
A Flawed Book on ‘the Founders’

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The Founders’ Key: The Divine and Natural Connection Between the Declaration and the Constitution and What We Risk by Losing It, by Larry P. Arnn. *Nashville: Thomas Nelson, 2012. 224 pp. \$19.99.*

The Founders’ Key by Larry Arnn, president of Hillsdale College, explores the unity between the Declaration of Independence and the Constitution, criticizes the interpretations that would drive the two asunder, and expositis the Founders’ original intent in drafting both documents. This is no small task for a book of just over two hundred pages, about a hundred pages of which are taken up by the texts of the Declaration; Constitution; Federalist Papers 10, 39, 48, 49, and 51; and Madison’s “Property.”

Arnn’s thesis is familiar: the Founders’ “key” is the idea that the Declaration and Constitution are expressions of the same transcendent principles applied to the political realm. The Declaration is the articulation of those principles—especially divine

rule through natural law, the rule of reason in American government, the equality of all despite natural variety, and the loosely Platonic idea that government is a picture of the human soul “writ large.” The Constitution, on the other hand, which defines the structures and rules of government, is the practical application of these transcendent principles.

Standing opposed to this interpretation are the “progressives” (both the historical Progressives and their heirs) who would keep the “rights” language of the Declaration while separating the Declaration itself from the Constitution. They create such a separation for the purpose of gradually replacing constitutional institutions and rules with a bureaucratic leviathan. Such interpretations, Arnn argues, ultimately destroy the value of both documents and lead to growing tyranny and shrinking freedoms.

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What we need to do in the face of progressive challenges is get back to the original meaning—the “key”—handed down to us by the Founders, reduce the massive bureaucracy that has replaced the structures created by our governing documents, and hold firm to the principles outlined in the Declaration and the institutions and rules established by the Constitution.

Arnn is a very competent writer. There are far too many poorly written books on the American Founding and the ways in which one might interpret the Constitution. It is always refreshing to come across one that isn't the literary equivalent of a sleeping pill.

More substantively, Arnn's identification of the weaknesses of modern liberal constitutional interpretation are spot-on. Increasingly, the interpretative filters used—whether for the Constitution specifically or for the nature and function of politics in general—are the desires of the interpreters projected onto the national stage. These become the standard according to which the Founding texts, and even the Founders themselves, are judged. Arnn is of course right to point out that the progressive method of interpretation often expresses an idealization of the bureaucratic state—a state which, ironically, is even *less* representative of our immediate desires than the original Constitutional structures it has replaced.

Arnn's desire to see people going back to the source material and building political philosophy and

practice on an informed historical perspective is commendable. He sets a good example for how knowledge about the Federalists can be applied to modern political discourse. Those on the philosophical right habitually appeal to “the Founders” without ever having read them, while those on the philosophical left sometimes condemn them without quite knowing why—other than that they owned slaves, maybe.

Arnn does an excellent job of defining and explaining the importance of concepts such as separation of powers, checks and balances, and federalism. Fundamentals of this type are easily confused and are sometimes ignored completely.

He makes a very important point about the Constitution's function as a limitation on the direct will of the people. The goal of American government—at least according to the Federalist authors of the Constitution—is not to enact the spur-of-the-moment popular will, even if widely held, but rather to restrain and delay that impulse so that there is time to reflect on and consider its worth.

Although the book has real strengths, a number of flaws and one glaring weakness render it much less useful than it might have been.

Many of the problems fall not so much in the category of outright “scholarly error” as in the category of questionable interpretation. For example, the author has a preference for abstract reason as having been the guide favored by the Founders, which draws attention away from the extent to which they drew on ex-

perience and concrete tradition.

One significant interpretive flaw is Arnns's reliance on Aquinas for the definition of 'natural law.' Such a definition is out of place in this particular context. The Founders' understanding of the "Laws of Nature and of Nature's God," especially as reflected in the Declaration, is influenced by Locke and the English liberal tradition rather than by Aquinas and the continental Scholastics. This definitional scheme has wide-ranging implications for interpreting the role of divinity in the Declaration of Independence—for example, the relatively distant God of Locke becomes Aquinas's immanent God.

The biggest—and really academically unforgiveable—weakness of *The Founders' Key* is that it treats "The Founders" as a monolithic entity united in purpose and will. This is really the implied foundation for the thesis of the book—namely, that there was one spirit moving the Founders, which finds expression in both the Declaration and the Constitution. Consequently, "the Founders" become a sort-of constitutional Rome, a magisterium in which one might find all the answers and guidance needed for the problems of modern government. This argument is simply historically false, on several levels.

First, there is a very practical reason why we cannot speak of "the Founders" as a unified group of people: there were a *lot* of them. In addition to the dozens of people involved in the writing of the Founding documents, there were hun-

dreds more involved in Colonial/State governments. If we include the journalists, writers of letters-to-the-editor, and preachers working at the time, that number increases still further. Even omitting the Continental Army (which surely ought not be ignored as a force representing "the Founders"), there were thousands of opinions and thoughts on government floating around the late eighteenth century as diverse as the people holding them. To say that all of these individuals agreed on the meaning and unity of the Declaration and Constitution is at best an untenable claim.

Second, the book ignores the Articles of Confederation completely. (The document gets only a single passing mention on page 121.) To claim unity between the Declaration and the Constitution is to ignore that very important intermediate document. Were the Articles the aberration on the way to the Constitution? Or were they the true—and ultimately unsound—expression of the sentiments of the Declaration? Again, the Founders were divided over the answer to this question.

This brings us to the biggest problem with the claim of Founding unity: *The Founders' Key* completely ignores the anti-Federalists and the other dissenters of the Founding generation. By some accounts, this large and diverse group may actually have been *the majority*. While it is true that the majority is not always right and may sometimes need to be restrained, we do well to remember that such influential and diverse in-

dividuals as Patrick Henry, Samuel Adams, and George Mason all saw the Constitution as a *violation* of the principles of the Declaration. The anti-Federalists worried that embracing the Constitution would result in a government much larger and more powerful than that wielded by the King of England. Given the current size and power of our government, the anti-Federalists were either right, or they were wrong and something else happened in history that upset what the Constitution had established (Progressivism?); or there was some combination of the two. Whatever the case, it is clear that to speak of unity or a "consensus" among the Founding Fathers concerning our government is simply wrong: for every Federalist "Publius" there was an anti-Federalist "Brutus." Even the fact that the Federalists won in the end and set the Constitution in place is somewhat offset by the addition of the anti-Federalist-influenced Bill of Rights.

This is not to suggest that Americans in the late 1700s saw strict divisions between "Federalist" and "anti-Federalist." There was obviously a good deal of cultural, social, and political unity between these com-

peting factions. They were clearly in dialogue with each other, influenced each other, and had broad areas of consensus on important political matters. Nor am I arguing that all appeal to the authority of the Founders is in vain. However, any kind of indiscriminate reliance on the beliefs or opinions of "the Founders" in general should be suspect. Appeals to the beliefs of influential individuals, which, to be fair, is Arnn's primary method (especially appeals to the ideas of Hamilton, Madison, and Jefferson) are fair game and *should* have a prominent place in our interpretation of the Founding Documents. Yet any attempt to overwhelm opposition by calling on the supposedly monolithic witness of an entire generation as some kind of final court of appeals lacks historical support.

There are worse books than *The Founder's Key* on the Founders, the Declaration, and the Constitution, but there are better ones, too. The strengths of the book are outweighed by its major weakness. It is recommended only for those who are interested in following the ongoing polemics over how to interpret the Constitution.