



WE HOLD THREE TRUTHS: CELEBRATING THE AMERICAN CONSTITUTION WITH JAMES MADISON AND JOHN PAUL II

September 17, 2020

On September 17, 1787, after four months of deliberation and debate, the delegates to the Constitutional Convention of 1787 signed the proposed Constitution, and George Washington, who presided over the convention, transmitted it to Congress. By law, Constitution Day is celebrated every year on September 17—the anniversary of the signing of the Constitution by the delegates to the Convention. In part, the purpose of Constitution Day is to celebrate and honor the Constitution. Schools and colleges are also directed to provide education about the Constitution on Constitution Day. Thus, Constitution Day is partly for celebration and partly for education.

Pope John Paul II once said, “The Founding Fathers of the United States asserted their claim to freedom and independence on the basis of certain ‘self-evident’ *truths* about the human person: truths which could be discerned in human nature built into it by ‘nature’s God.’”¹ The Pope described the freedom intended by the Founding Fathers as freedom that would enable men to fulfill their duties and responsibilities toward the family and toward the common good; freedom that would include moral responsibility and accountability; and freedom that would respect “the natural units or groupings through which people exist, develop, and seek the higher purposes of life in concert with others.” Then he added:

The American democratic experiment has been successful in many ways.

Millions of people around the world look to the United States as a model, in their

¹ Address of His Holiness Pope John Paul II to H.E. Mrs. Corinne (Lindy) Claiborne Boggs New Ambassador of the United States of America to the Holy See, 16 December 1997.

search for freedom, dignity, and prosperity. But the continuing success of American democracy depends on the degree to which each new generation, native-born and immigrant, make its own the moral truths on which the Founding Fathers staked the future of [the] Republic.

Pope John Paul thus celebrated the United States Constitution because it was founded on moral truths, and he admonished Americans to educate themselves regarding those moral truths. My goal for this lecture is to celebrate the Constitution and to provide some education about its moral truths. If that goal is accomplished, we will have fulfilled the purpose of Constitution Day, and we will have followed the admonition of Pope John Paul II.

I will make three claims as to truths on which the Constitution is founded. I will confess in advance that these three truths are simple and basic. My defense for presenting such simple, basic truths—apart from my inability to offer more advanced, more complex ideas—is that foundations often are basic. First principles, and principles proximate to them, usually are simple. But we often overlook them precisely because they are simple and basic.

To provide some context, I will begin with a brief history of the events leading to the adoption of the Constitution and a brief description of its essential terms.

In the mid-1770s, as the Revolutionary War approached, the thirteen colonies sent delegates to a First and then a Second Continental Congress. The Second Continental Congress declared independence from Great Britain. Before and after independence was declared, the Second Continental Congress acted as the agency of what amounted to a confederation of States, which means that the Union was more of an alliance of separate sovereigns, like NATO, than a true national government. Each State had one vote. Amendments to the Articles of Confederation required unanimous approval of the States. All other important matters required a

super-majority of nine votes. No executive branch existed. Congress had no power to act on individuals and no power to levy taxes. It could and did request the States to send money to fund the war and other expenses of the Confederation. Sometimes the States complied; sometimes they did not. You will not be surprised to hear that the Confederation functioned poorly during the war and hardly functioned at all when the pressure of the war ended.

In 1787, twelve States—all but Rhode Island—sent delegates to a convention in Philadelphia. The Convention was charged with the duty of proposing amendments to the Articles of Confederation that would, if adopted, render the Articles adequate to the needs of the nation. The delegates concluded that no amendments could render the Articles adequate to the needs of the nation, so they worked toward proposing a new constitution designed to establish what would be, in significant respects, a truly national government with power to tax and power to act on individuals. The delegates met for four hot months in the summer of 1787—from mid-May to mid-September. The decisions to be made seemed endless, the issues difficult, and the delegates sharply divided. Surprisingly, in retrospect, the hardest nut to crack was how to apportion representation in the upper house of the legislature—by population or by State. The votes on that issue remained evenly divided until late July. The impasse on that issue nearly wrecked the convention. Eventually, the proposal for each State to be equally represented in the upper house passed by a vote of five States to four, with the delegates of one State equally divided. I will not dwell on the other issues on which the delegates were divided. Suffice it to say that the process of writing the proposed constitution was grueling and arduous, accomplished through numerous compromises and numerous close votes.

What emerged was a constitution to establish a government that would be partly federal and partly national. The States would remain in existence as States, but they would cede

authority over national concerns to the new government. The powers of the new government would be divided into three branches—legislative, executive, and judicial—with each branch having some means of acting as a check on the other branches. The executive power would be vested in a unitary executive, that is, a one-man presidency. Much more about the provisions of the Constitution could be said, but this brief description should suffice to set the stage, to provide context, for the substance of my lecture.

Now for my three claims about the principles upon which the Constitution is founded.

My first claim is that the Constitution is based on a true understanding of human nature. The Constitution and the Declaration of Independence are based on the same fundamental principles, so I will address both, beginning with the Declaration:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

These principles of the Declaration are best understood in light of the great chain of being. In the chain of being, man stands between God and the beasts. The difference between God and man is such that God does not need the consent of men in order to rule them. Likewise, the difference between men and beasts is such that men do not need the consent of beasts to rule

them. No such difference exists, however, between one man and another. Because all men share a common human nature, none is superior in such a way that he is entitled by nature to exercise political rule or mastery over men.² Thomas Jefferson made the point graphically ten days before his death when he wrote, “the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.”³

Nevertheless, men are prone to assume authority to which they are not entitled. Men are prone to murder, rob, or enslave others when it is in their self-interest to do so. Government is necessary to prevent men from committing such evil deeds. In the terms of the Declaration, men are prone to deprive others of their natural rights to life, liberty, and the pursuit of happiness. Government is therefore necessary to protect those rights. Yet, government, itself, may become a threat to those rights.

The framers wrote the Constitution in light of this understanding of human nature. At the heart of the Constitution is the doctrine of separation of powers and checks and balances, which Madison explained in Federalist 47: “The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced as the very definition of tyranny. Were the federal constitution really chargeable with this accumulation of power or with a mixture of powers having a dangerous tendency to such accumulation, no further arguments would be necessary to inspire a universal reprobation of the system.” Again, in Federalist 51, Madison wrote that it was essential to the preservation of liberty that the powers of government be

² Harry Jaffa has expounded this interpretation of the Declaration in many of his writings. See, for example, “What is Equality” in *The Conditions of Freedom* (The Johns Hopkins Univ. Press: 1975), pp. 149-60.

³ Letter to Roger C. Weightman, June 24, 1826, in *The Portable Thomas Jefferson*, Merrill D. Peterson, ed. (The Viking Press: 1975), p. 585.

separated into different departments. If the power of making laws were to be combined with the power of executing and interpreting those same laws, liberty, Madison said, would not long survive.

Moreover, government should be so structured that the separate departments will keep one another in check. The reason, Madison explained in Federalist 51, is this:

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to controul the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to controul the governed; and in the next place, oblige it to controul itself. A dependence on the people is no doubt the primary controul on the government; but experience has taught mankind the necessity of auxiliary precautions.

Here, Madison re-states, though in different terms, the understanding of human nature that we see in the Declaration of Independence. Government is necessary because men are not

angels—which is a way of saying men are prone to murder, rob, and enslave others. In other words, government is necessary because men are prone to deprive other men of their natural rights. Government is instituted to keep men from murdering, robbing, and enslaving others, which is to say that government is needed to protect the unalienable rights of life, liberty, and the pursuit of happiness. In Federalist 15, Madison put it this way: “Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint.”

The difficulty, however, is that government is comprised of men, not angels. In other words, government is comprised of men who often fail to conform their passions to reason and justice. Thus, government, itself, has often become a threat to the unalienable rights that it was instituted to protect. Consequently, when establishing a government, it is necessary to provide means for controlling not only the governed but also those who govern. In part, that means making those who govern dependent on those who are governed; but it also means separating the powers of government into different departments and giving the persons who serve in those different departments self-interested motives to keep the other departments in check.

In Federalist 10 Madison addressed the question of whether a republic could exist across a large territory. It was commonly thought that popular government—government by the people--could exist only on a small scale. Madison argued that this commonly held view had it exactly backwards. The central problem of popular government is how to address the problem of faction. “By faction,” Madison explained, “I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”

Faction can be cured, Madison reasoned, either by removing its causes or controlling its effects. The causes of faction can be removed either by destroying liberty or “by giving to every citizen the same opinions, the same passions, and the same interests.” The first expedient, removing liberty, Madison pointed out, “would be worse than the disease.” Madison added:

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of Government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results: and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man[.]

Take note of what Madison has said. He defined *faction* as a number of citizens united by a common impulse or interest contrary to the rights of other citizens or the common good; and he said that the causes of faction are “sown in the nature of man.” We are reminded of St. Paul’s description of fallen man in the first chapter of his letter to the Romans: “They are full of envy, murder, strife, deceit, maliciousness . . . foolish, faithless, heartless, ruthless.”⁴

4 Romans 1:29-30 (ESV Catholic Ed.).

Where faction controls, Madison says in Federalist 49, “[t]he *passions* . . . not *the reason*, of the public . . . sit in judgment. But it is the reason of the public alone that ought to controul and regulate the government. The passions ought to be controuled and regulated by the government.”

Faction cannot be cured because its causes are sewn in the nature of man. Nevertheless, Madison argues in Federalist 10, the republican form of government—government through representatives chosen directly or indirectly by the people—offers a means of controlling the effects of faction. Government through representatives can take in a much larger geographical area than direct democracy, that is, government in which the citizens, themselves, assemble to make decisions. Madison reasoned that in an area small enough for direct democracy, one group is likely to constitute a majority, and, when that happens, the majority will promote its self-interest even if that interest is contrary to the common good and the rights of the minority. According to Madison, a republic can enlarge the territory to the point where it encompasses so many different groups that it is difficult to form a majority contrary to the common good or the rights of minorities. Here is Madison’s argument in his own words:

The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive

exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

Madison's explanation of the benefits of an extended republic is based on the same understanding of human nature as the account in Federalist 51 of the doctrine of separation of powers and checks and balances; and it is the same understanding that we see in the Declaration. It is a realistic view of human nature. It recognizes man's propensity to evil. As a result of the fall, men cannot always be trusted to respect the rights of others--think of Cain and Abel--so government is necessary to protect those rights; but government is composed of men—men who also have a propensity to evil and therefore cannot always be trusted to respect the rights of others—think of David and Uriah. Government is necessary to protect against anarchy; but it must be designed to guard against tyranny.

While all of this is true, it is not the whole truth regarding human nature, even after the fall; nor did the founders believe that it was the whole truth. In Federalist 10, Madison said that a republican form of government offers two means of controlling faction. We have discussed only one. In addition to controlling the effects of faction by enlarging the sphere, Madison said that a republican form of government can control the effects of faction by the delegation of its powers to a small number of citizens elected by the rest. The effect of this delegation, Madison argued, is "to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations." Here is another aspect of the framers' view of human nature: men are capable of attaining some measure of wisdom and virtue. Some men attain wisdom in a greater degree than others; some are more patriotic than others; and some love justice more than others. The

republican form of government enhances the possibility, though it does not guarantee, that those who govern will have attained wisdom and virtue in a greater degree than most men.

In Federalist 57, Madison said:

The aim of every political Constitution is or ought to be first to obtain for rulers, men who possess most wisdom to discern, and most virtue to pursue the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous, while they continue to hold their public trust.

It is impossible to have good government without good men; and the framers recognized as much. In his Farewell Address, George Washington reminded the nation “that virtue or morality is a necessary spring of popular government.”⁵ The framers of the Constitution intended to design the government to enhance the likelihood that those in office would be men of wisdom and virtue. Certainly, the framers believed that it would be foolish to rely solely on the prospect of obtaining rulers with wisdom and virtue, so they instituted other safeguards to protect against tyranny. Still, they recognized that good government requires good rulers—rulers with wisdom and virtue.

In its initial design, the electoral college was intended to be a small number of persons elected for their knowledge of national leaders with sufficient wisdom and virtue to serve as President of the United States. Likewise, the Constitution initially provided that State legislatures would elect Senators, and part of the thought was that the State legislators would be better acquainted with persons who might be good Senators and therefore in a better position to elect men of wisdom and virtue. The Constitution includes minimum age requirements for

⁵ *George Washington: A Collection*, compiled and edited by William B. Allen (Liberty Fund: 1988) p. 521.

Representatives, Senators, and the President, to enhance the likelihood that persons of maturity and experience will be elected.

In Federalist 55, Madison summarized the view of human nature upon which the Constitution is based: “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust: So there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form.” Thus, the framers recognized that men have a propensity to evil, particularly when their conduct is the effect of passion and self-interest rather than reason; but they also recognized that men have the capacity to achieve some level of wisdom and virtue; and they recognized that good and wise men are needed for good government.

This is my first claim: that the Constitution is based on a true understanding of human nature.

We turn now to one of the oldest and most enduring questions in moral and political philosophy. Thrasymachus, in Plato’s *Republic*, said that “the just is nothing other than the advantage of the stronger.”⁶ Thomas Hobbes elaborated on this claim in *Leviathan*. According to Hobbes:

But whatsoever is the object of any man’s appetite or desire, that is it which he for his part calleth *good*: and the object of his hate and aversion, *evil*; and of his contempt, *vile* and *inconsiderable*. For these words of good, evil, and contemptible, are ever used with relation to the person that useth them: there being nothing simply and absolutely so; nor any common rule of good and evil, to

⁶ *The Republic of Plato*, translated by Allan Bloom, 338 c.

be taken from the nature of the objects themselves; but from the person of the man, where there is no commonwealth; or, in a commonwealth, from the person that representeth it[.]”⁷

In the same vein, Hobbes said that right and wrong, justice and injustice do not exist outside of civil society because “Where there is no common power, there is no law; where no law, no injustice.”⁸

Here is my second claim: the views of Thrasymachus and Hobbes were not the views of the men who founded the United States and who framed the Constitution; the founders believed that good and evil, right and wrong, justice and injustice, are realities independent of the human mind, not creations of the human mind; goodness and justice are prior to and transcend the political order; they represent standards by which the political order—or any human conduct--can be judged.

We have seen already that the Declaration of Independence and the Constitution are based on the same understanding of human nature. The Declaration explicitly holds to a transcendent standard of right and wrong, justice and injustice. The first sentence appeals to “the Laws of Nature and of Nature’s God.” The second sentence proclaims as self-evident truths that all men are created equal and endowed by their Creator with unalienable rights. To say that all men are endowed by their Creator with unalienable rights is to say that all men have rights that are prior to and which transcend the political order--rights that the government is obligated to respect and protect, not rights that are conferred by the government. It is to say that principles of justice originate with the Creator, not with human government. Thus, the Declaration teaches

⁷ Thomas Hobbes, *Leviathan: or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*, chapter 6.

⁸ Thomas Hobbes, *Leviathan: or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*, chapter 13.

that “the distinction between right and wrong is antecedent to any form of government and is independent of any man’s or any majority’s will.”⁹

Whereas the Articles of Confederation required approval of all thirteen States for any amendment, the Constitution provided that it would go into effect when ratified by nine States. In response to the question of how the Confederation could be superseded without unanimous approval of the thirteen States, Madison, in Federalist 43, appealed to the same principle that the Declaration invoked to justify the Revolution. The question, he said, “is answered at once by recurring to the absolute necessity of the case; to the great principle of self-preservation; to the transcendent law of nature and of nature’s God, which declares that the safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed.”

Later in Federalist 43 Madison addressed this question: if nine or more States but less than thirteen were to ratify the Constitution--which would in effect dissolve the Confederation, leaving some in the Union and some out--what would be the relationship between the States that were in the Union and those that were not. In Hobbes’s terms, the States that ratified the Constitution and therefore were members of the Union would be in a state of nature with those which had not ratified the Constitution and were not members of the Union. There would be no common power and therefore no law between them, which would mean, according to Hobbes, that there would be no justice or injustice in their relations with one another. Madison said, however, that “Although no political relations can subsist between the assenting and dissenting States, yet the moral relations will remain uncanceled. The claims of justice, both on one side and on the other, will be in force, and must be fulfilled.” Madison’s statement that the claims of

⁹ Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Rowman & Littlefield Pub.: 2000), p. 315.

justice would subsist between the States that ratified the Constitution and those that did not directly contradicts Hobbes on this point. According to Madison—and I think all the founders would agree—the claims of justice subsist among men as men; they predate and transcend the political order.

Earlier we quoted Federalist 15, where Madison said that government has been instituted because “the passions of men will not conform to the dictates of reason and justice, without constraint.” Note that Madison connects reason and justice. By connecting reason and justice as he does, Madison assumes that justice is not something that we create; it is not the interest of the stronger; it is not whatever the government decrees, even if the decree is the result of a majority vote. If that were true, justice would be the product of the will, which in effect is what Thrasymachus and Hobbes assert. Contrary to the assertions of Thrasymachus and Hobbes, Madison assumes that justice is something that we ascertain by the use of reason; it is something that we learn, that we discern, not something that we create.

“Justice is the end of government,” Madison said in Federalist 51. He added, “[Justice] is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit.”

Why were the powers of government separated into three branches? Why was the legislature divided into two houses? Why were the different branches of government given means of checking the other branches? Why was it good for a republic to encompass a large sphere? Why should representatives be chosen to refine and enlarge the public view? The answer to all these questions is the same: these provisions were adopted to increase the likelihood that the new government would govern in accord with justice.

One of the purposes of the Constitution, according to the preamble, is “to establish justice.” But we must recognize that justice was not and has not been perfectly established. The Constitution was and is imperfect. As I will show, the framers recognized as much. Which brings me to my third claim: The Constitution is a product of temperance in the zeal for justice and prudence in accepting imperfection. Our Constitution came into existence, in part, because the founders possessed, in an important measure, the virtue of humility.

As with the first two claims, I will begin with the Declaration.

After proclaiming the right of revolution and the principles that give rise to that right, the Declaration says, “Prudence, indeed, will dictate that Governments long established should not be changed for light and transient reasons; and, accordingly, . . . mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” In other words, men have the natural right to revolt when government reaches some level of injustice, but prudence dictates that men endure a great deal of injustice before attempting to exercise that right.

During the most difficult time in the Constitutional Convention, when the delegates had reached an impasse on the issue of whether the States would be equally represented in the Senate or whether representation would be based on population, Oliver Ellsworth of Connecticut rose to speak. Madison’s notes record Ellsworth’s comments as follows:

Let not too much be attempted; by which all may be lost. He [Ellsworth] was not in general a half-way man, yet he preferred doing half the good we could, rather than do nothing at all. The other half may be added when the necessity shall be more fully experienced.¹⁰

¹⁰ *The Records of the Federal Convention of 1787*, edited by Max Farrand (Yale Univ. Press: 1966), Vol. I, p. 469.

In other words, what Ellsworth advised the convention was this: accomplish all the good that can be accomplished, but be careful of jeopardizing the good that can be accomplished by insisting on a measure of good that cannot be accomplished; leave it to future generations to achieve the good that should be achieved but cannot be achieved now.

On the last day of the convention—September 17, 1787—Benjamin Franklin, who was too weak to read his own speech, asked James Wilson to read the speech for him. Here is what he said:

I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: for having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

* * *

In these sentiments . . . I agree to this Constitution with all its faults, if they are such; . . . I doubt . . . whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of judgment, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me . . . to find the system approaching so near to perfection as it does; and I think it will astonish our enemies . . . Thus I

consent . . . to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die.

* * *

I cannot help expressing a wish that every member of the Convention who may still have objection to it, would with me, on this occasion, doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.¹¹

Robert Morris, a delegate from Pennsylvania, writing about the proposed Constitution after the Convention, said, “While some have boasted it as a work from Heaven, others have given it a less righteous origin. I have many reasons to believe that it is the work of plain, honest men, and such, I think, it will appear. Faulty it must be, but what is perfect?”¹² Similarly, in Federalist 37 Madison pointed out “that a faultless plan was not to be expected.” In Federalist 41, he said, “the purest of human blessings must have a portion of alloy in them,” so “the choice must always be made, if not of the lesser evil, at least of the GREATER, not the PERFECT good[.]” And in Federalist 85 Hamilton said that it would be “the extreme of imprudence” to engage in “the chimerical pursuit of a perfect plan. I never expect to see a perfect work from imperfect man.”

Earlier, we noted the connection between reason and justice. It is by the use of our reason that we ascertain what is just. But our reason is fallible. We endeavor to ascertain what is just in each given situation, but often we see through a glass darkly. For each of us, the eye of

11 Farrand, Vol. II, pp. 641-43.

12 Farrand, Vol. III, pp. 242-43.

our soul is clouded by the cataracts of sin. Our minds are finite, and our reason influenced by our passions, our prejudices, and our self-interest. The founders recognized as much and said so; and not only those who participated in drafting the Constitution.

The Constitution was presented to the States for ratification by conventions composed of delegates elected especially for that purpose. The debate was heated. In some of the most important States, the election was particularly close. In New York the vote was 30 to 27. In Virginia the vote was 89 to 79. In Massachusetts the vote was 187 to 168. In Rhode Island—two years after the Constitution went into effect—the vote was 34 to 32. Those who opposed ratification argued in various ways that the Constitution would lead to tyranny. Those who opposed ratification fought hard. They lost narrowly. But when they lost, they accepted the Constitution, and they united in supporting the new government.

Here is what some of the delegates to the Massachusetts convention said after that convention had voted, narrowly, to ratify the Constitution:

Hon. Mr. WHITE rose, and said that, notwithstanding he had opposed the adoption of the Constitution, upon the idea that it would endanger the liberties of his country, yet, as a majority had seen fit to adopt it, he should use his utmost exertions to induce his constituents to live in peace under and cheerfully submit to it.

He was followed by Mr. WIDGERY, who said, that he should return to his constituents, and inform them that he had opposed the adoption of this Constitution; but that he had been overruled, and that it had been carried by a majority of wise and understanding men; that he should endeavor to sow the seeds of union and peace among the people he represented; and that he hoped, and

believed, that no person would wish for, or suggest, the measure of a PROTEST; for, said he, we must consider that this body is as full a representation of the people as can be convened. . . [H]e concluded by saying, that he should support, as much as in him lay, the Constitution, and that he believed, as this state had adopted it, that not only nine, but the whole thirteen, would come into the measure.

Mr. WHITNEY said that, though he had been opposed to the Constitution, he should support it as much as if he had voted for it.

Mr. COOLEY (Amherst) said, that he endeavored to govern himself by the principles of reason; that he was directed to vote against the adoption of the Constitution, and that, in so doing, he had not only complied with his directions, but had acted according to the dictates of his own conscience; and that, as it had been agreed to by a majority, he should endeavor to convince his constituents of the propriety of its adoption.

Dr. TAYLOR also said, he had uniformly opposed the Constitution; that he found himself fairly beaten, and expressed his determination to go home and endeavor to infuse a spirit of harmony and love among the people.¹³

I have made three claims: first, that the Constitution is based on a true understanding of human nature; second, that the Constitution presupposes that good and evil, right and wrong, justice and injustice, are realities independent of the human mind, which is to say that goodness

¹³ *The Debates of Several State Conventions on the Adoption of the Federal Constitution*, Jonathan Elliot, ed., Vol. 2, pp. 181-82 (Washington: 1836).

and justice are prior to and transcend the political order; and, third, that the Constitution is the product of temperance and prudence, as well as humility, in the pursuit of justice.

Now, I want to say a word about why these three claims are important. The Catechism of the Catholic Church, citing Pope John Paul II's encyclical, *Centesimus Annus*, says, "Ignorance of the fact that man has a wounded nature inclined to evil gives rise to serious errors in the areas of education, politics, social action, and morals."¹⁴

In *Centesimus Annus*, Pope John Paul II noted that in *Rerum Novarum* Leo XIII had presented "the organization of society according to the three powers—legislative, executive and judicial—something which at the time represented a novelty in Church teaching."¹⁵ "Such an ordering," Pope John Paul said, "reflects a realistic vision of humankind's social nature, which calls for legislation capable of protecting the freedom of all. To that end, it is preferable that each power be balanced by other powers and by other spheres of responsibility which keep it within proper bounds. This is the principle of the 'rule of law,' in which the law is sovereign, and not the arbitrary will of individuals."¹⁶ Pope John Paul's logic here is precisely Madison's logic in the Federalist papers, particularly numbers 10 and 51.

The Pope also said:

It must be added that totalitarianism arises out of a denial of truth in the objective sense. If there is no transcendent truth, in obedience to which a person achieves his full identity, then there is no sure principle for guaranteeing just relations between people. Their self-interest as a class, group or nation would inevitably set them in opposition to one another. If one does not acknowledge

14 CCC 407.

15 *Centesimus Annus* 44.

16 *Ibid.*

transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his disposal in order to impose his own interests or his own opinion, with no regard for the rights of others. People are then respected only to the extent that they can be exploited for selfish ends. Thus, the root of modern totalitarianism is to be found in the denial of the transcendent dignity of the human person who, as the visible image of the invisible God, is therefore by his very nature the subject of rights which no one may violate—no individual, group, class, nation or State. Not even the majority of a social body may violate these rights[.]¹⁷

In addition, “When people think they possess the secret of a perfect social organization that makes evil impossible, they also think they can use any means, including violence and deceit, in bringing that organization into existence.”¹⁸

If I read them correctly, the Catechism and Pope John Paul II have said that limited government—government that is not totalitarian—needs three things: first, a true understanding of human nature; second, a recognition that standards of morality transcend the political order; and, third, a recognition that perfection cannot be achieved in this fallen world. These are the truths on which the United States Constitution was founded.

We might digress here to note that Pope John Paul lived under two totalitarian regimes that conquered Poland—the Nazi regime and Soviet communism. Neither Nazism nor Soviet Communism was based on a true view of human nature; neither recognized a transcendent standard of justice; and both believed that a perfect social organization could be created in this world. Neither the Nazis nor the Communists had the prudence, temperance, or humility that

¹⁷ *Ibid.*

¹⁸ *Centesimus Annus* 25.

characterized the American founding. This Pope—John Paul the Great—collaborated with an American President in causing the collapse of the greater of those two totalitarian regimes.¹⁹

In closing, let us return to the preamble to the Constitution. The preamble specifies six purposes for which the Constitution was ordained and established. The sixth and final purpose of the Constitution is “to secure the Blessings of Liberty to ourselves and our Posterity.”

Blessings come from God. God can, and usually does, work through secondary causes, such as the Constitution; but the fact that God works through secondary causes when he bestows blessings does not change the fact that He is their ultimate source. By using the term, “the blessings of liberty,” the Constitution recognizes, implicitly, that God is the ultimate source of our liberty.

We who are gathered here tonight are among the posterity for whom the Constitution secured the blessings of liberty. Wyoming Catholic College owes its existence, in part, to the blessings of liberty secured by the United States Constitution. For those blessings—the blessings of liberty to which this College is indebted for its existence--let us praise God, from whom all blessings flow.

¹⁹ Paul Kengor, *A Pope and a President: John Paul II, Ronald Reagan, and the Extraordinary Untold Story of the 20th Century* (ISI Books: 2017).