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The Unity and Beauty of the Declaration and the Constitution

An Interview with Larry P. Arnn



LARRY P. ARNN, the twelfth president of Hillsdale College, received his B.A. from Arkansas State University and his M.A. and Ph.D. in government from the Claremont Graduate School. From 1977 to 1980, he also studied at the London School of Economics and at Worcester College, Oxford University, where he served as director of research for Martin Gilbert, the official biographer of Winston Churchill. From 1985 until his appointment as president of Hillsdale College in 2000, he was president of the Claremont Institute for the Study of Statesmanship and Political Philosophy. In 1996, he was the founding chairman of the California Civil Rights Initiative, the voter-approved ballot initiative that prohibited racial preferences in state employment, education, and contracting. He is the author of *Liberty and Learning: The Evolution of American Education* and *The Founders' Key: The Divine and Natural Connection Between the Declaration and the Constitution and What We Risk By Losing It* (forthcoming February 2012).

The following is adapted from an interview by Peter Robinson of the Hoover Institution for his show "Uncommon Knowledge." The interview took place on October 3, 2011, at Hillsdale College, and it can be viewed in full at hoover.org/multimedia/uncommon-knowledge/96901.

PETER ROBINSON: Larry, I am quoting from you: "You can read the Declaration of Independence and the Constitution in a few minutes. They are simple. They are beautiful. They can be understood and retained." Place the documents in their historical context. Why did they matter?

LARRY P. ARNN: There are three incredible things to keep in mind about the Declaration. First, there had never been anything like it in history. It was believed widely that the only way to have political stability was to have some family appointed to rule. King George III went by the title "Majesty." He was a nice and humble man compared to other kings; but still, when his son wanted to marry a noble of lower station, he was told he mustn't do that, no matter what his heart said. That was the known world at the time

of the American Founding.

Second, look at the end of the Declaration. Its signers were being hunted by British troops. General Gage had an order to find and detain them as traitors. And here they were putting their names on a revolutionary document and sending it to the King. Its last sentence reads: “And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.” That is how people talk on a battlefield when they are ready to die for each other.

The third thing about the Declaration is even more extraordinary in light of the first two: It opens by speaking of universal principles. It does not portray the Founding era as unique—“When in the Course of human events” means *any* time—or portray the Founding generation as special or grand—“it becomes necessary for one people to dissolve the political bands which have connected them with another” means *any* people. The Declaration is thus an act of *obedience*—an act of obedience to a law that persists beyond the English law and beyond any law that the Founders themselves might make. It is an act of obedience to the “Laws of Nature and of Nature’s God,” and to certain self-evident principles—above all the principle “that all men are created equal” with “certain unalienable Rights.”

For the signers to be placing their lives at risk, and to be doing so while overturning a way of organizing society that had dominated

for two thousand years, and yet for them to begin the Declaration in such a humble way, is very grand.

As for the Constitution, first, it is important to realize that some of the most influential modern historians suggest that it represents a break with the Declaration—that it represents a sort of second founding. If this were true, it would mean that the Founders changed their minds about the principles in the Declaration, and that in following their example we could change our minds as well. But in fact it is not true that the Constitution broke with the Declaration. It is false on its face.

The Constitution contains three fundamental arrangements: representation, which is the direct or indirect basis of the three branches of government described in the first three articles of the Constitution; separation of powers, as embodied in those three branches; and limited government, which is obvious

in the Constitution’s doctrine of enumerated powers—there is a list of things that Congress can do in Article I, Section 8, of the Constitution, and the things that are *not* listed it may *not* do. And all three of these fundamental arrangements, far from representing a break with the Declaration, are commanded by it.

Look at the lengthy middle section of the Declaration, made up of the list of charges against the King. The King has attempted to force the people to “relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.” He has “dissolved

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[Latin]: in the first place

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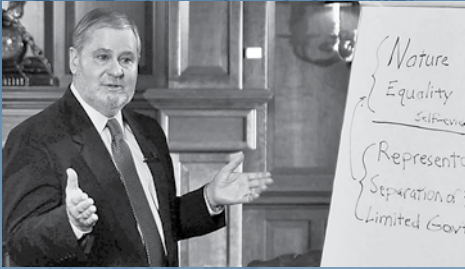


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Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.” He has “refused his Assent to Laws, the most wholesome and necessary for the public good.” So he has violated the idea and arrangement of representation.

What about separation of powers? As seen in the charges above, and in the charge that he would call together legislatures “at places unusual, uncomfortable, and distant...for the sole purpose of fatiguing them into compliance with his measures,” the King was violating the separation of the executive and legislative powers. And in “[making] judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries,” he was violating the separation between the executive and judicial powers.

Similarly, he violated the idea of limited government by sending “swarms of Officers to harrass [the] people, and eat out their substance,” by importing “large Armies of foreign Mercenaries,” by “imposing Taxes on [the people] without [their] Consent,” and in several other ways listed.

By violating these arrangements—which would become the three key elements of the Constitution—the King was violating the principles of the Declaration. This is what justified the

American Revolution. And the point of this for our time is that in thinking about the American Founding, we should think about the Declaration and the Constitution together. If the principles and argument of the Declaration are true, the arrangements and argument of the Constitution are true, and vice versa.

PR: I quote you again: “Woodrow Wilson and the founders of modern liberalism call these doctrines of limited government that appear in the Declaration and the Constitution obsolete. They argue that we now live in the age of progress and that government must be an engine of that progress.”

Wilson was dealing with conditions that the Founders could scarcely have imagined: industrialization, dense urban populations, enormous waves of immigration. So what did he get wrong?

LPA: The first thing he got wrong was looking back on earlier America as a simple age. There was nothing simple about it. The Founders had to fight a war against the largest force on earth. They had to figure out how to found a government based on a set of principles that had never formed the basis of a government. The original Congress was called the Continental

Congress, although no one would understand the extent of the continent until Lewis and Clark reported to President Jefferson in 1806. They had to figure out a way for the first free government in history to grow across that continent. These things took vast acts of imagination. And this is not even to mention the crisis of slavery and the Civil War. So the idea that the complications of the late 19th century were something new, or were greater by some order of magnitude, is bunkum.

The second mistake Wilson makes is fundamental, and goes to the core of the American idea. Wilson is opposed to the structure imposed on the government by the Constitution—for instance, the separation of powers—because it impedes what he calls progress. But what idea was behind that structure? James Madison writes in *Federalist* 51:

[W]hat 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 other words, human nature is such that human beings need to be governed. We need government if we are not to descend into anarchy. But since human beings will make up the government, government itself must be limited or it will become tyrannical. Just as we outside the government require to be governed, those inside the government require to be governed. And that has to be strictly arranged because those inside the government need, and they will have, a lot of power.

Against this way of thinking, Wilson argued that progress and evolution had brought human beings to a place and time where we didn't have to worry about limited government. He rejected what the Founders identified as a fixed or unchanging human nature, and thought we should be governed by an elite class of people who are not subject to political forces or constitutional checks and balances—a

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class of people such as we find in our modern bureaucracy. This form of government would operate above politics, acting impartially in accordance with reason.

Now, it's pretty easy for us today to judge whether Wilson or the Founders were right about this. Look at our government today. Is the bureaucracy politically impartial? Is it efficient and rational, as if staffed by angels? Or is it politically motivated and massively self-interested?

PR: You've spoken about restoring a rounded and rigorous sense of constitutional government, and you have put forward, in a tentative way, four ideas or "pillars" to suggest how to begin doing that. The first pillar is this: "Protecting the equal and inalienable rights of individuals is government's primary responsibility."

Here's a problem though: Something like 47 percent of Americans now pay no federal income tax, and we hear a great deal about the tipping point—the point at which more people become dependent on the federal government than pay into it. What is it within the Constitution, or within a revived constitutional government, that prevents this majority from simply voting itself the property of the minority?

LPA: Well, the first thing is the majority's larger self-interest rightly understood. Is that practice working out in Greece right now? As Margaret Thatcher used to say, pretty soon you run out of other people's money.

I myself am not particularly gloomy about the tipping point you mention. I do understand that there will come a time, if we do not repair our problems, when we will not be able to repair them. But given that so many people today clearly think the government is out of hand and does not represent them anymore, I think we won't pass that tipping point. I've had the privilege of studying Winston Churchill for a long time, and his great belief—and I think this should be the model for us today—was to make the great political questions clearer to the people and then to

have faith in them. I am optimistic partly because the explanations of the great political questions given to Americans have not been very good or very clear since Reagan. What if we were to get better in explaining them? That is our hope, I think.

PR: Okay, pillar two, still quoting you: "Economic liberty is inversely proportional to government intrusion in the lives of citizens. We must liberate the American people to work, to save, and to invest."

But here's a constitutional question that Milton Friedman noticed and that James Buchanan won a Nobel Prize for writing about: The benefits of federal spending accrue to small groups who have incentives to organize and agitate for more and more spending, whereas the costs of federal spending are diffused across the whole population, so that no one has a counterbalancing incentive to organize and agitate against spending. Therefore, you get this ratchet that always leads in the direction of greater spending. Did the Constitution not foresee this problem?

LPA: Two points. The first is that we should not blame the Constitution. It is the longest surviving and greatest constitution in human history, and the effort by Progressives to overturn it is now more than 100 years old. It is not a failure of the Constitution, but the success of the political rebellion against it—which has been systematic and going on for a very long time—that brings us to where we are today.

Second, public choice theory as you describe it is a true and sufficient explanation of things as far as it goes. But is there not more to it today? Milton Friedman used to say that subsidies to farmers are going to grow and subsidies to old people are going to decline. Why? Because there are so many old people that for us to give them \$100 will cost us \$175, whereas there are so few farmers that for us to give them \$100,000 will cost us only \$10. That is public choice theory in a nutshell. But isn't the fact now that a growing number of people know we are broke? And that they are going to have to pay

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more and more to sustain the voracious appetite of the bureaucratic state?

I believe there is an abiding or overarching sense of fairness that touches a majority of the American people. If there is, constitutionalism will look more attractive than it used to look. I think that if Americans are provided a good and clear explanation of the choices before them, they will be willing to begin moving back toward constitutional government.

PR: On to pillar three: “To accomplish its primary duty of protecting individual liberty, the government must uphold national security.” That seems perfectly straightforward. You also write: “Promotion of democracy and defense of innocents abroad should be undertaken only in keeping with the national interest.”

Where do you place your views on the spectrum between Ron Paul and George W. Bush?

LPA: I side with Thomas Jefferson when he said, “We are the friends of liberty everywhere, custodians only of our own.” Foreign affairs are prudential matters, and prudential matters are not subject to narrow rules laid out in advance. But that practical statement by Jefferson is a brilliant guide.

Also, we have to remember that it is a very dangerous world. Churchill believed that one of the effects of technology is to make us both wealthier and more powerful. And both wealth and power can turn to destruction. The great wars of modernity have been much larger in scale than ancient wars, and equal in intensity. Churchill believed that liberal society contains in this respect and others seeds of its own destruction. It is the work of statesmen to find the cheapest possible way to defend their countries without consuming all the resources of those countries.

I pray that Iraq is going to be a free country, and I think there is a chance of it, and I give George W. Bush credit for

that. But I have been skeptical, and it is a more complicated question than many seem to understand. A senior person in the White House said to me one time, “Don’t you think the Iraqis want to be free?” And I said: “Sure they do. But have you read *The Federalist Papers*? Do you divine from its arguments that wanting to be free is sufficient?” As it turns out, it is hard to obtain civil and religious liberty, and it is hard to maintain it.

But do I think we did a good thing imposing a new constitution on Japan after World War II? Sure I do. Japan did a terrible thing to us, we conquered it, and there was an opportunity in that. It would have been a false economy not to seize that opportunity. Does that mean that in every country where there is a threat to us, we won’t be perfectly safe until they are democratic? Maybe. But even so, is trying to make them democratic practicable and the most practical way to serve our security? Probably not. Again, these are matters of prudence.

PR: Pillar four: “The restoration of a high standard of public morality is essential to the revival of constitutionalism.” What is your distinction between public morality and morality per se?

LPA: Public morality means laws about morality. Murder is a moral harm, and we have laws against it. Public morality also includes laws supporting the family. Human beings were made for the family, and we should uphold that. It is hard to raise kids right, and it takes a long time. Laws should support that effort, not undermine it. This extends to reducing the size of government so that it does not become a burden on families. The Gross Domestic Product of the United States is about \$15 trillion, and state, local and federal spending is about \$6.7 trillion. So we are \$800 billion away from taking half of GDP out of the private sector, and the new health care bureaucracy is coming. Once it comes, if it does, government will be larger than society.

The principles of our country stem from the laws of nature and nature’s God. This word “nature” is full of rich meaning. It comes from the Latin word for birth, so

of course the nature of man, and natural rights, must be understood to include the process of begetting and growth by which human beings come to be. This process takes longer, and is more demanding and expensive, than for any or nearly any other creatures. If families do not raise children, then the government will. What then becomes of limited government?

PR: And as a constitutional point, do things that undermine public morality and degrade people include the garbage language in some pop songs, or the proliferation of pornography on the Internet?

LPA: Yes. At this college, students are supposed to be civil, and we don't have many problems because they subscribe to that before they come. Having an honor code makes for good order and operation. Teachers, students, and staff come together and make a common effort. A well-functioning college is a microcosm of constitutional rule, and shows what can be achieved in a country when everyone is governing himself.

It is important for all of us to understand that free people are not governed by rules. Here at Hillsdale we are governed by goals, and then the rules are very broad. Tell the truth, be straight, do not cheat, do not be foul, take care of other people. Those are rules. But the federal rules pertaining to colleges number now more than 500 pages. We at Hillsdale do not live under these rules because we do not take federal money. But I asked our lawyer once to send me the list to read anyway, and he said I wouldn't be able to read it. I replied that even though I am not a lawyer, I am a pretty smart guy, maybe I can. No, even he can't read it, he replied, it is incomprehensible.

Ask yourself, who gets powerful under a system like that? The answer is, whoever has the *power* to interpret the rules. They can do whatever they want.

This is the point I hope every American will come to understand—that in our country, we are supposed to have a very powerful government in order for it to do what it must, but also a government of a far different character than the kind we have today. The distinction between constitutional government and bureaucratic government is fundamental.

PR: How can we get there from here? I am quoting you once again: “There is only one way to return to living under the principles of the Declaration of Independence and the institutions of the Constitution. We must come to love these things again.” How?

LPA: First, you have to know about them. I am like the hammer who looks at everything as if it were a nail. Everything is a teaching opportunity. Teaching is, of course, what we do here at Hillsdale. But the great presidents are teachers as well. It is a generous and fine thing to do, to labor to make important things clear to people—which of course you cannot do unless you are able to make them clearer than if you are just talking to yourself. That is why Abraham Lincoln's speeches are beautiful. You cannot read many of them unless you read them carefully. An example is Lincoln's Peoria address on the history of slavery. He labored for months putting it together, and Americans could learn how slavery moved in our country because he laid it out. And then at the end of the speech he combined that history with a lovely explanation of why the principles of our country are capable of reaching and protecting every human being, and ennobling them, because they get to participate in rule. To know that about the principles

of our country is to love them. I see that happen all the time in the classroom. So what we need is for people to know and understand our country's principles. Love will follow. ■



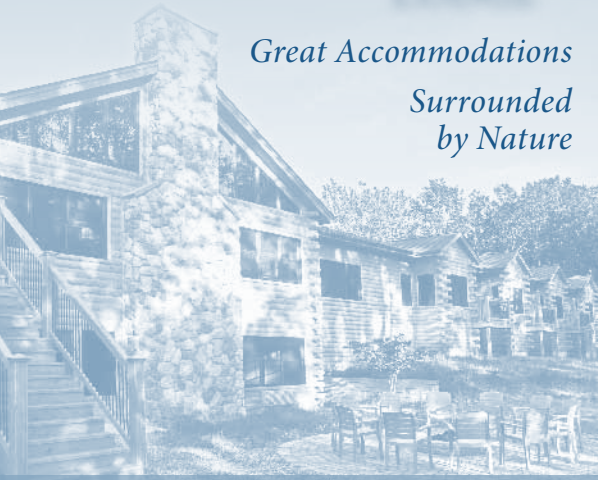
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