

Chapter I

The Purpose of the Republic

The many advantages of American citizenship are repeatedly and often stridently proclaimed. Yet the most fundamental of all these assets—the one that underlies and supports every right we possess or claim—is easily overlooked. This Republic is distinctive in history for one supreme reason. Its government assumes, and is designed to strengthen, a moral code of honorable individual conduct.

Phrases indicating the rich content of our political inheritance have lost much of their inner significance. "The American way of life" more often than not refers to material circumstance. So does "the American standard of living." A way of life and a standard of living are not matters of perquisites, but of conduct. The implications embrace the deepest thoughts, the finest emotions, the highest aspirations of which man in his capacity as citizen is capable. Indifference to these overtones of itself suggests a corruption of republican virtue.

The American contribution to human progress has been outstanding. And it all traces back to a successful blending of the individual desire for advancement with a practical system of representative government. In this political achievement we find the basis of the unrivaled productive accomplishment that is an important characteristic, but certainly not the central purpose, of this Republic. Only a relatively small number of Americans

would assert that there are no spiritual values in our governmental system. But those who continuously endeavor to keep such values bright are scarcely more numerous. The majority, in all probability the great majority, of contemporary Americans are indifferent to their heritage.

This apathy toward the original American ideal is more serious than outright opposition, which may indeed helpfully stimulate reevaluation. Indifference has no such redeeming feature. Its manifestation is a shallow discontent, which can be as pronounced in a spoiled nation as in a spoiled child. Having no objective, this discontent finds no satisfactory outlet. What the feverish quest for acquisition and diversion does accomplish is to dull those analytical and critical faculties that our system of government demands from its citizens. The result is an increasing separation of popular desire and constitutional purpose. Beyond a certain point the two will become irreconcilable. Americans of this generation are uneasily aware that they have reached the parting of the ways.

It is a matter of elementary common sense for us to be familiar with the plan of the political mansion that we inhabit. Remodeling and extensions are always in order. But modernization should be in harmony with the original design and must not press too heavily on the foundations that support the whole. We are life tenants; not owners. Others will dwell in the United States when we are gone. The Republic requires of its citizens not only a sense of responsibility for the future, but also some appreciation of the past. And though our governmental system makes us as free to abuse as we are to use, it does not follow that discrimination between use and abuse is unimportant.

To avoid the injury to structure that becomes destruction, a deeper and more general political understanding has become a national necessity. This does not involve laborious inquiry into the mechanical detail of government. It is enough to sense the beauty and symmetry of an inspiring design. True appreciation, however, does require some exploration in the difficult terrain of abstract ideas. For this type of thinking the vocational education of our schools and colleges gives all too little training. On the other hand, native intelligence, even without academic support,

has from the outset shown itself quick to understand the purpose of the Republic.

II

Some national governments, like that of Russia, have either inherited or acquired unlimited power over their subjects. Other governments, like that of Great Britain, have developed so as to respond to the will of a parliamentary majority, no matter where that may lead. The American system does not fall into either of these classifications. It was designed to prevent usurpation of absolute power by any individual; by any group; or by the spokesmen of the people to whom, as a whole, so much was given.

The United States, correctly designated, is neither a dictatorship nor a complete political democracy, but a federal republic created to make it easier for every resident to advance himself, in the sense of moving from lower to higher standards. Clearly, such a system depends for its perpetuation on continuous and vital faith in the capacity of the individual for self-advancement. That faith, in turn, demands "the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majorities, custom and opinion."¹

The authors of the Constitution had no uncertainty as to the nature of their handiwork. Clarifying the underlying political theory, James Madison wrote in *The Federalist* (No. 39):

It is evident that no other form [than the "strictly republican"] would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government.

From the very beginning of our history as a nation, thoughtful men have recognized that the permanence of the Republic—admittedly a "political experiment"—would be determined by this capacity of the individual to govern, or control, himself. The founders could do no more than embody a political philosophy

¹ Lord Acton, Essay on *The History of Freedom in Antiquity*.

in an organic law, then start the Republic on its way. They could not determine the character of the posterity that would take over.

The word "republic," however, is one of many political terms that we must learn to use more precisely, if there is to be any meeting of minds on the ideas that such words were designed to convey. Long before the autocrats of the present Russian regime described the Soviet Union as a federation of republics, Madison had commented on "the extreme inaccuracy with which the term has been used in political disquisitions." So, in the issue of *The Federalist* quoted above, "the master-builder of the Constitution" reasoned that a republic has:

. . . a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behaviour. It is *essential* to such a government that it be derived from the great body of the Society, not from an inconsiderable proportion, or a favored class of it . . . It is *sufficient* for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified . . .

A republic, therefore, must have a truly representative government. If the fact were not so frequently ignored, it would seem superfluous to point out that the success of all representative government necessarily depends on the quality of the active electorate. When the machinery of selection is honestly operated, by the action of competitive political parties, the elected officers will almost automatically be representative of those who choose them, and the appointed officials not much less so. It follows that representative government, as distinct from that of a dictatorship, is very unlikely to demonstrate qualities, for good or evil, which are not influential among the majority of the active electorate.

This reasoning, rather than any demonstrable desire to protect class privileges, supported the early constitutional limitations on the franchise and explains the American decision to restrain the democratic tendency in representative government. As its name continues to remind us, only the House of Representatives was at the outset made directly representative of the people. Until rat-

ification of the Seventeenth Amendment, in 1913, the Senate was chosen by indirect election, as still holds for the President and Vice-President—the Senate by the state legislatures, and the chief executive and his deputy by the Electoral College.

We know, from the detailed reports kept by Madison of the debates in the Federal Convention, that there was then no resolute opposition to popular election of what was called “the first branch of the National Legislature.” On the other hand, few of the delegates believed that it would be safe to have the second chamber thus chosen. The prevailing opinion was voiced by Edmund Randolph of Virginia when he observed, during the first week of the proceedings in Philadelphia, that “the general object” of the convention that wrote the Constitution was:

. . . to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin, every man had found it in the turbulence and follies of democracy; that some check therefore was to be sought for, against this tendency of our [state] governments; and that a good Senate seemed most likely to answer the purpose.²

III

In a notable speech to the convention, the following week, Madison summarized his idea of the developing purpose of the American political system. According to his own report, he “considered an election of one branch, at least, of the Legislature by the people immediately, as a clear principle of free government.” But among the objectives of the system in formulation was “the necessity of providing more effectually for the security of private rights, and the steady dispensation of justice.” The new “national government” must on the one hand be able to sustain “republican liberty” against “the abuses of it practiced in some of the states.” On the other hand, this new government must be strong enough to preserve “the rights of the minority,” continuously jeopardized “in all cases where a majority are united by a common interest or passion.”

² Madison *Debates*, May 31, 1787.

This last observation rephrases Plato's classic warning that unrestricted democracy must degenerate into dictatorship, and incidentally anticipates the manner in which Hitler was later to accomplish the transition in Germany, through the agency of a single disciplined and fanatical party. Because of the perpetual difficulty in reconciling majority and minority rights, Madison argued that there is only one defense "against the inconveniences of democracy, consistent with the democratic form of government." That is "to frame a republican system on such a scale, and in such a form, as will control all the evils which have been experienced."³

Madison chose his words with an accuracy and delicacy in which modern political discussion is shockingly deficient. An elastic federal republic, democratic in form but carefully safeguarded against the "inconveniences" of democracy, was what he sought, and what actually was established for the United States. Only the Pennsylvania delegation, under the leadership of James Wilson, finally voted for the direct election of Senators. Only the New Jersey delegation—with Maryland divided—finally voted against election "by the people" of what therefore properly came to be called the House of Representatives.

While clearly antagonistic to unbridled democracy, the contemporaneously secret debates of the Philadelphia Convention also reveal complete confidence in the common sense and practical wisdom of the American people as then constituted. "These are," exclaimed Charles Pinckney of South Carolina, "as active, intelligent and susceptible of good government as any people in the world." The necessary political action was to "suit our Government to the people it is to direct." This in turn demanded adherence to and trust in the representative principle. Every political system, said Pinckney, "must be suited to the habits and genius of the people it is to govern, and must grow out of them." Then, as to objective, using Milton's fine phrase about "the blessings of liberty," Pinckney contended:

³ *Ibid.*, June 6, 1787.

Our true situation appears to me to be this,—a new extensive country, containing within itself the materials for forming a government capable of extending to its citizens all the blessings of civil and religious liberty,—capable of making them happy at home. This is the great end of republican establishments. We mistake the object of our Government, if we hope or wish that it is to make us respectable abroad. Conquest or superiority among other Powers is not, or ought not ever to be, the object of republican systems. If they are sufficiently active and energetic to rescue us from contempt, and preserve our domestic happiness and security, it is all we can expect from them,—it is more than almost any other government ensures to its citizens.⁴

The representative system, which John Stuart Mill later called “the ideal type of a perfect government,” was therefore chosen for the United States, with due realization that:

Every kind and degree of evil of which mankind are susceptible, may be inflicted on them by their government; and none of the good which social existence is capable of, can be any further realized than as the constitution of the government is compatible with, and allows scope for, its attainment.⁵

The meticulous care that was taken to control the government of the Republic, by checks and balance and division of powers, is common knowledge. But what seems to have been forgotten, and should therefore be emphasized, is the part that a distinctive philosophy played in the design of this complicated political machinery. Underlying the whole plan, in Madison’s memorable words, is “that honorable determination . . . to rest all our political experiments on the capacity of mankind for self-government.” Of recent years it has been increasingly assumed that Americans are no longer capable of governing themselves. In view of conditions that have everywhere followed the destruction of self-government, a restoration of this faith would seem to be not only honorable, but actually essential for survival.

⁴ *Ibid.*, June 25, 1787.

⁵ *Representative Government*, Ch. 2.

IV

If people do not possess the capacity to govern themselves, they are, inevitably, governed by others. The same is true of a people who have had that capacity, and lost it. The only possible alternative to self-government is external government.

But domestic discords tend to multiply if a political system designed to encourage people to govern themselves is increasingly distorted in order to subject them to remote administrative dictation. A century ago conflicting interpretations of the Constitution were shaping up toward a civil war. Although continuing conflicts of interpretation may be expected, they will be confined within reasonable bounds if there is more general effort to understand and clarify the purpose of the Republic.

There are only three ways in which an enduring discord between government and governed can be resolved: (1) a fundamental change in the form of government; (2) a positive affirmation of the principles underlying the original form; or (3) a modification of the original form in the direction of popular desire. The last, or compromise, method is the one that has been practised under our representative system, as evidenced by the immortality of Mr. Dooley's conclusion that "the Supreme Court follows the election returns."

Political reformers, however, are often curiously unaware of the fact that their efforts, in the aggregate, do literally reform the governmental system. So, when constitutional change is not accompanied by public awareness of its implications, the seeming modification of original purpose actually operates to bring an unrecognized change of political form. Although this metamorphosis may temporarily go unnoticed, its very insidiousness will serve to sharpen the eventual issue: Is the Republic approaching the end of its life span, or can we reanimate and restore the political philosophy from which its original vitality was derived?

Not every American will as yet admit that the issue is upon us in this stark form. Some are of the opinion that domestic discord is serious only when business is stagnant. It should be added that a political system leaves much to be desired if it operates smoothly

only in periods of material prosperity. Others argue that if the men whom we elect and appoint to high office were "statesmen" rather than "politicians," the business of government would be well conducted and discord would be reduced. But this is to confuse cause and effect and to ignore the very nature of representative government, which naturally conforms to the prevailing morality of the electorate. Any lack of integrity in American political leadership traces directly to apathy, or worse, in American public opinion and in the agencies that inform it. To maintain otherwise is in effect to repudiate the representative theory and to approve the bitter verdict of Alexander Pope:

For forms of government let fools contest;
Whate'er is best administer'd is best.

It is, therefore, important to realize, and to confront, the disagreeable fact that many keen political thinkers have from the beginning been pessimistic about the permanence of the American form of government. Benjamin Franklin, in moving the signing of the Constitution, at the close of the historic Philadelphia Convention, asserted almost in Pope's words that "there is no form of government but what may be a blessing to the people if well administered," and went on to predict that the federal union "is likely to be well administered for a course of years and can only end in despotism, as other forms have done before it, when the people shall become so corrupt as to need despotic government, being incapable of any other."⁶ This ominous anticipation confirms the conclusion to which one is forced by theoretical reasoning. Either popular faith in the republican form of government must be recovered, or that form will continue to be changed until it no longer has any vital relationship with that laid down for posterity in 1787.

A certain inflexibility is inherent in the government of any nation controlled by a written constitution, even though that adopted for the United States has demonstrated elasticity that bears tribute alike to the genius of its authors and to the political capacity of the generations which have operated the inherited

⁶ Madison, *op. cit.*, September 17, 1787.

mechanism. There is, however, a limit to intelligent adaptation and there is reason to think that we have already reached, or exceeded, that limit. In consequence, it has become an imperative duty of citizenship carefully to review the reasons why faith in the original purpose of our political system is still justified.

When this is done, objectively and comprehensively, it will be found that there is strong argument for sustaining, as opposed to destroying, the original design of the Republic. Increased social discord is not attributable to the principles that underlie our system of government. On the contrary, subversive activity has made headway primarily because of general failure to understand, appreciate, and observe those principles—as valid today as they were in the eighteenth century; as valid now as they have always been and ever will be.

V

Political form, a subject that necessarily engrossed the framers of the Constitution, receives close attention from Oswald Spengler in his opinionated but nevertheless extraordinarily prescient study on *The Decline of the West*. For a people, as for an athlete, this German philosopher maintained, the matter of form is all important. "The form abstracted from the life-stream of a people is the condition of that people with respect to its wrestle in and with history."⁷ Thus Spengler, writing at the close of World War I, paraphrased the remark of Charles Pinckney, already quoted, at the Philadelphia Convention of 1787: "a system must be suited to the habits and genius of the people it is to govern, and must grow out of them."

But the contrasting use of the words "form" (*Gestalt*) and "system" is to be noted. To the eighteenth century American lawyer, assisting at the birth of a nation, the important matter was to adapt governmental procedures to the nature of the gov-

⁷ *Op. cit.*, Vol. II, Ch. XI. The reasoning derives from de Montesquieu, who asserted (*The Spirit of Laws*, Book I, Ch. III) that a nation's laws "should be so appropriate to the people for whom they are made, that it would be very exceptional if those of one nation prove suitable for another."

erned, emphasizing representation as the device whereby a changing public opinion would be allowed to modify, but not destroy, the political system as established. To the twentieth century German scholar, gloomily anticipating the collapse of European civilization, procedural system was far less important than underlying form:

No real constitution, when taken by itself and brought down to paper as a system, is complete. The unwritten, the indescribable, the usual, the felt, the self-evident, so outweigh everything else that—though theorists never see it—the description of a State or its constitutional archives cannot give us even the silhouette of that which underlies the living actuality of a State as its essential form; an existence-unit of history is spoilt when we seriously subject its movement to the constraint of a written constitution.⁸

Though Spengler was no Nazi, and indeed relied on the preservation of German cultural form to avert the rise of what he called Caesarism,⁹ the above excerpt indicates why his work was useful to Hitler. For National Socialism to triumph in Germany, it was necessary to shatter the “constraint” of the Weimar Constitution. Spengler had dignified this course in advance, by saying that the organic law of the German Republic failed even to reflect “the living actuality” of Germany.

As Spengler assisted Hitler, so Hegel (1770-1831) had paved the way for Spengler. It was Hegel’s mystical conception of the State “as the divine upon earth” that led to Spengler’s disastrous conclusion that “a people is *as* State” and to his assertion that “World-history is, and always will be, State-history.” Nevertheless Spengler ungrudgingly admitted one instance in which the political State was for a long time subordinated to the cultural Estate. “In England,” he observed, “the Declaration of Rights [1689] in reality put an end to the State. . . . On the other hand,

⁸ *Ibid.*

⁹ “By the term ‘Caesarism’ I mean that kind of government which, irrespective of any constitutional formulation that it may have, is in its inward self a return to thorough formlessness.” Spengler quotes Caesar’s own assertion when he crossed the Rubicon: “*Nihil esse rem publicam, appellationem modo sine corpore ac specie.*” (It is nothing to be a republic, a term now without substance or distinction.)

the word 'Society' established itself as the expression of the fact that the nation was 'in form' under the Class- and not under the State-regime."¹⁰

Consideration of the nature of the State, and its relationship to Society, will be a very important part of our study. But at the moment it is sufficient to point out that for the American people a part of what Spengler calls "form" is preservation of their unique political system. And it must be realized that this system stands out in history not because of its mechanical features, but fundamentally because the Constitution codified the thinking of a Society which was in general opposed to artificial privilege or monopoly of any kind, especially those that the State seeks to sanctify. That opposition continues resolute, as we shall see, because it is grounded in eternal verities of a religious nature.

The founders certainly believed, and frequently asserted, that the primary purpose of government is to secure private property. Gouverneur Morris, of Pennsylvania, told the convention that "property was the main object of Society." He argued that: "The savage state was more favorable to liberty than the civilized . . . it was only renounced for the sake of property which could only be secured by the restraints of regular government."¹¹ But the general intent to make the new nation republican and classless, and to insure that the acquisition of property would be open to the individual industry of all, was shown in many ways. We recall at this point the provision in Article I of the Constitution that: "No Title of Nobility shall be granted by the United States," and the corollary, in the First Amendment, that: "Congress shall make no law respecting an establishment of religion." The American people simply did not want to be directed by Lords Spiritual and Lords Temporal. They would build their nation on religious conviction, out of sovereign States, but they would not subject their Society to sovereign Estates.

Thus, in a manner that many Europeans have found it difficult to understand, the *system* of the American Constitution emanated from, became a part of, and remains interwoven with, the "*form*"

¹⁰ *Ibid.*

¹¹ Madison, *op. cit.*, July 5, 1787.

of the American people. The popular reverence for this organic law has puzzled foreign observers, and a customary explanation abroad is that Americans are more legalistic than other peoples. As good a case could be made for the argument that Americans are less law-abiding than most. What may seem at first glance to be a formalistic attitude is more often than not an individual expression of adherence to the original republican purpose. A part of that purpose was to strengthen national form by constitutional law, and simultaneously to adapt the organic law to pre-established national form.

VI

Since the two are interwoven, the American *system* of government cannot be profoundly modified without destroying the traditional *form* of the American people. Conversely, if popular form deteriorates, as a result of such factors as alien influences, internal corruption, or imperialistic expansion, it will become impossible to maintain more than the shell, if that, of constitutional government.

Luxurious living and manifestations of imperial power may easily coincide with a fatal inner decay, as is realized by all who have considered the decline and fall of the Roman Republic. Nor is the story of Rome in any way exceptional. After examining all the recorded instances in which the expansion of governmental undertakings immediately preceded internal collapse, Arnold Toynbee reaches a general conclusion which should be sobering to those who think that no objective is any longer too grandiose for centralized planning:

Whatever the human faculty, or the sphere of its exercise, may be, the presumption that because a faculty has proved equal to the accomplishment of a limited task within its proper field it may therefore be counted upon to produce some inordinate effect in a different set of circumstances is never anything but an intellectual and a moral aberration and never leads to anything but certain disaster.¹²

¹² *A Study of History*, Vol. IV, p. 504.

The outstanding faculty of the American people, as individuals, has been self-reliance. As a Society we have been distinctive for an equalitarian belief that has done much to surmount the stubborn barriers of class and race and creed. As a State our most notable contribution, paradoxical though it may sound, has been the intentional and determined limitation of the power of political authority.

The individual characteristics are in large measure a heritage from the pioneer period when, wholly aside from intrinsic desirability, self-reliance and voluntary co-operation were both essential for survival. The seemingly arbitrary restraint of political authority is an imposed characteristic, to the extent that it is decreed by the Constitution rather than continuously and insistently demanded by public opinion. But these limitations would not have been written into the organic law unless, at the time of the formation of the Republic, they had been consistent with, and in general approved by, the popular will.

When the American people have been self-reliant, mutually helpful and considerate, determined in their mistrust of political authority, this nation has been "in form"; its tradition alive; its contribution to civilization outstanding. Confusion has arisen as form has been neglected. The restoration will require, for all of us, at least as arduous an effort, and as rigorous self-discipline, as the athlete consciously applies to himself in order to remedy physical deterioration.

Our effort will require, in particular, a clearer general understanding of the nature of the State, and a more realistic appreciation of what political government, which is the State in action, can and cannot accomplish.

VII

The American political system and the American political purpose are inseparable. Therefore, it is wholly appropriate that the purpose should be succinctly set forth, within the compass of a single sentence, in the Preamble of the Constitution. Gladstone may have been somewhat rhetorical when he pronounced this document, as a whole, "the most wonderful work ever struck off

at a given time by the brain and purpose of man." But the fifty words of the Preamble certainly merit comparison, for compact political thought, with any expression, of any period, in any language:

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

The immediate background of this remarkable statement of purpose should be better known.

On August 6, 1787, just ten weeks after the Philadelphia Convention had settled to its labors, the first completed draft of the Constitution was reported back from the Committee of Detail, composed of Oliver Ellsworth (Connecticut), Nathaniel Gorham (Massachusetts), Edmund Randolph (Virginia), John Rutledge (South Carolina), and James Wilson (Pennsylvania). Under the chairmanship of Rutledge this committee had decided that the Constitution should have a preamble. But it concluded that this should be brief and precise, "since we are not working on the natural rights of men not yet gathered into Society, but upon those rights, modified by Society, and interwoven with what we call the rights of States."¹³

Consequently, the Preamble as reported back to the convention from the Committee of Detail was merely a bald statement that: "We the people of the States of [naming the thirteen] do ordain, declare and establish the following Constitution for the Government of Ourselves and our Posterity."

This preamble embodied the great decision to establish a national government by social contract, but did not attempt to define the purpose of the new government. It was approved without any opposition on August 7, 1787, though more than a month was then spent by the convention in scrutinizing the draft Constitu-

¹³ The original of these notes is in the handwriting of Randolph, with revisions by Rutledge. See *The Records of the Federal Convention*, Max Farrand, editor, 1937 edition, Vol. II, pp. 137-38.

tion line by line. The thoroughness of the examination is indicated by the fact that Madison's notes for this period alone fill exactly 300 printed pages.

On Monday, September 10, the revised draft was referred to a committee that, on the preceding Saturday, had been "appointed by ballot, to revise the style of, and arrange, the articles which had been agreed to by the House."¹⁴ The elected members of this Committee of Style and Arrangement were Alexander Hamilton (New York), William Samuel Johnson (Connecticut), James Madison (Virginia), Gouverneur Morris (Pennsylvania), and Rufus King (Massachusetts). Dr. Johnson, later president of Columbia College and, at 60, the oldest of the group, served as its chairman.

These five men, between their appointment on September 8 and the presentation of the revised draft on September 12, recast the imperfect style and illogical arrangement of the approved articles and in addition wrote the Preamble in its present form. Never, in the political field, has so great a responsibility been fulfilled more satisfactorily. The Preamble, however, could not have been written so compactly unless the people to whom it was submitted had been alert, as Americans were then, to the importance of political ideas.

We know that the major credit for the redrafting goes to Gouverneur Morris.¹⁵ We know from the result that this redrafting completely altered the previous intent to avoid a statement of philosophic purpose in the Preamble. We must infer, in the absence of source material on this point, that the whole Committee on Style and Arrangement approved this important decision. Certainly the Constitutional Convention as a whole regarded this development of the Preamble as a change for the better. It eliminated one superfluous word in the committee draft,¹⁶ which was

¹⁴ Madison, *op. cit.*, September 8.

¹⁵ Cf. Farrand, *op. cit.*, Vol. III, pp. 170, 420, 499.

¹⁶ This had employed the infinitive form "to establish justice." The word "to" was eliminated, giving consistency to the phrasing of the sequence of objectives.

then adopted, as printed above, with the signing of the Constitution on September 17, the date still honored as Constitution Day.

The Preamble has received inadequate attention in the many comprehensive and searching studies made of the Constitution of the United States. Presumably that is because, being an introductory statement, the preamble to a constitution has only moral force. The subsequent articles lay down the definite rules of government, while the usual function of the initial statement is to announce the purpose, and indicate the political philosophy, of the organic law that follows.

Precisely for that reason this book is primarily concerned with the Preamble and only incidentally with specific articles and amendments of the Constitution. As to the latter, both in formulation and operation, there have been and still are profound differences of opinion among the American people. The statement of republican purpose, as contrasted with the means whereby this end is sought, has always received a significant unanimity of support. For instance, the Preamble was almost the only part of the original Constitution that the authors of *The Federalist* (Hamilton, Jay, and Madison) did not feel called upon to defend.

VIII

The magnitude of the challenge now confronting the American people makes it the more deplorable that there is available so little commentary on the purpose, as distinct from the mechanics, of their system of government. Conflict of counsel and confusion of policy are the certain results whenever the underlying purpose of any political system is obscured. For such conflict and confusion there is in our case the less excuse, since the Preamble to the Constitution summarizes the purpose of the Republic in a single compact sentence.

In spite of this remarkable condensation, however, no less than six separate objectives are set forth for the American system of government. These are: "[1] to form a more perfect Union, [2] establish Justice, [3] insure domestic Tranquility, [4] provide for the common defense, [5] promote the general Welfare and

[6] secure the Blessings of Liberty to ourselves and our Posterity."

The lack of detailed records makes it impossible to prove that the last of these six general objectives was regarded as the most important. But that conclusion is implicit in the arrangement. The first five are not merely less elusive than the last, but are also logically antecedent to it. Moreover, there is a difference in nature between the culminating objective and those that are preliminary. All these preliminary advantages can be paternalistically provided *for* the people. But the "Blessings of Liberty," however defined, can be realized only as they are consolidated *by* the people. And they depend for their realization, as the other aims do not, on the character *of* the people. Political authority can theoretically "secure," but obviously cannot even begin to create, the blessings that spring from an aspiration as necessarily individualistic as liberty.

Furthermore, only one of the six intentions listed in the Preamble in any way requires the complicated system of representative government laid down for the Republic. None of the first five necessitates the specific articles that follow the Preamble; nor the amendments that have followed the articles. Indeed, much of the body of the Constitution definitely hampers the intent of the Preamble, excepting only that final and paramount purpose to "secure the Blessings of Liberty."

A centralized dictatorship, benevolent or otherwise, could have established a more definitive union than that which after three quarters of a century experienced a tragic civil war over the issue of its perpetuation. Similarly, our system of government was not needed to establish at least a measure of justice; nor to preserve domestic peace; nor to create a military establishment; nor to promote the general welfare. All these aims have been attained, in greater or lesser degree, by governments operating under very different organic laws, or even by governments without any written constitution at all.

It was with good reason believed, however, that the blessings of liberty could be secured only by a definite division of powers between the federal government and the states, and among the

executive, legislative, and judicial branches in both national and state government. This dual separation is, of course, designed not to increase the authority of government over the individual, but to protect the people from the abuse of authority entrusted to the State. The Constitution of the United States sets specific limits to the power of government so that the latter may *not* repress the individual characteristic of liberty.

In one of *The Federalist* papers (No. 37) Madison makes an observation that comes home with particular cogency to every worker in the field of political science. He reminds us that:

The use of words is to express ideas. Perspicuity, therefore, requires not only that the ideas should be distinctly formed, but that they should be expressed by words distinctly and exclusively appropriate to them. But no language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas. Hence it must happen that however accurately objects may be discriminated in themselves, and however accurately the discrimination may be considered, the definition of them may be rendered inaccurate by the inaccuracy of the terms in which it is delivered.

Among the many reasons for reverencing the memory of James Madison is his unswerving insistence on using the most exact words available in the English language to convey the thought of those—himself *primus inter pares*—who established the Republic. And Madison was a member of the committee that wrote the Preamble to the Constitution; which states that its culminating objective is to “secure the Blessings of Liberty.”

The definition of “liberty” requires separate treatment. But the verb “secure” is important also. Webster’s *Dictionary of Discriminated Synonyms* is helpful:

One *secures* that which may get lost, or which may escape, or which may permit invasion or intrusion if allowed to remain loose or to work loose; the word usually implies care or protection as the end of the action.

Before inquiring closely into the nature of “the blessings of liberty,” we can agree that they are something “which may get lost.”

IX

It was in the issue of the New York *Daily Advertiser* of January 11, 1788, that Madison commented on the tendency of all languages to include words "equivocally denoting different ideas." Three quarters of a century later Abraham Lincoln grappled with the same problem. "The world has never had a good definition of the word 'liberty,'" he said in Baltimore, "and the American people, just now, are much in want of one."

The date was April 18, 1864. The massacre of scores of Negro soldiers, following the storming of Fort Pillow by Confederate troops under Major General Nathan Bedford Forrest, had just occurred. Throughout the entire North the hotheads, and the armchair warriors, lusted for revenge. There was "great hope" that the President "would call for a war to exterminate the ruling class of the South, take their lands and property, and make their names a byword and a hissing among nations."¹⁷

But Lincoln, in an election year, not even certain of renomination, used the occasion to tell his listeners of the importance of understanding more precisely what liberty means:

We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name, liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names—liberty and tyranny.

More than 2000 years earlier Plato had reasoned that this is no paradox; that in the political field thesis and antithesis may form an unhappy synthesis. "Thus liberty, getting out of all order and reason, passes into the harshest and bitterest form of slavery."¹⁸

If what is liberty to one can be construed as tyranny by another,

¹⁷ Carl Sandburg, *Abraham Lincoln, The War Years*, Vol. III, p. 41.

¹⁸ *Republic*, Book VIII.

as Lincoln asserted and as is confirmed by the tragic era following World War II, then there is urgent necessity for careful definition. Otherwise we may awaken to find that a government established to secure the blessings of liberty has actually produced the damnation of tyranny.

Indeed, that unexpected and generally undesired outcome is wholly probable whenever democratic processes place representative government in the hands of men willing to exploit ignorance in order to further the centralization of power. The danger is the greater because there may be no insincerity whatsoever in popular failure to mark the line of demarcation between liberty and tyranny. The common inability to correlate cause and effect, the common indifference to what history has to teach, the common assumption that one man's opinion is automatically as good as another's, are together sufficient to explain why people seeking liberty none the less often support measures leading in exactly the opposite direction.

The cause of liberty, for this very reason, is menaced by intelligent critics as well as by unintelligent advocates. None would call John Ruskin an ignorant man, but he could speak of "that treacherous phantom which men call liberty."¹⁹ We tend to forget that many doctrines of National Socialism, in so far as this is definable as the authoritarian, dictatorial rule of an "elite" that mistrusts liberty, have a most respectable English-speaking background. "All this of liberty and equality, electoral suffrages, independence and so forth, we will take, therefore, to be a temporary phenomenon, by no means a final one." This is not Hitler ranting in 1940; it is Carlyle lecturing in 1840.²⁰

An attempt to clarify what we mean by "liberty" does not deprive us of the emotional values surrounding this noun. It does not necessarily rule out, as ambiguous or deceptive, the apostrophic invocations of liberty with which poets of every land and age have stirred the blood. On the contrary, the opening lines of Byron's famous sonnet may helpfully be recalled for their distinc-

¹⁹ *Seven Lamps of Architecture*, Ch. VII.

²⁰ *Heroes and Hero Worship; The Hero as Priest*.

tion between the spiritual aspiration of liberty and the physical condition of freedom:

Eternal Spirit of the chainless Mind,
Brightest in dungeons, Liberty, thou art!

Yet the words "liberty" and "freedom" have long been used almost interchangeably. Byron does so, in the poem just quoted. So does Lovelace, in *To Althea from Prison*. Dictionaries sanction this practice by listing each of the two nouns as a synonym for the other. The choice between them would often seem to depend primarily on metrical consideration—on whether the cadence of a phrase is brought out more happily by the three-syllable Latin derivative, or by the blunt, modernized form of the Old English "fréodom." Nevertheless, there is a definite distinction between the ideas that the two nouns represent. And the distinction is certainly important for a people who maintain that a major purpose of their system of government is to "secure the blessings of liberty."

"Freedom" is pre-eminently a noun descriptive of status or condition. The suffix "dom" is the same as that found in "kingdom," "officialdom," or "Christendom." But whereas the kingdom is the realm of the king, and officialdom the realm controlled by officials, freedom is obviously the realm where rulership and restraint are minimized. Ability to reason is not implied in the term "freedom," as it is in the case of "liberty." The former noun, therefore, may be used to describe a condition appropriate to the lower animals, where "liberty" would clearly be an extravagant term. Even oysters may be said to have freedom. But they will never have liberty.

That is because the oyster does not possess the power to discriminate, which is one of the two essential ingredients of liberty. Only as we ascend the biological scale, to consider species that have developed the ability to select, does the word "liberty" become at all appropriate. And the higher we ascend in this scale, the more evident is an important distinction that can be made clear only by distinguishing between liberty and freedom. We speak of giving a caged bird its "freedom," or of setting it "at liberty."

The use of the preposition in the one case, and not in the other, is significant. For "at liberty" means that the bird must now decide whither it shall fly, whereas it will have freedom even if it merely flutters from the open cage to the ground and cowers there.

While the Prisoner of Chillon was not free, it could still be said by the poet that he enjoyed liberty, as the "eternal spirit of the chainless mind." Conversely, men can be free to come and go, as the domesticated animals are free, but still be spiritually subordinated to some form of power that provides their material wants. And the spirit of liberty, involving individual choice, can gradually be stamped out for men, not only by denial of the power of individual choice, but also by ill-directed choice. So the cultivation of selective standards is seen to be the second essential ingredient of liberty.

Mere freedom of choice undoubtedly places its possessor "at liberty." But to reach the essence of liberty, and certainly to secure its blessings in co-operative living, choice must be exercised in conformity with moral principles. There must be a sense of personal responsibility, of self-restraint, and therefore of self-government. As Lincoln fully realized, liberty does not mean "for each man to do as he pleases with himself" nor for "some men to do as they please with other men." That can happen, and often does happen, in a state of freedom. But freedom to indulge oneself, or to persecute others, is not liberty, which is inextricably associated with a responsibility to other men. When that sense of personal responsibility is missing, there is no liberty, even though a condition of animal freedom, devoid of any moral element, may temporarily remain.

The men who wrote the Constitution of the United States had few conveniences at their disposal. But in two respects, at least, their thinking was greatly superior to that which passes as currency today. They were at home in the field of abstract ideas upon which, much more than upon the production of material wealth, the continuation of the American way of life depends. And they were thoroughly familiar with those eternal truths that alone give a sense of conviction and significance to human existence.

When the founders spoke of the blessings of liberty, they did

not discount the value of freedom. But it is apparent to any student of the period that they generally used the word "liberty" to convey a sense of individual responsibility which the alternative noun "freedom" does not imply. The blessings of freedom may be of very questionable value. Those of liberty, properly understood, are priceless.

X

There is a stern incompatibility between a political system based on principle and a political direction guided by opportunism. In recent years this incompatibility has become all too apparent in the United States. The problem thus posed can be resolved either by eliminating principles from our governmental system, or by adhering to principles in our governmental practice. These are the inescapable alternatives. Precisely because the issue can be thus sharply defined, it is imperative also to sharpen our political thinking by clarifying the words, and thereby elucidating the ideas, that are involved.

Just two years after the Constitutional Convention, when the amendments composing the Bill of Rights were still pending before the first session of the First Congress, representative bishops, clergy, and laity of the Protestant Episcopal Church also met in convention in Philadelphia. Their purpose was to determine, and make effective for American usage, the changes in the *Book of Common Prayer* rendered appropriate by the achievement of political independence. The changes, we are told in the preface to the altered form, were confined to those that "local circumstances require." But the opening sentence of the preface, as ratified by this religious convention on October 16, 1789, and as now printed at the beginning of the Prayer Book of the Protestant Episcopal Church, merits general attention:

It is a most invaluable part of that blessed "liberty wherewith Christ hath made us free," that in his worship different forms and usages may without offence be allowed, provided the substance of the Faith be kept entire; . . .

The quotation from Galatians 5:1 makes a clear distinction between the attained, but not necessarily permanent, condition of freedom and the individually attainable and then indestructible concept of liberty. That the condition of freedom can be maintained only by the divinely implanted urge for liberty was fully understood when the Republic was launched. Its primary purpose was to make sure that in the United States this urge should not be contravened by arbitrary government.

The blessings of liberty, which political government may safeguard or destroy but can never itself provide, are therefore intimately connected with personal belief in, and practice of, Christian doctrine. As Paul told the Corinthians also: "Where the Spirit of the Lord is, there is liberty."