

The Piety of Common Sense and the Common Sense of Piety: A Sensible Reaction to the Idea of Same-Sex Marriage

Brent Gilchrist*

Assistant Professor, Department of Political science, Brigham Young University, USA

Abstract

The potential effects on society of same-sex marriage are considered in light of Giambattista Vico's *New Science* and its critique of modernity. As a universal foundation of human being as well as society, marriage should be preserved from radical changes that incite the disintegration of society and the redefinition of human being. Those who would have us ignore sex and gender differences seek an abstraction of human being that is characteristic of modern reason's aggressive assault upon nature. Pre-rational foundations of reason are recalled in order to temper our thinking and to recognize and appreciate the imaginative and sensible foundations of human being and society, including marriage. To abandon these is the essence of impiety for Vico, rendering us into a re-animalization of man in which desires rule untempered by reason, but with reason as their servant. The abstract re-conceptualization of life levels us to a new and vicious barbarism.

Keywords: Giambattista vico; Same-sex marriage; Sensus communis; Imaginative universals; Barbarism of reflection; Sex and gender

Introduction

This article is an appeal to common sense, once seen as the American virtue, as it may be applied to contemporary considerations of the contest over same-sex marriage. Specifically, I argue that all societies, including our own, are bound together by an underlying or fundamental common sense of a select few things. Each society builds upon these few universal fundamentals with its own particular mythic and social constructions. When any one society begins to lose sight of these original human fundamentals and relies instead upon new shared conceptions of its world based solely upon abstract instrumental reason, it not only risks creating social and political mistakes—these, we may be able to live with, if not correct. More importantly, when such mistakes completely detach us from our fundamental common sense of human society, we risk the loss of this very society itself. This we cannot live with, at least not together. In other words, no policy or legislation, no constitution, and no charter of rights can bind together a people determined to become unbound by their loss of a fundamental common sense of the things by which they are first constituted together as human beings. I write with hope that we Americans—humanity's “last best hope”—are not yet so determined.

In defense of human sociability, I turn to the philosophy of Giambattista Vico. What has a relatively obscure early eighteenth-century Italian strangling to do with us now? Perhaps everything, if we take care and heed his appeal for fidelity to the universal foundations of human society. As Vico explains his discovery of these foundations in his *New Science*, he also warns of their loss and the dissolution of modern society, implicit already in his day with the advent of modern instrumental reason [1]. As we move from our common sensibilities of the world and our belonging together in it toward abstract conceptualizations of ourselves, our relationships, and our institutions, we dissolve the ties that bind us together. We think without feeling. Modern reason, detached from original or impulsive human sensibilities, is like an acid that slowly corrupts and finally melts away our sociability—by favoring our effective, technical, and instrumental calculations above all else. We drive wedges between us, in forms such as abstract civil rights to which we give preference

above our sensibilities that naturally bind us together in a common sense of things, the world, and ourselves.

America's particular mythic sensibilities of her liberal-republican founding, civil religion, Manifest Destiny, sense of chosenness and exceptionalism, revealed their continuing vitality most recently immediately following the September 11, 2001 terrorist attacks against the twin towers in New York City. However, Vico's philosophy searches for deeper social foundations than such diverse and unique national sensibilities, finding the more universal foundations of society and human being itself. Our sociality and humanity are intimately coeval according to his findings. Vico's philosophy of history sees our development through three ages of human being, each age characterized by its own particular stage in the development of human thought. Our mental worlds and historical ages coincide in their being and becoming, they evolve together. The first age, an age of nature and gods, is an age of origins, of myth and religion. The second age is an age of heroes, in which our still mythic sensibilities become oriented toward human action instead of the forces of nature and powers of the gods. Finally, a third age, the age of man emerges in which we become entirely self-absorbed in a human world understood and governed by reason [2]. In this age, reason increasingly divorces itself from the pre-rational ground of thought from which it arises, so that human thought becomes independent of its origins, of context and, ultimately, of human being itself—artificial intelligence is but one recent example of such independence. Martin Heidegger and Ernst Cassirer, each in his own way is foremost in outlining the nature and dangers of our modern technological world, in which thought is constricted within boundaries of efficiency and means, while ends and morality, even human being itself, are excluded from our modern ‘science’ [3]. Vico's culprit here is Descartes and it is Cartesian reason,

***Corresponding author:** Brent Gilchrist, Assistant Professor, Department of Political science, Brigham Young University, USA, E-mail: brent_gilchrist@byu.edu

Received May 01, 2013; Accepted July 03, 2013; Published July 08, 2013

Citation: Gilchrist B (2013) The Piety of Common Sense and the Common Sense of Piety: A Sensible Reaction to the Idea of Same-Sex Marriage. J Pol Sci Pub Aff 1: 106. doi:10.4172/2332-0761.1000106

Copyright: © 2013 Gilchrist B. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

the ultimately absolute abstraction of mind from matter, against which Vico battles.

Now, it is the first age, the emergence of human being in the origins of language and the beginning of societies that is the mystery to which Vico devotes his entire adult life. Seemingly lost to us in the mists of time, it is this same mystery, rather its resolution and the clearing of its mists from our mind's eye, that is Vico's greatest discovery, laying at the heart of his New Science. It is this discovery that finally empowers him to create this science, to move beyond reverence for ancient wisdom and rhetoric into a modern science of such. In this, Vico gives us the keys to self-knowledge, of mankind, of society, its origins, and its historical course [4].

While others, along with Vico, give accounts of the origins of human being in the emergence of language, myth, and society together in a simultaneous and symbiotic relationship, it is Vico who discovers within this emergence what he calls "imaginative universals." These are at the very genesis of all that emerges as human being. Every society, Vico says, emerges into religious and mythic being with the same three imaginative universals—they are integral to human being in its origins as sensibilities that we share and from which language and myth together emerge. The beginning of our language and our sociability come through or from this common sensibility toward the world around us, the forces of nature or the powers of gods, so that, though the details differ, every human society begins with three institutions as first reactions, with language and myth developing out of our common sense expressed in these reactions. Vico calls this common sense our "*sensus communis*" that underscores these first institutions. The institutions themselves are our imaginative universals. They are: 1) belief in god(s); 2) marriage and marriage rituals; and 3) burial or care of and reverence for our dead—in other words, belief in some sort of afterlife, signaled by our obligations to the dead [5].

The first age of man brings forth these imaginative universals, while the first stage of every human society is characterized by religion and the sacred observance of these institutions. The way each society "thinks" or feels about these is its *sensus communis*, the reason the society exists together as a society, its binding power. Thus, religion, marriage, and the afterlife permeate our social being even as does language which emerges integrally with mythic expressions of our *sensus communis* surrounding these things [6].

The second age of human being is the heroic stage of history. Here, we are characterized by action, specifically heroic action on behalf of the institutions or our imaginative universals. We remain mythic, but now our myths are about human beings and our own significance in the sacredness of our fundamental institutions, specifically our part in the preservation of the sacred. Heroes fight for their gods, their wives and children, and for their ancestors, whether directly under their observation, or simply for the honor of their names and heritage. In each of these, they fight for the binding of their own society built upon these foundational institutions. With this, the world around us becomes increasingly human [7].

The third age and the final stage of social history and development is the age of man. Now, we are characterized not only by the dominance of abstract reason and Cartesian science, but especially by its divorce of thought from its mythico-poetic origins. Here we create what Vico calls "intelligible universals" in place of our original creativity in imaginative universals. Beginning with "abstract universals by induction" with Socrates, Vico traces the development of this conceptual thinking through Plato's "meditation of the highest

intelligible ideas of created minds," motivated by his observations of man's "dispassionate idea of common utility," to Aristotle's definition of law and justice according to his science [8]. These new intelligible universals are abstract concepts of logic that remove from our thought all experiential particulars through 'scientific' reflection [9]. Thus, our thought is critically truncated [10]; "Vico said of Descartes, and could have said of transcendental philosophy, that to approach the object only in cognitive terms is to see as if at night by lamplight; the object can be seen, but its background is cut off. That is the problem with seeing in terms of clear and distinct ideas [11]."

This signifies not only a change of thought, but also a change in our sociability that feeds itself back into the mind and our mental changes in thought and understanding, especially self-understanding [12]. We become a perpetually narrowing tautology of ourselves, of modern reason repeating and thereby authenticating the 'truths' of its science, like beasts of burden drawing yokes around the center of their work we pace a deeper and deeper trench, ever surer that we are on the path of self-revelation as it becomes the only path of our existence—a rut of 'enlightened' toil.

Increasingly disconnecting our judgment from our feelings, which are the sensible foundations of thought; individuals find themselves isolated within a society that increasingly declines into a second barbarism, a "barbarism of reflection" according to Vico, who sometimes refers to this as "the barbarism of the intellect." With this, we are reduced to mere assemblies of people through our loss and destruction of the *sensus communis* by which we once stood as a society of human beings. In this, Vico says, we see that the history of society is a history of shamelessness and impiety, our movement away from reverence for and the preservation of the imaginative universals that formed our *sensus communis* and instead into their disregard and finally their destruction, which is our own [13].

Having surveyed briefly Vico's *New Science* of history, his discoveries and main concerns, I now consider in more detail Vico's imaginative and intelligible universals. I then turn more directly to our own society and how things stand with us, our own *sensus communis*, our intelligible universals and the impact that piety and impiety toward our own imaginative universals has upon our common sense of ourselves as a society of modern Americans.

Vico's imaginative universals are themselves the very *sensus communis* of human society, the spontaneous expression of shared sensibilities. They are "judgment without reflection," he says [14]. Verene explains that these are the primal thought-form of what Vico regards as *il senso comune* (*sensus communis*). *Sensus communis* is communal sense, the sense that is made by man as a knowing, social, and image-making animal, acting in the world. It is the result of human beings making sense together. The first form that this sense takes is the metaphor or imaginative universal [15].

This is our first way of understanding the world around us, of first men creating order out of chaos, of bringing to our minds the significant and outstanding from the concatenation of phenomena in which we first find ourselves. This is the simultaneous origin of language and myth, of thought and human being, and of society as we do this together through a shared sensibility of things, our *sensus communis* [16]. Ideal truths are captured and expressed poetically in universal images, in a sort of poetic metaphysics, rather than in concepts [17].

Vico's assertions about the origins of human society are bolstered by recent archeological findings that have turned long accepted

wisdom on its head. Where once experts thought that humans moved from hunter-gatherers into agricultural societies and then topped these with religious authority in order to legitimize political power over the stability of these societies, new discoveries of the world's oldest known temples indicate the opposite order of things. Religion came first, bringing people together into societies to build temples, with agricultural economics and political authority coming later, as necessary corollaries [18].

Jurgen Habermas recognizes that traditional politics are about metaphysical and religious foundations, rather than the powers and policies of competing interests that characterize modern political life. However, Habermas sees leaders and politics coming first, both historically and conceptually, with religious justifications following, the *sensus communis* becoming a logical and justifying extension of the political. The social is subject to the political, he argues, until the emergence of the modern state, again historically and conceptually, as the institutional liberation of society from politics through the secularization of political authority—the political loses its sacred aura and thus its grip of legitimacy and compulsion upon society [19]. These philosophical suppositions, though, stand in contrast with Vico's findings that god is the first word in ancient civilizations. Cassirer's studies of mythology, language, and religion lead him to notions similar to Vico's [20]. In fact, the expression of god's name is the first expression and representation of "isness," so that religion and the imaginative universals are the original source of metaphor that renders the very possibilities of language, society and, later, politics. Human being begins with and through the utterances of religious metaphor [21].

Charles Mann's work for National Geographic shows us that religion instigated "more people coming together in one place than had likely occurred before" [22]. The birth of agriculture followed by necessity, to feed the people whose *sensus communis* had gathered them together for the enormous task of temple-building. It was "the human sense of the sacred" that began civilization" [23]. God, marriage, and burying their dead emerged as "communities of the faithful, united in a common view of the world and their place in it, were more cohesive than ordinary clumps of quarreling" nomads. "The construction of a massive temple by a group of foragers is evidence that organized religion" emerged both historically and conceptually long before politics [24]. And this begins with imaginative universals, a *sensus communis*, and the birthing of human being.

Imaginative universals fix sensations in images of meaning out of the flux of things surrounding us, but doing so within that flux so that context is not lost but is preserved [25]. In other words, our sensibilities are preserved in the imaginative universals in a way that keeps alive in our sociability not only the image, but also its context. We revive the entire shared sense of things in every invocation of the imaginative universal—fear and awe of god(s) accompany every invocation of the Divine; love and desire, union, fecundity, family and home accompany invocations of marriage; finally, loss, sorrow, respect, and a peculiar hope accompany our reverence for our dead in each funeral ritual. That we share these, without reflection, makes and keeps us a human society. That this is true for every human society, that these imaginative universals are the foundations for all thought that follows, warrants Vico's announcement that "these must be the bounds of human reason. And let him who would transgress them beware lest he transgress all humanity" [26].

That Vico's *New Science* involves a theory of images in his imaginative universals, rather than a theory of concepts, not only

makes him unique in Western philosophy. It also renders him difficult and even impenetrable to traditional philosophic interpretation [27]. To the extent that our own philosophy has lost its original poetic sensibilities, we are disconnected from this type of thought [28]. Vico would agree with Cornel West: "I believe philosophy must go to school with poetry" [29]. Vico's *New Science* is such a school. Yet, modern philosophers generally exclude truth from the poetic metaphor, according to Verene, even while "they speak the language of myth and the rhetorician in order to establish the meaning of what they say" [30]. Metaphor is intrinsic to language, its power essential to any meaningful rhetoric. Yet we pretend to banish all things poetic from our modern science. Vico resolves this problem for philosophy by identifying wisdom with poetry from the beginning, Verene tells us. Knowledge begins in myth and the poetic, in our first and universal representations of our poetic sensibilities [31].

We can see that misunderstandings accrue when reading Plato discursively only, without poetic sensibility. Such are multiplied when attempting to read Vico this way. In fact, we fail to read him at all. At least Plato's quest for the concept allows us to read him partially if not poetically—enough so to argue about his meaning and to see him in this or that way in our discursive prose, written one against another. Should we read Plato poetically as well as philosophically, particularly should we share his own poetic sensibilities, there would be no argument—we would be a society of philosophers sharing a Platonic *sensus communis*. We must imagine then, if we can still imagine, the difficulty we have, the challenge presented to us, in reading and *understanding* Vico at all. This is the very purpose of Vico's *New Science*, to bring us to recall our poetic imagination as we read [32]. Vico strikes upon the chords of memory, nurturing his readers' heroic and even original sensibilities. His *New Science* is tonic for the modern soul, detached as it is from itself in the new world of concepts and dry discourse that makes one think without feeling, wandering alone without society in the midst of throngs, the assemblies of modern men.

In modernity generally, intelligible universals are doing this to us. "The human spirit has undergone a fall from the original grace of its imaginative origins," Verene tells us [33]. Intelligible universals—modern concepts—leave out human sensations and the flux of surrounding phenomena, the context of their 'ideas.' In other words, they abstract themselves from human experience. This is a technical abstraction, one of modern theory that ignores practical differences and moral differences in its science of "truth," but of truth without wisdom—we follow conceptual thinking to logical conclusions without regard for feelings, human happiness, or wisdom. Such conceptual thinking characterizes the instrumental reason of modern men who are unwilling or unable to surround their 'ideas' with context, with narrative and feeling that give them life and meaning. Instead, we think with a "deep solitude of spirit and will" [34]. Reason becomes malicious, according to Verene, as the reflective intellect "violate[s] humanity itself by poisoning the common confidences that are necessary for human society" [35]. Thus, we have the barbarism of reflection, of the intellect. We stand against one another, absolutely sure of ourselves.

As society disintegrates into this second barbarism, men become "liars, tricksters, calumniators, thieves, cowards, and pretenders." Verene describes us as "beasts of the intellect formed as instruments of desire." We are as devoid of virtue as we are full of desire, having "turned the intellect into an insidious instrument" of selfishness and social destruction [36]. Our *sensus communis* gives way to individual avarice and we are unable to see, let alone share, the social fabric we

once wove together. The warp and woof of society disintegrates into individual strands adrift, blown here and there by the winds of opinion and the rhetoric of 'smarter' men announcing some hope of meaning and purpose. In such an age, our lack of piety toward our original institutions, the imaginative universals by which we stood together as a society, has been our undoing. Nay, our assault upon these very things, our impiety through the selfish instrumental use of intelligible universals has carelessly but with precision slowly dismantled them and us. We judge now by law, rather than by example, by law leveled low and mean in all things with sameness by the rational concept [37]. We use law now to get what we want, as an instrument of our desire, a flexible tool used without wisdom and without shame, rather than living according to our sensibilities, particularly our shared sensibilities, that have guided us in the past toward what we need and should have first as a society, and then as political men and women [38].

Now, let us consider American society in light of these imaginative universals by which human societies exist, singly now in an American context. First I consider god(s) and religion; then, our care for the dead; and finally marriage, always the most tangible and alive, the most human and social, of the three institutions still, and for that reason the one that troubles us now.

Although we in America have many different gods and religions, we have a First Amendment jurisprudence that consistently and coherently reveres all comers. The free exercise of religion signals a broad tolerance amongst the American people, enough so that far right conservatives have campaigned for the use of illegal drugs for religious purposes, and far left liberals have fought for free speech as a first amendment right—by definition, a religious right of individual conscience. Our Supreme Court has ruled that an individual's view of ultimate reality is his or her religion, so that even atheists are protected by our commitment to the freedom of religion [39]. In particular, the Court's willingness to respect conscientious objections to war based upon traditionally non-religious grounds expanded these protections "in the case of war protester Daniel Seeger. The law states that such an exemption may be granted on the basis of 'religious training and belief' based on 'an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relations.' Seeger admitted that he did not believe in God 'except in the remotest sense' but based his objections to military service on a 'purely ethical creed' [40]. America's reverence for religion, albeit individual religion, remains profound.

Although the thinking behind the Court's decisions often smacks of intelligible universals and the abstraction of thought beyond our still vibrant religious *sensus communis*, it actually signals our reverence for that very *sensus communis*. There is a sort of piety toward the imaginative universal of religion here, in that we are determined to tolerate and even respect religious difference as part of our own common sense of American religiosity—a statue to Thomas Paine finally has been erected, he who was too irreligious to be celebrated amongst our founders throughout most of our history. There is an irony here for the author of *Common Sense* to be included at last in our own common sense of piety toward what it means to be an American. We share enough religious sensibility deep into modernity to be "exceptional", at least in this regard, as most scholars are well aware [41].

Americans' funeral rites have evolved over time, but reverence for our dead has remained constant, but for a few fanatics recently [42]. We should remember here that our word "human" comes from

the Latin *humando*, meaning burying, revealing something of our connection with this original imaginative universal [43]. Whether we participate in traditional funerals and burials, or scatter ashes of our loved ones to the winds and seas, we display a reverence for them and for their wishes after death. Many plan their own funerals, plans that are followed to the letter, in an informal acknowledgment of their continued existence beyond death. That we abide the more formalized directions of legal wills further demonstrates our sense of obligation to our dead. Even when legal wills contain outrageous demands, they are followed to the letter; such are our shared and institutionalized sensibilities toward the dead. Our piety toward this imaginative universal is obvious and strong, as is our *sensus communis* in this regard. Righteous indignation arises within us when faced with grave robbing, something quite different from an offence like stealing from a garage or a car. This sensibility reaches at least as far back as Socrates' admonishment against the plundering of the dead in Plato's *Republic* [44]. Our taboo against cannibalism is taken for granted, such that I had to be reminded of it in a conversation with a relative in this regard. From the pomp and pageantry of state funerals to the simplest private ceremonies, we Americans are bound by a common sense of loss, sorrow, and reverence when it comes to death. We recognize something important here, something socially as well as privately significant, and we celebrate and honor it as such.

As we come to marriage, we see that here, too, our *sensus communis* prevails for the most part still. Although some reverence for this imaginative universal has been lost in past years—particularly with the invention of no fault divorce—still, its general character remains intact as an institution and as an imaginative universal that continues to bind our society in its *sensus communis*. Some might stop here and assert that contemporary divorce and co-habitation laws, as well as laws regarding parenting, the state, and families, have done their damage to traditional marriage, such that it no longer exists as such [45]. However, while we acknowledge different shapes and forms of family situations, none of these overtakes or displaces marriage as an institution, nor as an ideal. Marriage continues as a socially binding imaginative universal, even for proponents of same-sex marriage. Until now, such proponents remain within our *sensus communis*, revering marriage as something special and significant. Otherwise, they would not want it at all. Civil unions and other legal and institutional arrangements are not enough, not profound enough, precisely because marriage remains a fundamental institution of our own *sensus communis*, as well as being revered through all time and across all cultures.

While our English "marriage" is a word dating from our own heroic era, "the institution itself has existed since the dawn of time." Justices of Supreme Courts are plainly wrong when they assert that marriage is "merely the creation of the state. . . . Marriage is ingrained on the human conscience as existing solely between a man and a woman. That is why this is the only commonly accepted arrangement found across all spectrums of religion, race, and culture" [46]. The fact that homosexual communities remain divided about the desirability of marriage as inclusion within the American mainstream, many not wanting to be included or expressing revulsion toward traditional institutions, reveals the movement to legalize same-sex marriage as precisely a movement for inclusion within our prevailing *sensus communis*. Those who desire marriage desire to be normalized within society, to be equal and recognized as such in every regard—and this as their right.

However, if successful in recreating marriage as an institution by its redefinition through same-sex marriage, this same *sensus*

communis begins to meet its demise, we face the beginning of our social dissolution. That diverse religion and funerary changes over the years have been absorbed by these other two imaginative universals, their resisting the drift into intelligible universals and modern conceptualization, does not signal that marriage can do the same—the imaginative universal of marriage is not fungible with same-sex marriage. Our religious and funeral changes have not changed the fundamental nature and significance of those institutions, have not undone them as imaginative universals that bind us together. Their evolution in America has expanded their powers of sociability, keeping them lively and powerful in ever-expanding images of ultimate reality. Same-sex marriage is not such an evolution, however, because in order to accommodate this change we must replace marriage as an imaginative universal with marriage as an intelligible universal. This change would move marriage from a socially binding institution, to a socially disintegrating instrument.

Trying to imply same-sex marriage as always part of the imaginative universal of marriage, Dwight Penas argues for the necessity of same-sex marriage in America. He asserts the existence of special protections for relationships, particularly marriage, within covenant communities, maintaining that the “communal, interpersonal, social” nature of “our lives . . . are caught up with each other. They cannot be lived in splendid isolation, each pursuing an independent pathway” [47]. While Penas uses such covenant thinking to try to impose duties on all in society to be inclusive and considerate of others, in this case implicitly homosexuals who want to marry, his source for such covenant theory—Douglas Sturm—argues against the selfish pursuit of self-interested minorities as destructive of our general welfare and the common good. Sturm argues that we cannot trust modern man to act benevolently, with enlightened self-interest, that we must be suspicious of motives and not naive about personal responsibility. The consequences of “rights and interests . . . are complicated and intricate; they engage our lives in multiple ways, directly and indirectly” [48]. Modern rights theories tend to neglect our connectedness, as Penas quotes Sturm above. But Sturm says this to soften our lines of division between the natural and the human, to make us wary of those who assert human desires and natural rights, and to elevate the common good above individual rights or interests [49]. In covenant theory, rights interference in the public sphere is seen as “a perversion of relations” [50].

Penas argues that “covenant affords a dynamic model of relationships in which covenant partners” according to Sturm, “sustain one another, contribute to one another, and constitute a creative center for the ongoing life of the community” [51]. However, Penas omits Sturm’s assertion that this is accomplished within a framework in which “traditions are received appreciatively although not uncritically as a vital resource of meanings and possibilities” wherein members are “responsible to each other for what they are and for what they become; and moments of decision are cherished as critical for the molding and shaping of a new future for the entire community, indeed for the entire world” [52]. How could my marriage possibly affect you or your marriage, a question posed as a common dismissal of opponents of same-sex marriage, becomes a central issue for serious proponents of covenant theories of community. Penas quotes part of this same Sturm passage to the effect that covenant communities must support and embrace the lives of all, as if this is done at the level of satisfaction of individual interests and desires when, in fact, Sturm argues clearly against the politics of competing interests and rights [53]. Penas invokes covenant theory in much the same way as Locke invokes “the judicious Hooker” throughout his

Second Treatise of Government—the words are the same, or at least similar, but the ends of the one quoting and the one being quoted are diametrically opposed.

Ultimately, Penas’s is an argument for the enjoyment and expansion of civil liberties in America, first as though such enjoyment by some has no bearing upon others—only their prevention by some bears upon others, for Penas. Then, Penas argues as though America is not living up to its calling to be a covenant community, to the extent that he calls upon us to see our interconnectedness and the effects our decisions have upon one another. Penas calls upon America to become a covenant community: Step one, same-sex marriage [54].

In harmony with many arguments for same-sex marriage that disconnect marriage from procreation as one of its fundamental purposes and characteristic of its nature, Penas maintains that Puritans de-emphasized the prevailing Anglican connection of marriage with procreation. Arguing, in fact, that a Puritan covenantal theory *demands* the acceptance of same-sex marriage, Penas cites Robin Lovin to the effect that covenant living is unselfish, with a view to the good of the whole community, rather than toward individual interests. Along with the fact that Penas assumes that same-sex marriage is a universal good, without any substantiation of this, and that those opposing it are selfishly interested instead of the other way around, he also ignores that Puritan covenant making included God within the covenant, that this very inclusion distinguishes covenants from contracts in terms of this discussion, and that the Puritan difference from Anglicans concerning procreation and marriage is not about disconnecting the two, but is revealing the Puritan principle of covenant generally, and of marriage specifically: Puritans do not leave procreation an absent issue of the covenant, but include it in the covenant as covenant, wherein requirements and constraints “are undertaken because they are understood, not because they are imposed” [55]. “It must be noted immediately, however,” Lovin says, “that this comprehensibility is not achieved by imposing a meaning on the untidy, partial truths of individual experience. The claim of the covenant theology was not that the ways of God will make sense *to me*, evaluating events in terms of my own interests and needs” [56]. Lovin asserts that “the covenant relationship sets one free from idiosyncratic compulsions. Natural drives for self-protection and self-aggrandizement can be checked by conscious decision. Covenantal freedom is . . . the use of reason to describe a system of relationships that makes sense apart from my own specific desires” [57]. Penas’s reading of Puritan covenantal theory, then, seems a rather tendentious and prejudiced reading against the theory itself in favor of imposing the desires of a minority upon the majority to change a prevailing, still lively, ancient institution, and this as a matter of individual rights—a clever transformation of a key imaginative universal into an intelligible universal, the very stuff of modern ‘scientific’ research and rhetoric.

This is evidenced by Penas’s quotation of Lovin’s first explanation of covenantal theory: “As a first principle, covenant theory ‘both in affirmation of its ideals and [in] lamentations over its failure, reminds us that relations between persons in . . . society carry a special weight’” [58]. Penas deletes a single word here from Lovin’s assertion “those relations between persons in *this* society carry a special weight” [59]. Lovin refers here to a specific covenantal society, dominated by the presence of God and the purification of Biblical tradition, involving religious covenants, a society that in no way could or would demand same-sex marriage, but would be repulsed by the very idea. This is the society of early American Puritanism, a society of our inheritance, and one whose very essence is twisted irreverently, even impiously, by Dwight Penas—a very example of the sort of abstraction and rhetorical

barbarism of reflection feared so much by Vico. We have been fairly warned.

Remembering that imaginative universals capture the image of experience in its entire context and meaning, the idea of same-sex marriage requires that we abandon this rich background. It requires that we ignore sex, among other practical and moral differences, and abstract from marriage all of its experiential history, its tradition and its origins. Instead, we are to see marriage as a concept, as an intelligible universal, in which we have abstract contracting parties, legal entities–fictions of the mind–as partners. Here, we can think of all that has been said of the barbarism of the intellect, of the instrumental use of reason to cut like a knife the socially binding power of marriage from our *sensus communis*. Marriage would finally become an instrumental arrangement, an institution of reason–just think of all the so-called rational arguments in favor of same-sex marriage and the supposed apparent lack of reason against it–rather than an imaginative universal laden with traditional history and meanings of union, of sexes, of difference, of humanity, into one, a union that only can be captured poetically, imagistically. Reason and logic defy two becoming one, the merging of diversity, the coherent embodiment of incoherent tensions in harmonies that spring forth new life that physically captures and reproduces in one being all of which this image stands possessed. The poetic image of marriage is in a sense a poetic image of society, writ small. It is the most social of Vico's imaginative universals in its liveliness.

We must make no mistake here. We not only would be redefining marriage, but would be redefining human beings, changing them from social beings bearing a common sense of things through an inheritance of imaginative universals, to abstract contracting things of intelligible universals–we ourselves would become concepts, fictions to be used and abused according to the technical calculations of efficiency and desire. According to Joseph Mali, [Vico] was most emphatic in his contention that our modern “civil world” was not only created by the poetic fictions of the first men, but still consists in them–insofar as [they] permeate all our social practices: they persist in linguistic metaphors, religious myths, marital and burial rites, national feasts, and all the anonymous and collective customs we live by [60].

Marriage involves us as living beings, men and women, lively social beings between the gods and the dead, with a tangible reality that would be made abstract entirely by the movement of marriage to an intelligible universal, to a concept rather than a living institution of our *sensus communis*. Such a change may invoke tolerance and acceptance, but in ignorance of its social effects. According to Vico, we should know its effects; this would be a deliberate welcoming of a second barbarism, the end of human beings living together in a society and the advent in America finally of last men, isolated one from another by empty legal arrangements by which we hope to protect ourselves from the beasts within.

It has been asserted that there is “a program to purge the very notion of sex from all our laws” in the efforts by academics to make key distinctions between “sex” and “gender.” “Sex is what someone else thinks you are, based on some objective criterion (visual inspection, chromosome count, biochemical analysis); ‘gender’ is what you feel yourself to be, tests and evidence notwithstanding” [61]. The liberation of one's ‘inner self’ from the limitations and restrictions of one's own body signals mankind's final conquest of nature, the completion of the modern project of freedom as entirely arbitrary and selfish. Our individual desires become our markers, freed from

nature or society–supposing ourselves freed even from politics as we accomplish our desires as “rights” rather than agreements and convention. The implications of this realization of Vico's forecast are frighteningly beautiful to some; “At the end of history we are at last free to enjoy our animal satisfactions . . . self-creation is precisely what constitutes modernity” [62]. Gerald Bruns celebrates while citing Stanley Cavell that we can become free of human nature “only by becoming a monster, where the most monstrous thing is a being that looks human but turns out not to be” [63].

But in the end, this is not monstrous at all to our second barbarism. According to Bruns, “. . . the concept of the human is either empty, or should be made so. The human has become a mythological or poetic concept,” and “. . . in our philosophical culture the human is at most a biological concept” [64]. We are encouraged to embrace not only a world without ‘sex’ but even a “post-gender world” in which we are better by “inventing new concepts” for ourselves, characterizing ourselves as cyborgs, for example. This is “not just a kind of entity (a hybrid) but a body without organs whose desires are mobile, unregulated, and (since they aren't provoked or defined by the lack of an object) capable of multiple forms of satisfaction–in other words open to experiment. So not surprisingly the cyborg inhabits a ‘zone of indiscernibility’ between human and animal, even to the point of rescuing bestiality from its long-standing residence as a taboo. In other words, nothing is forbidden” [65].

This is the height of impiety–not necessarily toward god(s), though it may be that, but certainly toward our society and our original sensibilities, toward the imaginative universal of marriage, and toward our *sensus communis* as human beings. Not only would we be degraded in our futures, but all past heroism, progress, and social success would be discounted and debased. The human narrative of our society will have come to nothing. As dramatic as this sound, this is Vico's warning early in the eighteenth century, that if we give way entirely too intelligible universals we risk everything. We will be . . . rotting in that ultimate civil disease . . . like so many beasts, . . . fallen into the custom of each man thinking only of his own private interests and have reached the extreme of delicacy, or better of pride, in which like wild animals they bristle and lash out at the slightest displeasure. Thus no matter how great the throng and press of their bodies, they live like wild beasts in a deep solitude of spirit and will, scarcely any two being able to agree since each follows his own pleasure or caprice [34].

As if speaking to us from after the fact, Vico tells us that if we do this, “that which did all this was mind, for men did it with intelligence; it was not fate, for they did it by choice; not chance, for the results of their always so acting are perpetually the same” [66]. If we do this, it will be for lack of piety toward our own common sense, signaling the loss of human sensibility. “He who is not pious cannot be truly wise,” Vico says [67]. We must consider the converse then and, that no matter what we become as we lose our common sense through impiety, though we may continue to call ourselves human beings and Americans, even rights bearing great Americans, it will be foolishness.

References

1. Vico G (1744) The New Science of Giambattista Vico: Unabridged Translation of the Third Edition.
2. Gilchrist B (2012) The Piety of Common Sense and the Common Sense of Piety: A Sensible Reaction to the Idea of Same-Sex Marriage.
3. Heidegger M (1977) The Question Concerning Technology. in Martin Heidegger.

4. Vico G (1948) Principle of new science concerning the common nature of nations. The New sci.
5. Ibid: 332-333.
6. Ibid: 142, 209-220, 374-384.
7. Ibid: 249-326.
8. Ibid: 1040-1042.
9. Ibid: 1101-1109.
10. Ibid: 429.
11. Mazzotta G (1997) Philosophy and the Return to Self-Knowledge.
12. Vico New Science.
13. Ibid: 369, 504.
14. Ibid: 142.
15. Verene DP (1997) Philosophy and the Return to Self-Knowledge.
16. Verene DP (1981) Vico's Science of Imagination 73.
17. Vico New Science 403.
18. Mann CC (2011) The Birth of Religion National Geographic 219: 34-59.
19. Habermas J (2011) The Political: The Rational Meaning of a Questionable Inheritance of Political Theology. The Power of Religion in the Public Sphere, ed. Eduardo Mendieta and Jonathan Vanantwerpen 20-21.
20. Cassier E (1944) Language and Myth.
21. Verene DP (1995) Imaginative Universals. iGiambattista Vico and Anglo-American Science: Philosophy and Writing 205-206.
22. Mann C (2011) The Birth of Religion.
23. Ibid40.
24. Ibid57.
25. Verene DP (1981) Vico's Science of Imagination 83.
26. Vico New Science 360.
27. Verene, Vico's Science of Imagination9.
28. Vico, New Science: 429-431.
29. West C (2011) Prophetic Religion and the Future of Capitalist Civilization.
30. Giambattista Vico's Imaginative Universals
31. Ibidp.
32. Vico, New Science: 1405-1411.
33. Verne DP (1978) Technique and the Directions of the Human Spirit: Laughter and Desire, in Essays in Human Technology.
34. Vico, New Science: 1106.
35. Verene, Vico's Science of Imagination: 195.
36. Verene, Philosophy and the Return to Self-Knowledge: 42-43.
37. Vico, New Science: 501.
38. Verene, Philosophy and the Return to Self-Knowledge: 48-49.
39. Rylander (2001) McCollum v Board of Education.
40. Cochran CE (1965) American Public Policy: An Introduction.
41. Kammen M (1996) The Problem of American Exceptionalism: A Reconsideration. The Past Lane: Historical Perspectives on American Culture.
42. West Prophetic Religion and the Future of Capitalist Civilization: 94-95.
43. Bloom A (1991) Trans. The Republic of Plato.
44. Badgett MVL (2004) When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage.
45. Crews R (2004) No Court Ruling can Change the Fact that Marriage is About One Man and One Woman in Same-Sex Marriage: The Moral and Legal Debate: 99-100.
46. Sturm D (2000) Community and Alienation: Essays on Process Thought and Public Life 247.
47. Sturm, Community and Alienation: 60.
48. Ibid p. 61.
49. Ibid p, 62.
50. Ibid p.85, as quoted in Penas Bless the Tie That Binds 249.
51. Sturm, Community and Alienation.
52. Ibid p. 21.
53. Penas, Bless the Tie That Binds: 251-252.
54. Ibidp. 243;
55. Lovin RW (1980) Covenantal Relationships and Political Legitimacy: 5.
56. Ibid p. 5-6 (emphasis original).
57. Ibid p. 6.
58. Penas, Bless the Tie That Binds: 247.
59. Lovin (1980) Covenantal Relationships and Political Legitimacy.
60. Mali J (1992) The Rehabilitation of Myth: Vico's New Science: 88.
61. Derbyshire J The Abolition of Sex, Don't Worry--Only in Law: 03-104.
62. Bruns GL (2011) On Ceasing to Be Human: 15- 20.
63. Ibid p. 14.
64. Ibid p. 13.
65. Ibid p. 74-75.
66. Ibid p. 1108.
67. Ibid p. 1112.