

"Integrity Necessary to Freedom"

By

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The first principle of freedom is that people govern themselves. This does not only mean that they are governed by representatives of their own choosing, but it also means that in almost all they do they actually make the decisions which govern and regulate their lives. Even though there was much dissension about many things, among the delegates at the Constitutional Convention, there was no disagreement about that. Indeed it is probably true that it was the delegates' mutual belief in that principle which kept them together and caused them to be willing to compromise on questions on which there was not such unanimity.

The challenge to the framers of the Constitution was to create a government to be strong enough to protect its citizens and yet not so strong it could impose itself upon their private lives. They achieved this by separating the government into two major jurisdictions. The federal government was given authority over matters of a "general" or national concern, and the state and local governments, but more especially the individual citizens, retained authority over everything else. When the final draft of the Constitution was presented to the states for ratification, it presumed that separation, but did not actually say it. Many Americans felt ill at ease about the omission and wanted their own powers spelled out in the document itself. Consequently, when the Bill of Rights was added, two of those amendments, the 9th and 10th, focused on that idea. They read:*

IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

X The powers not delegated to The United States by the Constitution; nor prohibited by it to the States, are reserved to the States respectively, or to the people.

THE "NATURAL LAW" DOCTRINE

Under this system the jurisdiction of the federal government included such matters as national defense, international and interstate commerce, and diplomatic dealings with other nations. It had nothing whatever to do with private citizens in matters such as how they use their property, parental responsibility, or the myriads of other cultural and legal relationships that are a part of living in a community. All such matters were left to state and local governments, or left alone entirely to be regulated on an individual basis. But the system has one, possibly fatal, Achilles' heel.

That Achilles' heel is an ancient political doctrine called "natural law". The Roman orator, Scipio, defined natural law in a speech before the Roman Senate. He explained that there are

some things which are wrong by their very nature. He used burglary and adultery as examples, saying that such things are wrong whether the Senate defined them as being wrong or not. No government, no matter how powerful, he asserted, can alter the rightness or wrongness of certain human acts. It is the first function of government to recognize natural law and make actions which are normally or innately wrong, legally wrong as well. Under such a legal system the victim of a moral wrong can have a legal recourse.

That argument was accepted as an eternal principle by most of the members of the Constitutional Convention. It is the undergirding of the system they created. It is also the rationale on which the legitimacy of representative government is based. Jefferson and many of his contemporaries believed that a representative government, whether national or local, can succeed because the overwhelming majority of people have an innate sense of what is right and wrong. When a government truly represents the will and thinking of the people, that government will be the functional expression of the people's innate moral sense. As such, its primary objective will be to guarantee its people that they may live their lives in a society which recognizes rightness and wrongness the same as they do. The Constitution's leaving so much power to state and local government was intended to facilitate that guarantee.

THE ROLE OF LOCAL POWERS

It was a conscious decision of the Founding Fathers that when it is necessary to impose external regulations which deal with the private lives of the citizens, those regulations must come from small governments which are near enough to the people, both in terms of geography and accountability, that the people can exert decisive influence on those who exercise the power to regulate. This system assumes it will be necessary to have some rules and regulations by government on a national and state level, but it also assumes that local governments, like city and town councils, water districts and school boards, which were originally created as kinds of neighborhood cooperatives, would retain most of their original powers.

But beyond that, the Constitution presumes that most people are bright enough and wise enough to govern their own actions and that they are honest enough and have enough integrity to refrain from imposing themselves on their neighbors. Because of that presumption, the document leaves the great bulk of the powers to govern with the individual citizens themselves. Americans like that. For the most part we get on quite nicely without government telling us what and when to do. Except for paying taxes, obeying traffic regulations, and the like, most Americans live their day-to-day lives as though there were no government at all to get in the way of their being themselves. That, after all, is what freedom is all about. Without that, freedom has neither reason, nor purpose, nor attendant blessing.

Freedom is that man may be himself. That notion presupposes every person's innate ability to recognize right and wrong, and the ability of the enormous majority to conduct their lives according to their best feelings. It assumes that only a small minority, those who cannot or do not choose to live according to the dictates of their own conscience, need ever become subject to the coercive powers of law and government. The entire notion and structure of American individual freedom is based on the belief that individual citizens will recognize, and will have the integrity to obey, "natural law". That is its Achilles' heel.

THE OPPOSITE OF FREEDOM

The system was never designed to work in a society where people permitted themselves to rationalize away their sense of right and wrong, or to redefine "morality" to uphold political or cultural violations of "the laws of nature".

In a system where the people are not free, the will of the ruling minority holds the government and its culture together. But in a free society, the cohesive power which makes it all work is the righteousness and integrity of its people. But there is the rub. Even though righteousness and integrity are necessary to the survival of a free government, that government, by its very nature, lacks the power to impose either righteousness or integrity upon its citizens. Consequently, if the people choose to violate their own sense of what is right and wrong and "call evil good, and good evil," the system will self-destruct. In its place must necessarily come one of only two possible options:

1) anarchy and chaos, or 2) some variety of dictatorship in which government is not only strong enough to protect its citizens, but also strong enough to impose its own standards of excellence and morality upon their private lives.