The Fragility of Democracy
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It is reported that as the delegates to the Constitutional Convention trudged out of Independence Hall in Philadelphia on September 17, 1787, an anxious person in the crowd inquired of Benjamin Franklin, “Well, Doctor, what have we got, a republic or a monarchy?” “A republic,” Franklin replied, “if you can keep it.”1 The keeping of it is the subject of this essay. The democracy brought into being on that historic day in 1787 was not judged to be imperishable, even in the eyes of its framers. This essay will first examine the commonplace meaning of the term “democracy” and some of the pre-political conditions for its establishment and then consider some of the perennial threats to its perpetuation.

In common usage, the word, “democracy,” is far from a univocal term.2 “The Peoples Democratic Republic” is not what Woodrow Wilson had in mind when he led a crusade to make the world safe for democracy. For John Dewey, the leading American philosopher of Wilson’s day, democracy is more than a form of government. It is a way of life, a creed directed to a social ideal.

While it is customary to distinguish among democracy’s several forms, i.e., direct, representative, constitutional, and social or economic, what is usually meant by democracy is representative or constitutional democracy. Direct democracy is identified with political life in ancient Greece where policy decisions were made directly by the populace as a whole, the majority determining the outcome. Apart from New England town meetings, initiated in the colonial period and continued through today in some states, notably in Vermont and in New Hampshire, the procedure is otherwise unknown in the United States, and those town meetings that survive take place only where the body of citizens is small enough to enable participation by all. Referenda as employed in the United States in some way resemble the direct democracy of ancient Greece insofar as they seek the counsel of the populace as a whole, but they are not binding and can be ignored by political authorities or reversed by the courts.

Today when we call a form of government a democracy, we usually have in mind representative democracy in which citizens exercise their right to form policy, not in person but through representatives elected by them. In a constitutional democracy, such as those that prevail in Europe and in the United States, the
powers of the majority are exercised within the framework of a written constitution designed to guarantee the rights of minorities and the protection of other rights governing speech, press, and religion. A constitution need not be a single written instrument or even a legal document. It may be nothing more than a commonly accepted set of fixed norms or principles that are recognized as the fundamental law of the polity. The essence of a constitution is that it formalizes a set of fundamental norms governing the political community and fixes a limitation on the exercise of power. Political parties are the chief instrument through which the electorate is involved in both the exercise and the transfer of power. The political party is at once the means of representing the diverse interests of the electorate in the exercise of power and also a device for allowing a replacement of one set of power holders with another.

Greek democracy was a brief historical episode and is not to be taken as the exemplar of modern democratic governments. Modern democratic ideas were shaped to a large extent by medieval ideas and institutions, notably by the concept of divine, natural, and customary law as a restraint on the power of kings, including the right to levy taxes. Accordingly, the king was obliged to consult the several “estates” or group interests in the realm. Gatherings of representatives of these various estates were the origins of modern parliaments that first appeared in America, Great Britain, and France. Representative parliaments, freely elected under universal franchise, became the key institutions of Western democracy in the late nineteenth and early twentieth centuries. As a matter of fact, few states in the modern world have constitutional arrangements that are more than a century old. Great Britain and the United States are almost alone in possessing constitutions that predate the twentieth century.

Contributing to the development of modern democracy was the introduction into political discourse of a number of profound intellectual ideas, notably the concepts of “natural rights” and the “equality of all mankind,” ideas that played an important role in the American War for Independence and in the French Revolution. The liberal notion of democracy that prevails in intellectual circles today presupposes not only the concepts of natural rights and equality but the acceptance of all cultures on an equal footing with obvious consequences for morality and religious observance as well as immigration and educational policy. Given what seems to many contemporary observers as a radical departure from its early intellectual moorings, the time is ripe to examine anew the concept of democracy and its undergirding rationale.

As the United States, like Europe, drifts from its Christian past into an unknown secular future, discussions of the pre-political foundations of democracy gain importance. The principles both implicitly assumed and denied by the European Constitution are worthy of extended study, but I will limit my study to the American founding. The history of that founding is significant because it addresses the pre-political conditions of democracy. The pertinent literature is extensive and divides scholars who write on the subject. Many historians betray a personal disposition by the emphasis they place on the sources of certain key ideas enshrined in the founding documents. Some give primacy to the secular Enlightenment sources represented by John Locke, while others give weight to the religious milieu in which the Declaration of Independence and the Constitution of the United States with its Amendments were actually written. The latter acknowledge the influence of Thomas Hooker, Roger Williams, and other Puritan leaders who are often overlooked by
those who insist on viewing the founding from an entirely secular perspective.

Thomas Hooker (1586-1647) is remembered as the founder of the state of Connecticut and for his Laws of Ecclesiastical Polity, which is regarded as one of the most influential works in the development of political theory from medieval thought to contemporary natural rights theory. That work was not only widely read in the colonies but had a profound influence on Locke, as can be seen from Locke’s many quotations of Hooker. But there is a major difference between Locke and Hooker, especially in their understanding of “contract” and “rights.” The “contract” for Hooker is an expression of the corporate disposition of the whole, not the consent or disposition of the individual taken one by one. “Equality” for Hooker refers not so much to an individual’s status as it does to the individual’s equal obligation to the community. A Calvinist moral theologian by training, Hooker’s arguments for the democratic organization of Church governance with its emphasis on consent were to serve the Founding Fathers of the new American republic. Those scholars of the left who tend to ignore the Christian sources of the founding emphasize the influence of Locke on writers such as Thomas Paine, Benjamin Franklin, and Thomas Jefferson. It may be that liberalism in America owes more to the theologies of Thomas Hooker, Roger Williams, and John Wise than to the Enlightenment philosophy espoused by Thomas Jefferson. Widely read in the colonies, Hooker anticipated the political philosophy of Locke by more than a generation when, emphasizing the element of consent, he defined the church as “a company of people combined together by covenant for the worship of God.”

Hooker taught that although fundamental authority may stem from God, power rests upon consent of the governed. His work, The Fundamental Orders of Connecticut, drafted in 1639, has been called the first written constitution of modern democracy. The orders dispense with the then usual property and religious qualifications for voting and provide for town-meeting government and for popular elected assemblies. It was due to the influence of Hooker that Puritan theocracy gradually gave way to liberal constitutionalism, with the idea of “consent” replacing the strict Calvinist notion of “foreordination” and doctrine of the elect. Implicit in the doctrine of consent is the idea that the church is an instrument of the people created for purposes shared by each, an idea which when carried into the civil order fosters “government of the people, by the people, for the people.” Established by mutual agreement for definite ends, government is consequently limited in what it can do. Its primary purpose is to conserve the peace and protect people’s bodies and goods.

Some would delve further into history to find the source of Hooker’s doctrines in what Brian Tierney calls the “theological jurists,” who by his account were the first to formulate a theory of natural rights. No one would look to Suarez, Bellarmine, Vitoria, and Las Cassas as the immediate source of the principles assumed in these founding documents, yet their discussions of “natural rights” and “equality” laid the foundation for what was to come. These ideas played an important role in the American and the French “revolutions.” A full accounting, no doubt, would acknowledge a distinctive Western intellectual tradition, extending from Aristotle and the Stoics through the medieval canonists to their impact on English common law. Harry Jaffa, in a book on the American founding, sees the Declaration of Independence as interpreted by Lincoln to be based on a kind of Aristotelian Christianity.
tive, acknowledged the people as the source of all civic authority, yet he feared what he called “social tyranny.” The will of the people, he warned, is not alone an adequate safeguard of liberty. “Self-govern-ment” and “the power of the people to rule themselves” do not express the complete picture. The will of the people practically means the will of the most numerous or the will of the most active part of the people. Mill consequently advocated measures to thwart the tyranny of the majority. Mill also addressed the possibility of a small group of like-minded people seizing the levers of power to achieve their own ends quite apart from the disposition of the people and even the elected government.9

Jacques Maritain, in a short work entitled Christianity and Democracy10 reflecting on the relationship between the two suggests, “The democratic impulse has arisen in human history as a temporal manifestation of the Gospel.” He speaks of Christianity as “a leaven in the social and political life of a nation.” Yet Maritain recognized that Christianity is not linked to democracy. To be a Christian, he held, does not compel one to support a democratic form of government. He reminds us that it was only after the Second World War that the Vatican declared in favor of parliamentary democracy. Looking to the recent history of the Continent, no one can deny that Christianity played a central role in the formation of the new European democracies in the post-war period, in the drafting of their basic law, and in the drafting of the United Nations Declaration on Human Rights.

Maria Mitchell, in her essay, “Antimaterialism in Early German Democracy,” tells us that at its formation there was no agreement in the CDU as to the meaning of “Christian Democracy.”11 Sufficient for the time was the unity of Catholics and Lutherans in their endorsement of a democratic form of government and in their opposition to materialism and secularism. Conservative Protestants as well as Catholics recognized the link between materialism and national socialism, and in the post-war years Protestants joined Catholics in portraying the task of politics as the transformation of secular society. “Inherent in political activity,” explained Paul Bausch, a former member of the Christian Social People’s Service (CSVD), “is the responsibility to subordinate every aspect of political life to the demands of Christian laws…. ‘The Ten Commandments of God’ delineate the iron foundation for state life... The task for us today is to replace a Godless government with a government that respects God’s commandments and makes them principles of life for the Volk and of the state.”12 Bausch implied that if we are not ready to organize in the light of Christian principles, the opposition would organize society for us on utilitarian principles. Mitchell concurs:

Despite their agreement that only a Christian Germany could prevent the return of the evil of materialism, Catholics and Protestants grounded their critiques in two fundamentally different world views.... The dissimilarities, although conceptual and seemingly abstract, would nevertheless govern the dynamics of early Christian Democratic policy making. Even on such a fundamental level as the Protestant and Catholic understandings of the Christian individual, theologically based differences within the CDU shaped profoundly interconfessional cooperation.13

Drawing upon the work of Wilhelm Simpfendorfer and Otto Heinrich von Gablente, Mitchell locates the difference between Protestant and Catholic in the Reformation’s emphasis on “the freedom of the individual,” as contrasted with the Catholic emphasis on Gemeinschaft. Emphasis on the individual inevitably leads to a political liberalism at variance with the recognition of responsibility to a higher moral order. Catholic leaders in the CDU, she notes, only felt comfortable
with the liberal position when it was willing to accommodate personal freedom to that higher moral responsibility.

The social and political influence of the Christian democratic parties remains, sometimes in ersatz form where the Christian roots are not openly acknowledged. The continued secularization of the masses obscures the pre-political values that gave rise to an inherited political order. It may be plausibly argued that to survive, European democracy must acknowledge its pre-political roots, roots that may be difficult to recover without reference to the Hellenic and Christian sources of Europe itself. Neither source can be understood apart from its common realistic—in the classical metaphysical sense—conception of human nature and human destiny, one that includes the transcendent as well as the material. Western liberalism and Marxism alike ignore the spiritual dimension of human striving. The fatuous optimism of the contemporary left, underestimating human passion and mistakenly believing that man’s needs are limited and easily satisfied, can only lead to hopeless despair.

II

Having called attention to the pre-political conditions of democracy and the unity provided by a common faith or civic creed, it is necessary to acknowledge that democracy is vulnerable from a number of interior threats. The benefits of self-governance can be lost by the indiscriminate awarding of suffrage to illegal immigrants, by a politically biased media that limits access to vital information, by the excessive toleration of deviant behavior and the concomitant failure to punish, by the surrender of basic freedoms in the name of safety, and by the docile acceptance of a bureaucratic imperium and a politicized judiciary. Undoubtedly the list could go on.

In contemporary political discourse we hear much about the value of diversity, multiculturalism, and globalization. Yet diversity under the rule of law presupposes an accepted order of society. In the United States the nineteenth-century melting pot successfully blended elements of Christian Europe, but in the twentieth the melting pot has become a cauldron of unmeltable—not simply ethnics—but cultures. The contemporary Western liberal concept of democracy assumes uncritically that men are naturally and morally equal, an assumption that does not bear empirical scrutiny. Wide disparity as a result of parental upbringing and education leaves the populace polarized in a way that is more fundamental than disparity of income. That is only one among many divisive factors. In many American states the electorate is likely to contain undocumented aliens as well as lawful immigrants. Both groups are likely to be deficient with respect to the English language as well as ignorant of American history and the Western political tradition.

Universal suffrage, given that it rests on the doctrine that all men are naturally equal, may be the undoing of modern democracy. It is not simply a matter of recognizing that however unequal citizens are with respect to their actual condition that their inequalities can be ignored or at any rate made irrelevant through their equal standing before the law and the abolition of privilege. That doctrine rightly asserts that whatever differences exist in race, language, religion, political opinion, or personal and social conditions, all citizens are peers in human dignity and before the law. Equality, thus construed, means nondiscrimination, a positive value that no one disputes. But equality as a principle is distorted and perverted when used to confer on the illegal immigrant a claim equal to that of the citizen with respect to public benefits and when used even to
give the convicted felon voting rights equal to those of the law-abiding. Equality so construed is unjust insofar as it ignores the greater economic and social contribution of the law-abiding citizen and his rightful claim on the common wealth.

Access to information is another factor that can undermine the electoral process. With both academic and media elites at war with the intellectual tradition that brought the nation into being, it would take a well-informed public, better educated than that which seems to prevail, to resist the political demands of the same academic and media intelligentsia that control the major media. It remains to be seen whether the electorate can withstand the unrelenting assault on its inherited beliefs and still make good decisions. Informed decision rests upon the availability of information. The deconstructionists with their rewriting of history, abetted by the willing assistance of major university presses, have obscured if not expunged the Christian sources of Western civilization. We witness a cultural war between a militant atheism confronting a weakened Christianity, a conflict that many are reluctant to acknowledge.

John Rawls, in his celebrated volume, *A Theory of Justice*, raises the relevant question: “How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical and moral doctrines?” The answer from Rawls’s perspective is that all sides need only embrace the principle of tolerance. But is toleration really the answer? Presumably a tolerant society would be obliged to protect if not to cultivate immorality as well as morality. Under such circumstances those who reject such indifference to the good would eventually desire to form a society of their own, where their own laws and customs would be honored, thus repudiating or undermining the goal of a single, stable society. In fact, we see religious and ideological differences rending societies from Indonesia to Ukraine.

Toleration insofar as it implies acceptance by society of any and all goods proposed by its member, is more an abstract goal than a practical solution. It is unavoidable that some individual goals will be destructive of the goals of others such that they cannot exist side by side without regulation whereby the state curbs some for the benefit of others. But by such curbing, the principle of toleration is breached. The state will necessarily act in the light of some norm that is dependent on some concept of fairness. Either the state offers equal opportunity to all, or it adjusts opportunities in the interest of certain courses of action deemed fair.

In fact, the promotion of tolerance as a virtue is often self-serving or indicative of a political agenda. Tolerance is not mentioned as a virtue by Aristotle or by the Stoics. Nor does Aquinas speak of tolerance as a virtue. To the contrary, Roget’s venerable *English Language Dictionary of Synonyms and Antonyms* gives as synonyms for tolerance: leniency, clemency, indulgence, laxity, sufferance, concession, and permissiveness, terms generally regarded as designating questionable behavior. When tolerance is advocated in contemporary political discourse, it is usually religious tolerance that the speaker has in mind, and the admonition is usually singularly directed; it is the Christian who is asked to be tolerant. Religious tolerance, though not confined to Christianity, seems to have a particular appeal to the Christian conscience, perhaps for reasons intrinsic to Christianity itself.

The classical and Christian sources of Western civilization, although under attack for the past 200 years, still remain the unacknowledged basis of Western
culture. Appeals for tolerance may resonate within that culture, if within no other. Unfortunately, respect for intellect, for the rule of law, and for the rational foundation of religious faith is not characteristic of all who would have their views tolerated. If the classical and biblical roots of Western culture are not respected by the immigrant who seeks shelter within the West, and if, furthermore, those sources are ignored in the common schools, can the freedoms grounded in their unacknowledged source long survive? The answer seems obvious. The call for a tolerance that ignores or abuses those foundations is inconsistent and self-destructive of its own warrant. It remains to be seen whether the West is able to defend its intellectual and cultural patrimony while yet accommodating the other.

Throughout history, political entities have recognized the need for unity of outlook among their peoples. At times in classical Greece and Rome, atheism could be punished by death. Modern socialist regimes, wherever they come to power, recognizing the influence of ideas, work to suppress religious education, if not religion itself. Within the Western democracies, practical accommodation is one thing, but a nonjudgmental, nondiscriminating acceptance is another. How tolerant can a society be and yet maintain itself in existence? Of course, where nothing is prized, everything can be tolerated.

Acceptance of the principle of tolerance necessarily leads even its defenders to the question of limits and leaves open the question of what should and should not be tolerated. It would be foolish, in the name of toleration, to ignore differences due to greater or lesser natural abilities, habitual patterns of good and evil, prudence and imprudence, and law-abiding and criminal actions. Tolerance often turns out to be what those of a liberal perspective think ought to be and ought not to be tolerated. Since policy built upon a liberal concept of tolerance is often at variance with common sense and the desires of the great majority, it can only be implemented through some form of coercion.

Eventually the question has to be faced by our secularized, intellectual elites: Can Western institutions survive the repudiation or neglect of the sources that gave them birth? Friedrich Nietzsche, no friend of Christianity, recognized the issue. “It is an English inconsistency,” he wrote, to be “rid of the Christian God” and yet “believe all the more firmly that they must cling to Christian morality. They have forgotten that the origin of their morality stands and falls with faith in God. The English do not recognize that what follows from the abandonment of their morality’s guarantee is an expression of the strength and depth of the dominion of Christian judgment.”

Without the moral framework of Christian civilization that has made freedom possible, a framework that has defined the moral boundaries in which liberty could blossom, European society has but two ways to go: either toward the secular totalitarianism it has experienced in the past or toward the replacement of Christianity with a self-confident Islam. The multiculturalist liberals have regarded the Muslims as allies in their attempt to destroy Christian civilization but in the process may have signed their own death warrant. In its war with secular Europe, Islam is likely to emerge the victor.

Bertrand de Jouvenel, writing in occupied France in the early 1940s, recognized another threat to the democratic franchise. Reflecting on the Roosevelt administration, barely ten years old at the time, he saw that the creation of commissions and agencies with legislative, executive, and judicial authority within the same organization could only lead to a disenfranchisment of the electorate. We see this happening in Europe.
as more and more power gravitates to Brussels and its numerous agencies. Policy decisions made far removed from a willing constituency can destroy inherited modes of production and social custom with little or no accountability to the populace affected. To the extent that the European Constitution allows Brussels to become the organizer-in-chief of European society, it will become the enemy of democracy, shifting effective power from the people to a bureaucratic imperium that tolerates little authority outside itself.

The Declaration of Laeken of December 2001 grapples with this issue. Yet to be resolved at that time was the question of federation or confederation, whether the European Union was to be governed by an intellectual elite from the top down or by regional constituencies from the bottom up. The Declaration of Laeken acknowledged that European institutions must be brought closer to the citizens while affirming at the same time that the European constitution should opt for “a clear, open, effective, democratically controlled community approach, developing a Europe which points the way for the world. An approach that provides concrete results in terms of more jobs, better quality of life, less crime, decent education and better health care. There can be no doubt that this will require Europe to undergo renewal and reform.”

But of what kind? A cosmopolitan and homogenized Western Europe, severed from its traditions and controlled by a centralized bureaucracy? The situation is not new.

Subsequent to the American Civil War, the defeated Robert E. Lee in a letter to Lord Acton, dated December 15, 1866, fearful of the usurpation of power by the newly empowered federal government wrote: “I yet believe that the maintenance of the rights and authority reserved to the states and to the people, are not only essential to the adjustment and balance of the general system, but the safeguard of the continuance of free government. I consider it to be a chief source of stability to our political system, whereas the consolidation of the states into one vast republic, sure to be aggressive abroad and despotic at home, will be the precursor of that ruin which has overwhelmed all that preceded it.” Lee may be considered not only prescient with respect to the United States, but prophetic with respect to the European Union. The danger is perennial. Lee’s judgment is echoed by James M. Buchanan who, writing in 2004, concluded: “The separate nation states of Europe are not likely to shed off their histories of national autonomy and jump in, as it were, into a new unitary monolith that remains in the process of being created...[yet] over a long period the European Leviathan may well become a dominant and dangerous force.”

In the United States it is beginning to be recognized that the most serious threat to democracy comes from a politicized judiciary. Appointments to the highest courts are made with a political objective in mind. The left recognizes that a liberal political agenda could never be implemented purely and simply through the legislative process. Given the nature of the legal system, those appointed to the judicial bench are more likely to be attuned to the liberal Zeitgeist of the academy than to the temper of the people. The chasm between the academy and Main Street is notorious. It is not so much that judges are often instruments of special interest parties or sectional financial interests as it is the pragmatic and naturalistic conscience they have developed in their university years. The reigning philosophy of education disposes one to challenge an inherited moral and cultural order. Carried into the practical realm this often leads to a negative evaluation of an imperfect past in favor of an idealized future.
Because both philosophy and theology are organically connected to political policy, we find federal courts in the United States ruling against the public display of the Ten Commandments and Christmas crèches, disregarding even from a secular perspective their symbolic value in calling attention to the principles undergirding the rule of law. At the time of the American founding the fathers of the new republic appended to the Constitution a Bill of Rights to guarantee explicitly that certain principles would prevail over the course of time. The First Amendment reads in part: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” As understood at the time, the clause prohibited the establishment of a national religion but did not prohibit or abolish the state churches then existing in the majority of the colonies. The Supreme Court through a series of rulings since 1947 has all but prohibited the expression of religion in the public sector while at the same time it has attempted to impose secular norms on religious bodies. In responding to the Zeitgeist of the academy and by ignoring the beliefs of the overwhelming majority the Court provides another example of the fragility of democracy.

Another challenge to democracy arises when a nation perceives itself to be under attack either from within or without. George Washington in his Farewell Address, after serving two terms as the nation’s first president, admonished his fellow countrymen to avoid foreign entanglements, advice rarely heeded in the following centuries. The foreign policy of the United States has led to treaties and alliances that have involved nearly every generation in warfare since its founding. With every conflict new curtailments and abridgments to normal patterns of commercial and personal life come into being. Bureaucracies expand to meet the supposed threat. Although the United States has not been called upon to defend its borders since the War of 1812, it now has a Department of Homeland Security, with a director of cabinet rank. This department now commands upward of 140,000 employees. Officials in its sister agency, the Transportation Security Administration, can issue directives that affect the lives of the entire populace. Threats, real and imagined, curtail the ease of air travel, lead to previously unimagined security checks even to gain entrance to an art museum. These measures are instituted without the give and take of significant public discussion and offer no real recourse to the affected person. In the interest of security, the citizen not only loses considerable freedom but is often humiliated in the process. This takes place without an examination and public discussion of the foreign policy that brought on the threat that is ostensibly being met.

Apart from the surrender of popular or local control to a centralized bureaucracy, the most serious threat to democracy is the implicit repudiation of the charter that produced “government of the people, by the people.” In the fifth century B.C. Heraclitus of Ephesus wrote: “The people must fight for their laws as for their walls.” After two-and-a-half millennia, the dictum must be taken seriously. Since the last half of the twentieth century, the people of the United States have seen their laws eroded as the federal judiciary, notably the Supreme Court, has struck down many legislatively enacted laws normally associated with the protection of life, property, and civility. The reasons for the invalidation of legislation by the courts are complex and often defy analysis, but this much can be said: judicial activism has become a feature of American life.

The courts, notably at the federal level, seem peculiarly vulnerable to the ideology of the academy, often taking their lead from university discourse rather
than legislative intent. Whereas legislation is necessarily hammered out in the give-and-take process of an assembly, where it is often a tissue of compromise and citizens at least have some representation, judge-made law is issued by decree. Courts are particularly vulnerable to persuasion by intellectual and media elites, who themselves are at war with the moral and cultural traditions of the nation. Given the monolithic posture of the media and the lockstep of the professorate, the people are left without adequate defense at the intellectual level of the beliefs they hold to be true. If the Supreme Court can contradict the clear intent of the First Amendment and all but abolish the public expression of religion, the fragility of democracy is all too apparent.

The United States is not alone in facing a threat to a democratic way of life. Christie Davies has entitled a recent book The Strange Death of Moral Britain.25 Decades ago the British Lord Patrick Devlin reminded his fellow jurists that if the morality of a people deteriorates, the laws based on that morality will crumble.26 The future of Europe under a European Constitution written in a moral vacuum is by no means secure.27 The future does not bode well for Europe when a candidate for the European Commission can be rejected on the basis of his Catholic faith. Europe desperately needs leaders who are resolutely willing to defend its Hellenic and religious traditions against alien modes of thought. As Jacques Maritain has argued, sooner or later nations will have to declare for or against the Gospel, for without it, democracy cannot be maintained. The European Union’s refusal to recognize its Christian origins is a visible sign that democracy is in crisis. To paraphrase Christopher Dawson, “Only a dying civilization ignores its dead.” The European Constitution seems to be founded on the aberrant postmodern democratic values of tolerance, multiculturalism, and internationalism. Like Europe, the United States may be in danger of losing its way, but it is better positioned by reason of its founding documents, perennial standards to which appeals can be made in the interest of corrective action.

1. From the notes of James McHenry, one of the delegates to the Federal Convention of 1787 and a signer of the draft of the U.S. Constitution (Documents Illustrative of the Formation of the Union of the American States, Government Printing Office).
2. "Democracy" as a term literally means rule of the people (from the Greek demos [people] and kratos [rule]).
3. We are reminded of Paul Valéry’s insistence that Europe cannot be understood apart from Roman Catholicism and Roman humanism. Heidegger, by contrast, put all the emphasis on the Hellenic patrimony of the West. 4. Hooker’s Laws of Ecclesiastical Polity was first published as Survey of the Summe of Church Discipline in 1648. In 1972 the Arno Press, New York, reprinted the 1648 edition. John H. Hallowell is one of a number of scholars who recognizes the influence of Hooker and Williams in the drafting of the nation’s founding documents. Speaking of Hooker, Hallowell writes: “The first stirrings of liberalism in America might be said to have found specific expression in [his] Survey of the Summe of Church Discipline” (Main Currents in Modern Political Thought [New York, 1950], 150).
8. Harry V. Jaffa, American Conservatism and the American Founding (Durham, 1984). 9. Without judging the merits of the claim, something like this may have happened when the United States invaded Iraq at the behest of a small group of like-minded officials and advisors who had gained control of the levers of power to advance an agenda contrary to the interest of the country and one that had been repudiated internationally. So weak was the case for the military invasion of Iraq that the U.S. Department of State sent five prominent Catholics to Rome to convince the Holy See of the righteousness of the war, a mission notably unsuccessful.
10. Jacques Maritain, Christianity and Democracy (London, 1945). 28. Maritain will also say, “Not only does the democratic state of mind pro-
ceed from the Gospel, but it cannot exist without it,” op. cit. 39. 11. Maria Mitchell, “Antimaterialism in Early German Christian Democracy,” in European Christian Democracy: Historical Legacies and Comparative Perspectives, ed. Thomas Kselman and Joseph A. Buttigieg (Notre Dame, 2003), 174. 12. As quoted by Mitchell, op. cit. 13. Mitchell, “Antimaterialism,” 175. 14. John Rawls, A Theory of Justice (Cambridge, Mass., 1971), 98. 15. Recognizing the importance of unity and its root in a common allegiance, George Washington in his Farewell Address to the nation (1796) explicitly called attention to the bond that unites them when he called upon his fellow countrymen to renounce their sectional differences and to look upon themselves as American and not as citizens of some section of the country. “With slight shades of difference,” he said, “you have the same religion, manners, habits, and political principles:...[you have] in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings and successes.” 16. Friedrich Nietzsche, “Twilight of the Idols,” in The Portable Nietzsche , trans Walter Kaufmann (New York, 1976), 515-16. 17. Bertrand de Jouvenel, On Power (New York, 1949). 18. Writing in the later 1950s, the French Dominican R. L. Bruckberger, in a tribute to America reminiscent of de Tocqueville, wrote, “I feel certain that if the day comes when European nations, instead of moving toward more and more centralization, move toward more and more individual autonomy and give private initiative the greatest possible scope, Europe will once again astound the world” (La République Américaine [Image of America], trans. from the French by C.G. Pauling and Vergilis Peterson [New York, 1959], 106). 19. Special Collections, Leyburn Library, Washington and Lee University. 20. “Competitive Federalism by Default,” in A Constitution for the European Union, ed. by Charles B. Blankart and Dennis C. Mueller (Cambridge, Mass., 2004), 35. 21. Washington’s exact words are: “It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are at liberty to do it.” 22. In the Mexican war of 1846-47, the United States was clearly the aggressor. Although the United States fought the Mexican forces in what is now Texas, California, and New Mexico, those territories became part of the nation only with the defeat of Mexico. 23. Amendment IV to the U. S. Constitution reads: “The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” Heretofore it was accepted that under existing law a person cannot be arrested or detained without a charge being brought against him. Authorities were obligated at least to suspect one of a crime before detention, interrogation, or search. Yet at airports nationwide the law is clearly ignored, where the arriving passenger is automatically a suspect by virtue of his presence, no evidence of any kind required. It may be argued that even respecting the Fourth Amendment, the practice is justified given the threat of international terrorism. Yet the short-term benefits may not outweigh long-term dangers when Constitutional rights are readily surrendered because of an imagined threat. 24. I use the word “charter” loosely to stand for the Declaration of Independence, the Constitution, the records of the Federal Convention of 1787, and the Federalist Papers. These documents hold the key to the national identity of the American republic. 25. Christie Davies, The Strange Death of Moral Britain (London, 2004). Toward the end of this work Davies writes, “The adoption of an ever-tightening European constitution will mean the end of Britain as a nation. Britain will fall, and it will have fallen because of the prior death of moral Britain, which reduced the national will to resist.” Davies adds that “The willingness of successive British governments to relinquish British sovereignty over moral issues to the European Court of Human Rights has been matched by their far more dangerous willingness to hand over political and economic decision making to the European Union” (p. 239). 26. Lord Patrick Devlin, The Enforcement of Morals (London, 1968). 27. In 1929, facing a disintegrating Europe, Werner Jaeger felt it necessary to call attention to a basic truth: “Our morality goes back to the Christian religion and our politics to the Greco-Roman conception of the state” (Paideia: The Ideals of Greek Culture, trans. Gilbert Highet [New York, 1929], xviii).