

Our Bickering Founding Fathers and Their Messy, Flawed, Divinely Inspired Constitution

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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.—Benjamin Franklin in his final speech to the Constitutional Convention (September 17, 1787).

Americans are well advised to support the best that can be obtained in the circumstances that prevail. That is sound advice not only for the drafting of a constitution but also for the adoption and administration of laws under it.—Elder Dallin H. Oaks, “The Divinely Inspired Constitution” (February 1992).

We like to pretend that things were different back then, back when gods and giants roamed the earth. What would the likes of John Adams and Thomas Jefferson need with thirty-second attack ads? Would Alexander Hamilton haggle over a top marginal tax rate? Or would Benjamin Franklin try to filibuster a Supreme Court

nominee? Certainly the idols of our tribe were above such nonsense.

And what would they say if they could see us today? They would be so disappointed, we imagine, at what we have done to their country and their Constitution. In less than 250 years, we have descended from their Olympian heights to become a nation of petty, intolerant, partisan squabblers—a bunch of satyrs who can't even recognize Hyperion. Obviously, they would find our political process disturbing, and perhaps they would also scold us for abandoning their clear instructions about things such as taxation, the national debt, federal power, state's rights, military readiness, and religion in the public square.

That is the common view of most Americans in the twenty-first century, but it is also—and please excuse my strong language here—*utter nonsense and complete piffle*. The men we revere as “Founding Fathers” were not the sort of men who agreed with each other about much of anything. Nor were they shy about discussing their disagreements in public or occasionally spitting on (or shooting at) each other in response to political insults.

And what did they fight about? Well, as it turns out, they fought about many of the same things that we fight about today, such as taxation, the national debt, federal power, states' rights, military readiness, and religion in the public square. We need only to look at the election of 1800—which pitted Federalist John Adams against Republican Thomas Jefferson—to get a sense of the ferocity of their politics (which most Americans today would find shocking) and the topics of their debates (which many of us would find strangely familiar). Among the most important issues in the election of 1800 were the following:

- **Deeply unpopular and possibly unconstitutional laws passed by one side without any support from the other:** The Alien and Sedition Acts (1798), among other things, made it a crime to criticize the government in print. After this law was passed, anti-government writers and newspapermen were rounded up and herded into jail. This was roundly condemned by Jeffersonian Republicans as a violation of fundamental freedoms. And Jefferson himself, as Vice President of the United States, secretly wrote the 1798

Kentucky Resolution authorizing the state government to nullify, and refuse to enforce, the federal law.

- **Disagreement about the duty of the government to control immigration:** Through the Alien Acts, the Federalists required a fourteen-year waiting period for immigrants to become citizens. Republicans, who received nearly all of the votes of recent immigrants, wanted the period to be as short as possible and accused the Federalists of depriving people of their voting rights for crass political gain.
- **The unmanageable national debt:** The Revolutionary War had saddled America with a huge national debt, and the two parties disagreed strongly about whether it should be retired with tax increases (specifically the “Whiskey Tax”) or fiscal austerity.
- **The importance of a strong military:** Adams and the Federalists wanted to raise an army and a navy to protect the country from both French and British aggression. Republicans believed that standing armies were instruments of tyranny.
- **The role of religion in the public square:** Jefferson was widely suspected of atheism and was seen by Federalists as theologically and morally unfit for office. Once in office, he refused to proclaim “days of fasting and Thanksgiving,” as his predecessors had done, lending credence to the campaign charges of atheism.

And the election was about as nasty as they come. Each side accused the other of betraying the Revolution, trashing the Constitution, and secretly planning to hand America over to France or Britain. Federalists branded Jefferson a Jacobite who would soon set up guillotines on the banks of the Potomac. And Republicans portrayed Adams as a secret monarchist who would seize power for life and install his son, John Quincy, as his successor. Both sides believed that there was no way that the United States could possibly survive if the other guys won. It was, in other words, a fairly typical American election.

Somehow, though, America survived the presidencies of both

John Adams and Thomas Jefferson—and most of us now believe that the men who lived at this time were wiser and more patriotic than our current crop of politicians. They weren't, of course, as two of the participants in that election—Alexander Hamilton and Aaron Burr—would prove four years later on an open field in Weehawken, New Jersey. (Say what you may about politicians today, but it has been more than two hundred years since a sitting Vice President of the United States has shot anybody on purpose).

And yet we still cling to the mythology that things were better back then. And, in doing so, we have inadvertently combined “the Founding Fathers” and “the Framers of the Constitution” into something like a collective hive mind. In my recent book *That's Not What They Meant!* I call this mythical collective “Founderstein,” a monstrous creature made up of the bits and pieces of patriots long and safely dead. In contemporary debates, the Founderstein monster usually goes by names like “the intention of the Framers.” Nobody, of course, wants to be on the wrong side of history by opposing the collective weight of all of our political deities. And those who invoke The Framers in their debates do so precisely because they know that, in doing so, they are painting their opponents as bad Americans.

All of this rhetorical force disappears, however, when we simply acknowledge that the Framers were actual individuals rather than a single hive mind. One cannot humiliate one's enemies by saying that their positions would be opposed by some of the Framers, supported by others, and probably not even understood by the rest. But say “advocating X means trashing the Constitution and spitting on the grave of the Founding Fathers,” and all of a sudden you are a patriot and your opponent is a pig.

The problem is that the only proposition that we can substitute for X with any kind of historical coherence is that the Thirteen Colonies should not be ruled by the British. Beyond that, we get disagreement everywhere we look—especially when we look at the creation of the Constitution. The fifty-five men who gathered in Philadelphia to draft the Constitution were as diverse a group of human beings as could have been assembled in 1787. Their ranks included anarchists, monarchists, nationalists, anti-nation-

alists, slave owners, abolitionists, Christians, atheists, and everything in between.

In the end, only thirty-nine of the delegates signed the Constitution. Some of the non-signers—such as Robert Yates, Luther Martin, and George Mason—went to their home states to fight against ratification. Even among the signers, there was not a single man who approved of everything in the final product. Some found the national government under the Constitution overwhelmingly strong, while others found it insufferably weak. Nearly every delegate at the convention rejected Alexander Hamilton's plan for an executive with lifetime tenure. And James Madison tried repeatedly to approve a federal veto on all state legislation, which was rejected each time he brought it up. By the end of the convention both Hamilton and Madison felt that the document had serious and perhaps fatal flaws. However, they went on to become unqualified supporters of the Constitution and the principal authors of the Federalist Papers which supported its ratification.

The Constitution that emerged out of this squabbling was a deeply-flawed document. The government it created was clunky. The division of power between the states and the federal government was inconsistent. And, in order to produce a working compromise, the convention had to concede almost every contested point to the Southern slave states, embedding the protection of slavery into the Constitution and guaranteeing that this cancer could only be removed from the body politic with a lengthy and bloody civil war.

And yet I believe, as a matter of deep faith, that a divine hand guided the Framers of the Constitution. We can easily get so caught up in its flaws that we forget what a remarkable thing it was in 1787 for a continent-sized country to try to govern itself. It was an unheard-of proposition. Nearly everybody in the world at the time believed that social order required a functioning aristocracy and that political stability required a hereditary monarchy. If there were exceptions, wrote the great French theorist Montesquieu, they could only come in small states no larger than cities. Large republics just couldn't work.

George Washington, Alexander Hamilton, James Madison, and others begged to differ, and they created the first stable, large democracy in history—thus proving to everybody else that such a

thing was possible. Much remained (and remains) to be done, but the creation of a democratic government in the New World in the late eighteenth century advanced the cause of freedom in unprecedented ways.

As I said, I believe that a divine hand was at work in the creation of the American Constitution. I do not suggest that America enjoys unique divine favor, or that the same divine hand has not been at work in the histories of many other countries. But what happened in Philadelphia in 1787 was so unprecedented for its time, and did so much to move the cause of freedom forward, that I choose to regard it—for all of its messiness and imperfection—as an expression of divine grace.

And this leads me to my concluding point, which is that imperfection and inspiration are not the least bit incompatible—something that I first began to suspect years ago while reading the story of Baalam’s ass in the twenty-second chapter of Numbers.

As you may recall, Balaam was a Moabite prophet whose king wanted him to curse the Israelites. He refused, but the king was insistent and willing to offer bribes, so Balaam mounted his donkey and went to see the king—thus earning the wrath of God, who sent a destroying angel out to deal with him. Balaam did not see the angel, but his donkey did and refused to advance. After Baalam beat his donkey three times to get him to move forward, the donkey spoke, and Balaam saw the danger that he was in.

In other words, the Lord finally got through to Baalam, but he had to speak through a jackass to do it.

I frequently reflect on this story as a way to remind myself not to ignore jackasses completely, as they may very well be speaking for the Lord. And this thought supports me as I read the debates and deliberations surrounding the American Constitution. The Constitution of the United States of America was not quite produced by talking jackasses, of course, but it was created by flawed and broken human beings bickering with each other in a messy process that produced a fractured, imperfect, compromise-driven consensus.

So here is the big question: what if this is the way that divine inspiration works? What if revelation is not a matter of transferring a thought or intention directly from God to the mind of a

prophet, but a proposition that involves discussion, debate, negotiation, and compromise among imperfect human beings? What if, in other words, revelation is a messy, communal, and participatory affair in which we have to negotiate with each other to reach an imperfect conclusion that will nonetheless merit God's stamp of approval because it is, in Elder Oaks' words, "the best that can be obtained in the circumstances that prevail?"

Such an understanding of divine inspiration runs counter to the way that people of faith often understand God's voice. We want our revelations to be clear, absolute, and otherworldly—perfect in the same way that God is perfect. But life is not a series of choices between the perfectly good and the irredeemably evil. It is a game of negotiations, tradeoffs, partial goods, lesser evils, and messiness.

Life is a mess. Human beings are flawed. And thus, a messy, flawed revelation—one that takes into account our own strengths and weaknesses and our willingness to act—will often be much more valuable to us than a thin sliver of absolute truth. This, I believe, is what the Framers of the Constitution discovered in the sweltering summer of 1787.

Understanding America's founding as an act of divine inspiration does not require us to whitewash and homogenize our understanding of the Founding Fathers. It may, though, require us to stop whitewashing and homogenizing our understanding of divine inspiration. It may be, in fact, that inspiration is always (or at least often) a matter of debate, discussion, and compromise among flawed human beings who are doing the best that they can in unbearably difficult situations—and who, guided by a divine master, can accomplish marvelous works and wonders that future generations will understand, correctly, as miracles.