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### **“George Berkeley’s Law of Human Experience: An Essay on the Role of Christian Lawyers and Judges within the Secular State”©**

**By**

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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<sup>1</sup>

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 ninth essay in this series: “George Berkeley’s Law of Human Experience.”

I have called Bishop Berkeley’s philosophy on human knowledge a “**law of human experience**,” because, during my law school years, I naturally linked George Berkeley and David Hume to my understanding of American jurisprudence, particularly as American jurisprudence was interpreted by 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.”<sup>2</sup>

Without question, during the past twenty years, my professional approach to law practice and to the administration of justice has been dominated by human experience and history.

## INTRODUCTION

I had the privilege of visiting the campus of the University of California at Berkeley during the summer of 2001. This great university was named in honor of the great Irish philosopher and clergymen George Berkeley (Bishop of Cloyne), who is the subject of this paper. I cannot address all or even most of Berkeley’s ideas and contributions within the limited scope of this paper. My objective here is simple: to defend the Christian faith as a salient foundation of secular

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<sup>1</sup> This essay is written in honor of the University Memorial Chapel (formerly called the Christian Center) at Morgan State University. The University Memorial Chapel helped to facilitate my Christian growth while an undergraduate student at Morgan State University.

<sup>2</sup> O. W. Holmes, Jr., “The Places of History in Understanding Law,” *The Life of the Law* 3 (J. Honnold, Ed.,1964).

jurisprudence. To that end, I have selected only two aspects of Berkeley's ideas: his "idea of God" and "idea of natural law."

Berkeley's essay "A Treatise Concerning the Principles of Human Knowledge" was presented to me in the book *The English Philosophers From Bacon To Mill* in 1989.<sup>3</sup> I read this essay sometime between the period 1989 and 1991, and it has remained an important reference source ever since. In truth, Berkeley's treatise was not one of my favorite essays, because the subject matter did not strike me as pragmatic or practical. It was a difficult read; I recall highlighting only a few sections which I believed contained the most salient points. I had to grow into Berkeley, and today, as I re-read his material for the purpose of address the American bar, clergy, and the general public, I am most humbled by this man's genius, which escaped me during my earlier readings. Today, the most important points that I take away from Berkeley's treatise—and which serves the theme of this series of essays—is the fact that Berkeley was a serious Christian clergyman who was engaged in a very high-level of scientific inquiry in search for truth! Nay, Berkeley was an erudite priest and bishop in the Church of Ireland. Like John Locke before him, George Berkeley appeared to me as a Christian empiricist. He reinforced in my mind the idea that one could be both Christian and scientific, since the substance of Christianity is reality itself. And so, after having read the *Gospel of John* some time in 1989, and having concluded that Jesus of Nazareth's fundamental mission was to establish "truth" and "love" as the proper ethical guidepost; that the English philosopher John Locke had carried this Christian idea a step further, by inquiring into the foundations of reasoning, knowledge and understanding; and that other philosophers such as George Berkeley and David Hume would continue their philosophical inquires along the same lines of reasoning. The idea of Christian empiricism thus took hold of my understanding of secular academic subjects, and I saw no conflict or contradiction between science and the Christian faith. As it turned out, my later approach to law and law practice reflected a fundamental interconnection between religion and science. George Berkeley was one of the philosophers who had shaped my understanding in this regards.

George Berkeley was an imminent Irish philosopher and priest (and later a bishop) in the Church of Ireland<sup>4</sup>, where he was known as the Bishop of Cloyne. He has been described as "one of the three most famous British Empiricists. (The

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<sup>3</sup> I was given this book as a gift from a friend and fellow college classmate at Morgan State University in Baltimore.

<sup>4</sup> The Church of Ireland was, and still is, in full communion with the Church England and is an "Anglican Catholic Protestant" church.

other two are John Locke and David Hume.)”<sup>5</sup> Berkeley’s general influence upon philosophy is beyond the scope of this essay. I can nevertheless write with authority and insight on Berkeley’s single essay, “A Treatise Concerning the Principles of Human Knowledge,” since this was the only complete Berkeley essay which I read over the course of several years. This essay or treatise had an important impact upon the development of my understanding of Christianity and natural law during the late 1980s and early 1990s. First and foremost, Bishop Berkeley’s ideas reinforced my fundamental understanding of the Catholic conception natural law; and his ideas regarding the attainment of knowledge and the human understanding (“experience”) reinforced Locke’s theory on this subject matter. So that after reading Berkeley, I became fairly settled upon the idea that the Christian religion was scientific, promoted a deep understanding of natural phenomena (both seen and unseen), and is the essence of intellectual honesty and integrity. Hence, before I came to know of the trial of Galileo, the Spanish Inquisition, and other forms of Christian anti-intellectualism, Berkeley’s essay on human knowledge deepened my conception of Christianity as a wholesome religion that was founded upon reason, learning, and scientific knowledge. I held onto this view of Christianity, notwithstanding all of organized Christian churches’ historical mistakes and shortcomings. I soon learned to distinguish between the true essence of the Christian religion and missteps, mistakes, and ill-advised viewpoints of the organized Christian church throughout over two thousand years. Indeed, Christian philosophers such as George Berkeley enabled me to keep my faith in the true essence of the Christian religion. Bishop Berkeley, who was both a clergymen and a secular philosopher, now added to the foundation of my understanding of being a Christian within a secular social order. As Berkeley had shown, the role of the Christian is to shed light and understanding upon, and thus to improve, the essential problems of knowledge, understanding, and human affairs. Indeed, Berkeley left me with the impression that *Christianity is not a dark and backwards religion, but rather it is a religion that is thoroughly involved with investigating and understanding the human experience* as a fundamental source of ethical practice.

## SUMMARY

George Berkeley was a priest and bishop in the Church of Ireland. His essay “A Treatise Concerning the Principles of Human Knowledge” set forth evidence which proved the existence of “immaterial” substance: that is to say, evidence of the human “mind,” human “perception,” human “reason,” and the “holding of

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<sup>5</sup> Internet Encyclopedia of Philosophy. <http://www.iep.utm.edu/berkeley/>

human ideas.” He called this immaterial substance the “self” or “spirit” or the “soul.” Berkeley next reasoned that material substances cannot create immaterial substance; i.e. *material substances*, which have no ability to perceive or reason, cannot create the *immaterial substances*, such as the “mind,” “perception,” “reason,” “spirit” or “soul.” Berkeley deduced that only superior immaterial substance (i.e., an Almighty Spirit that is an immaterial substance capable of perception and reason) can create other immaterial substances (i.e., a living human “mind” or “soul”). Berkeley further deduced that the individual human soul is itself both immaterial and immortal. From this deduction, Berkeley next divides “material” substance from “immaterial substance” in order to devise his system of natural law. For Berkeley, human beings are “minds” capable of perceiving and formulating ideas about material substances around them. Through the human “experience,” the human mind is capable of perceiving the laws of nature. The human mind learns through its five senses of smell, taste, touch, hearing, and vision; and together with the ability to “hold ideas” and “reason,” the mind is capable of ascertaining natural law through experience. Thus, for George Berkeley, the *human experience is critical to the human understanding*. Berkeley also held that “natural law” is really a reflection of the human experience, ideas, and understanding. Thus, as a Christian law student and lawyer, I found Berkeley’s ideas (in conjunction with those of John Locke, David Hume, and others) to be compelling enough to keep me within the umbrella of the Christianity faith, notwithstanding the popular misperception of a conflict between science and faith, and even though the general shift of legal education and the legal profession has been toward nonsectarian secularism.

## **Part I. George Berkeley (Bishop of Cloyne)- Biography**

George Berkeley (1685-1753) was born in Kilkenny, Ireland.<sup>6</sup> He entered Trinity College, Dublin, in 1700, remaining there for thirteen years as a scholar, fellow, and tutor for thirteen years.<sup>7</sup> During this early period he developed his own philosophy and wrote his most important works: the *Essay Towards a New Theory of Vision* (1709), the *Principles of Human Knowledge* (1710), and the *Three Dialogues Between Hylas and Philonous* (1713).<sup>8</sup>

In 1713, Berkeley went to London and spent eight years in England and on the Continent before he returned again to Ireland.<sup>9</sup> During his stay in London, he

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<sup>6</sup> *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 508.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

was introduced at Court and to London literary circles by his countryman Jonathan Swift.<sup>10</sup> In 1715 Berkeley became companion to the son of the Bishop St. George Ashe and spent five years on the Continent, mostly in Italy.<sup>11</sup>

In 1720, Berkeley published a Latin treatise *De Motu*, a criticism of the fundamental concepts of Newtonian physics in terms of his own philosophy.<sup>12</sup>

On Berkeley's return to England a year later he was presented the deanery of Dromore in Ireland, and in 1724 the deanery of Derry.<sup>13</sup>

Meanwhile, Berkeley had conceived a plan of founding a college in the Bermudas with the dual purpose of raising the level of culture among the English colonists and propagating the gospel among the American Indians.<sup>14</sup> He set sail for America, and arrived in Newport, Rhode Island where he stayed for three years, while awaiting in vain on the British government to keep its promise.<sup>15</sup> While in Rhode Island, Berkeley wrote *Alciphron* and *Minute Philosopher*.<sup>16</sup>

In 1734, Berkeley returned to England and published the *Analyst*, a criticism of the basic notions in mathematics paralleling his earlier examination of physical concepts in *De Motu*.<sup>17</sup> In the same year, he was appointed bishop in the Church of Ireland (which is full communion with the Church of England).<sup>18</sup> In this role, Berkely held the title Bishop of Cloyne.<sup>19</sup> For nearly twenty years he quietly and faithfully discharged the duties of his diocese.<sup>20</sup>

Berkeley was a good bishop. As bishop of an economically poor Anglican diocese in a predominantly Roman Catholic country, he was committed to the well-being of both Protestants and Catholics. He established a school to teach spinning, and he attempted to establish the manufacture of linen. His *Querist* (1735-1737) concerns economic and social issues germane to Ireland. Among other things, it contains a proposal for

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

monetary reform. His *Siris* (1744) prefaces his philosophical discussions with an account of the medicinal value of tar water. The relationship of *Siris* to his early philosophy continues to be a matter of scholarly discussion.<sup>21</sup>

His last work of importance was *Siris: a Chain of Philosophical Reflections* (1744).<sup>22</sup> In 1752, he returned to Oxford to spend his last days, and died a few months later.<sup>23</sup>

## **Part II. “A Treatise Concerning the Principles of Human Knowledge”**

In George Berkeley, I found a man who carried on the tradition of Christian empiricism, holding science and the search for truth in very high regards. Indeed, in the preface to “A Treatise Concerning the Principles of Human Knowledge,” Berkeley writes, “[h]e must surely be either very weak, or very little acquainted with the sciences, who shall *reject a truth that is capable of demonstration*, for no other reason but because it is *newly known* and *contrary to the prejudices of mankind*. Thus much I thought fit to premise, in order to prevent, if possible, the hasty censures of a sort of men, who are *too apt to condemn an opinion before they rightly comprehend it*.”<sup>24</sup> Was this not the sort of back-wards prejudice for which the secular and scientific community had accused the church of holding? I thus could not conclude that Christianity and Christians were promoting superstition and the expense of progress and science. For in George Berkeley I found a Christian priest and bishop in the Church of Ireland, setting forth the very same arguments for “reason,” “truth,” and “science,” which I later found in opponents of Christianity and other organized religions. However, I saw no real distinctions between Berkeley’s search for truth, John Locke’s search for truth, and the secular scientists’ (whether agnostic atheist) search for truth—although declared motives may have been radically different. I found no contradictions between either Berkeley’s or Locke’s ideas and philosophy and those held by the great theologians within the Catholic Church, particularly St. Augustine and St. Thomas Aquinas. For these reasons, beginning in the late 1980s and early 1990s, while influenced by Christian philosophers such as Berkeley, my encounters with secular knowledge and education at the university only strengthened my faith in the truths of Christianity. My encounters with 20<sup>th</sup> Century world war and the breakdown in

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<sup>21</sup> Internet Encyclopedia of Philosophy. <http://www.iep.utm.edu/berkeley/>

<sup>22</sup> *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 508.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, p. 509.

human social and governmental structures naturally strengthened my faith in the truths of Christianity.

### A. Idea of God

Importantly, Bishop Berkeley's essay "A Treatise Concerning the Principles of Human Knowledge" held me firm to the idea of a personal God—of the existence of the God of the Old and New Testament! Berkeley's analysis was essentially that the "mind" could never "perceive" without having been created by a superior substance capable of creating perception or the ability to perceive.

Berkeley writes: "Whether therefore there are such ideas in the mind of God, and whether they may be called by the name 'matter,' I shall not dispute. But, if you stick to the notion of an unthinking substance or support of extension, motion and other sensible qualities, then to me it is plain repugnancy that those qualities should exist in or be supported by an unperceiving substance."<sup>25</sup>

Further, he states: "That impious and profane persons should readily fall in with those systems which favor their inclinations, by deriding immaterial substance, and supposing the soul to be divisible and subject to corruption as the body; which exclude all freedom, intelligence and design from the formulation of things, and instead thereof make a self-existent, stupid, unthinking substance the root and origin of all beings; that they should hearken to those who deny a Providence, or inspection of a Superior Mind over the affairs of the world, attributing the whole series of events either to blind chance or fatal necessity arising from the impulse of one body or another—all this is very natural. And, on the other hand when men of better principles observe the enemies of religion lay so great a stress on *unthinking matter*, and all of them use so much, industry and artifice to reduce everything to it, methinks they should rejoice to see them deprived of their grand support...."<sup>26</sup>

I think what Berkeley meant was that human beings could not have been created by a haphazard, fortuitous merging together of materials and substances which are within themselves incapable of the power of perception or reason.

Bishop Berkeley believed in an "Almighty Spirit" that is immaterial and the Grand Perceiver and Grand Artificer of the human "mind." He was opposed to the

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<sup>25</sup> *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 549.

<sup>26</sup> *Ibid.*, p. 555.



idea of “unthinking matter” or “Nature” as creator of “mind,” “perception,” and “reason.” Therefore, Berkeley deduced from this conclusion the existence of an intelligent God. And for the most part, I adopted Berkeley’s viewpoint.

## **B. Idea of Natural Law**

During the late 1980s, Berkeley was more difficult for me to read than any other philosopher whom I had previously read. I had to read Berkeley several times before I could begin to understand him, over the course of several years. But importantly, his writings prepared me for more difficult levels of reading that I would later encounter in law school and in graduate-level political theory courses at the University of Illinois. In undergraduate school at Morgan State, I had tried to grapple with subjects such as “existentialism” and “metaphysics,” for which an English professor forewarned me against, stating that I needed more academic training. I nevertheless delved into those most murky and difficult of philosophical and theological concepts. I tried to understand most any concept that would explain the existence of God and the truth of the Christian faith. Berkeley’s essay on “Human Knowledge” seemed to do this for me.

For one, Berkeley argued that an “idea” can be held by no other entity than the mind. Berkeley argued that “neither our thoughts, nor passions, nor ideas formed by the imagination, exist without the mind.”<sup>27</sup> Interestingly, Berkeley held that material objects do not exist unless we *perceive* them; and *perception* is an activity of the substance of immaterialism known as “spirit,” “soul,” “mind,” etc. It is self-evident, then, that we human beings have the ability to perceive the existence of immaterial substances, such as the existence of our own souls or our own minds. But, what is the “mind?” Berkeley asked. The “mind” is not in essence brain tissue found inside the human skull, but rather the “mind” is human “perception,” which is “understanding” and “reason.” Using the language of religion, Berkeley concludes that the “mind” is actually our “spirit.” For “spirit” thinks; the “spirit” understands; the “spirit” perceives; the “spirit” wills.<sup>28</sup> Hence, Berkeley appeared to echo the sentiment, “I THINK THEREFORE I AM.” Berkeley believed that the “mind” is “signified by the name soul or spirit.”<sup>29</sup>

The “soul” thus exists inside of the body, which has its five senses—taste, hearing, vision, feeling, smelling—which serves as the foundation of education and the formulation of ideas, both simple ideas and complex ideas.

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<sup>27</sup> Ibid. p. 523.

<sup>28</sup> Ibid., pp. 523-525; p. 531.

<sup>29</sup> Ibid., p. 532.

Berkeley believed that from these five senses human beings are able to ascertain “the settled laws of nature.”<sup>30</sup> These five senses thus serve as the foundation of education and learning, human survival and civilization:

This gives us a sort of foresight which enables us to regulate our actions for the benefit of life. And without this we should be eternally at a loss: we could not know how to act anything that might procure us the least pleasure, or remove the least pain of sense. That food nourishes, sleep refreshes, and fire warms us; that to sow in the seed-time is the way to reap in the harvest; and, in general, that to obtain such or such ends, such or such means are conducive—all this we know, not by discovering any necessary connection between our ideas but only by the observation of the settled laws of nature, without which we should be all in uncertainty and confusion, and a grown man no more know how to manage himself in the affairs of life than an infant just born.<sup>31</sup>

According to Berkeley, this “law of nature” is learned through the human experience. In other words, the “law of experience” is a form of a “law of nature.” He understood “nature” as providing us with basic truths which could then lead us to deduce or infer other supplementary truths or to make basic assumptions, such as hypotheses or theories, in order to build upon our understanding and to gain new knowledge.

We may, from the **experience** we have had of the train and succession of ideas in our minds, often make, I will not say uncertain conjectures, but sure and well-grounded predictions concerning the ideas we shall be affected with pursuant to a great train of actions and be enabled to pass a right judgment of what would have appeared to us, in case we were placed in circumstances very different from those we are in at present. Herein consists the **knowledge of nature**, which may preserve its use and certainty very consistently with what hath been said. It will be easy to apply this to whatever objections of the like sort may be drawn from the magnitude of the stars, or any other discoveries in astronomy or nature.<sup>32</sup>

There are certain general laws that run through the whole chain of natural effects; these are learned by the observation and study of nature, and are

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<sup>30</sup> Ibid., p. 533.

<sup>31</sup> Ibid., p. 532-533.

<sup>32</sup> Ibid. p. 542.

by men applied as well to the framing artificial things for the use and ornament of life as the explaining various phenomena—which explication consists only in shewing the conformity any particular phenomenon hath to the general laws of nature, or, which is the same thing, in discovering the uniformity there is in the production of natural effects....<sup>33</sup>

Hence, I first learned from Berkeley (simultaneously and together with David Hume) that “human experience” *within the real world* is an important and primary basis of learning and understanding. Applied Christianity (and not just understanding Christian principles) depended largely upon an understanding of human experience within the real world—this is what made Jesus of Nazareth’s teachings different from those of the scribes and Pharisees. Importantly, I was to learn later in law school of the important role of “experience.” More and more, I began to see the connection between “experience,” “reason” and the “collection of data” and the “search for truth.” My Christian empiricism then took into account o the secular disciplines-- including history, sociology, economics, and philosophy—for ethical and moral guidance. I interpreted both Christianity and the Christian duty of love within pragmatic context that was rooted in experience, especially science and history. In my mind, the human experience, especially sociology and history, became a critical foundation of law and jurisprudence. So that, later in law school and during my years as a young government lawyer, I believed that we could not rightfully understand the secular law without thoroughly understanding history and the human condition through years of experience. The human experience (i.e., history and sociology) thus became an important source for the search for truth and a critical component to my legal advocacy. Looking over my academic and legal careers, “experience” and “the human experience” have served as the foundation for my search of truth, as follows:

**Human Experience = Truth = GOD (Eternal Law, Divine Law, Natural Law)**

Human Experience ---→ Divinity/ Religion/ Religious Law  
Human Experience ---→ Philosophy and Political Science  
Human Experience---→ Natural Law/ Physical Sciences  
Human Experience ---→ English common law  
Human Experience ---→ Statutory law

<sup>33</sup> Ibid. p. 544.

Human Experience---→ Constitutional Law  
Human Experience---→ Law of Evidence  
Human Experience ---→ Civil Rights Law  
Human Experience---→ Law of Employment Discrimination

Moreover, as one can readily observe, the shadow of St. Thomas Aquinas' theory of law (i.e., eternal law ---→ divine law ---→ natural law ---→ human law) continued to guide my thinking. Additionally, one can also observe the idea that "*Truth is God,*" which found its way into my thinking as early as 1991 or 1992. However, the English philosophers Francis Bacon, John Locke, David Hume, and George Berkeley had now enabled me to appreciate "*experience*" and the "*human experience*" as a divine source of knowledge, ideas, and understanding, so that all of my academic subjects in high school, college, and graduate school now revealed themselves as the "Human Experience," which I determined were really only different aspects of God's will and law. Men and women who sought "truth" from precisely gleaning truth from "experience" were now my *new prophets*. These new prophets were men and women who leading thinkers in the fields of theology, political economy, sociology, history, law, the natural sciences, etc., and who were using this knowledge to uplift humankind. As I can recall, perhaps the most influential of such figures who had a most profound influence upon my reasoning, during the late 1980s and early 1990s, was the historian, sociologist, civil rights activist, and humanist writer W.E.B. Du Bois.

Fundamentally, the *Gospel of John*'s definition of "God" as "truth and love" remained at the very core of my approach to law and law practice. Thus, during the later part of the 1990s, I concluded that *humanism* and the *human experience, as determinants of objective truth, should be the foundation of the law and public policy*. My later readings of Founding Fathers Madison, Hamilton and Jay (i.e., The Federalist Papers) reinforced this viewpoint. But not only that, I looked to the "human experience" (indeed our own personal experiences) as the basis and foundation of my life choices, moral choices, and religious duty. I was during the period 1993-1997, as result of my readings of Berkeley, Hume, Kierkegaard and others, subconsciously emerging into a Christian humanist, a Christian existentialist, and a Christian empiricist. All of this impacted my Christian approach to the secular law. More and more, the great legal scholars which I read in law school, together with my study of *The Federalist Papers*, reaffirmed this understanding. *Human experience* and *history* became extraordinarily important in my approach to law; I wanted to know of the human experience (i.e. sociology and

history) behind the legislative intent of the law; and I wanted to know how the law impacted the human experience for the betterment of society.

For example, I remember reading in a Howard University law review article, during the early 1990s, a comment by 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.”<sup>34</sup>

Several years later, I observed in the writings and speeches Civil Rights legal giants Thurgood Marshall and Charles Hamilton Houston a persistent reliance upon “human experience” in order to make the case for civil rights for African Americans. For example, in his dissenting opinion in the case of the *University of California Regents v. Bakke*, 438 U.S. 265 (1978), Justice Marshall wrote: “I do not agree that petitioner’s admissions program violates the Constitution. For it must be remembered that, during most of the past 200 years, the Constitution as interpreted by this Court did not prohibit the most ingenious and pervasive forms of discrimination against the Negro....”<sup>35</sup> Justice Marshall went on to provide a lengthy dissenting rebuttal that was grounded upon American history (i.e. human experience) as its foundation.

As a young lawyer, particularly as a solo practitioner, and throughout my legal career, I began to throw the weight of my advocacy behind legal arguments grounded in the “human experience.” Two book publications emerged from my thoughts: *The Evasion of African American Workers: Critical Thoughts of U.S. Employment Law and Policy* (2008) and *Labor Matters: the African American Labor Crisis 1861 to Present* (Second Edition) (2015). My motions and appellate briefs also reflected this line of “human experience” reasoning, which I have long tried to inject into the administration of justice, in order to hold the law accountable to the true intent of the lawmaker, as well as to resolving the social problems for which the laws were enacted. Overall, and looking back upon over twenty years of law practice, I have concluded that to be a good Christian, respect for the human experience is necessary. And the same is also true for being a good lawyer or judge as well.

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<sup>34</sup> O. W. Holmes, Jr., “The Places of History in Understanding Law,” *The Life of the Law* 3 (J. Honnold, Ed., 1964).

<sup>35</sup> NOTE: this quotation from Justice Thurgood Marshall is not presented to argue a point about the meaning or application of Affirmative Action Law. Rather, I have provided this merely to present an example of how “experience” plays an important role in American jurisprudence.

## CONCLUSION

Bishop Berkeley taught me to that natural philosophy and science were the foundations of theology. I thus began to re-think and re-conceptualize my Christian faith as the foundations of reason and science; only then was I able to defend Christianity through reason and science. I found Berkeley's idea of the existence of God to be compelling; I found his idea of natural law to be rational and responsible. In fact, I attained from Berkeley the confidence and self-assurance to believe that authentic Christianity *required thinking critically* outside of the four-corners of the Holy Bible and organized Church dogma, because only by so can a Christian apologist defend the faith; and, most importantly, only by do so can the Christian truly come to understand the mysteries of Holy Scriptures and the Kingdom of Heaven. The writings of St. Augustine of Hippo, St. Thomas Aquinas, Ralph Waldo Emerson, and my other theologians and philosophers— together with the parables of Christ-- reaffirmed this. During the late 1980s and early 1990s, I thus began to look for Christian principles within the essence of all reality, including the secular sciences and secular history,-- the whole human *experience*. Thus, this way of thinking about reality and the human experience had already begun to set into my mind, even before I matriculated to law school. I have no doubt that it influenced me to rely heavily upon history and human experience in my approach to understanding the law and making legal arguments. Today, this mode of thinking (i.e., of relying upon the *human experience* as the foundation of law and jurisprudence) is what sets me apart from most of colleges within the legal profession.

Years later, as a Christian lawyer, I began to ask myself whether Berkeley's mode of conceptualizing immaterialism and materialism would lead to an alternative form of pure secularism void of religious faith? I eventually concluded that it could not. Therefore, *I could not marginalize my Christian faith from my law practice, because, as I understood it, (and as Berkeley seemed to suggest) the Christian understanding of "natural law" was grounded in the "Human Experience" which could not be neatly divided between "secular" and "sectarian."* In my mind, the truth of the human experience—which I understood to be the essence of the "Spirit of Truth" found in the *Gospel of John*—was the same truth of modern science, secular human history, and secular law and jurisprudence. My law school thesis, *American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 to 1910*, certainly reaffirmed this Unitarian ideal of "secular-sacred" unification. Indeed, *to be a good Christian is to thoroughly know and understand the human experience*. For this reason, as I conceived it, the truth which I sought out in my law practice, and on behalf of

advocating for my clients, while practicing the secular law, was no different than the truth which I sought out as a Christian, while trying to ascertain a right application of the Golden Rule. For the most part, I conceptualized the role of Christian lawyers and judges within the secular state as being indelibly tied to both secular law and the *fundamental elements* of faith, love, and truth, which constitute the Christian religion.

## THE END

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