁵ And this “form only one chain argument” only reinforced my belief in St. Thomas Aquinas' system of law (Eternal Law ->Divine Law--->Natural Law--->Human Law), notwithstanding the fact the Hume rejected “eternal” law and “divine” law in his prescription for scientific inquiry. For this reason, Hume's ideas regarding the unfettered search for scientific truth, nature, and law of human experience, reinforced and strengthened my belief that the Christian faith constituted a very important foundation of American and western jurisprudence.

THE END

⁷⁵ Ibid., p. 640.

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