

---

hope of building bridges. Is there a liberal community out there that is larger than a few scholars and lawyers?

—James M. Jasper  
*Graduate Center of the City University of New York*



Peter Augustus Lawler and Richard M. Reinsch III: *A Constitution in Full: Recovering the Unwritten Foundation of American Liberty*. (Lawrence: University Press of Kansas, 2019. Pp. x, 180.)

doi:10.1017/S0034670520000248

This book makes a thoughtful effort to make sense of the bewildering phenomena of American politics in the last fifty years, especially given the deepening influence and guidance of the Supreme Court. The *Obergefell* decision represents a culmination of the “imposition of egalitarian and individualistic tendencies on relational institutions” (57). How are we to understand a trajectory of American politics that leads to increasing impositions in the name of autonomy? The authors look back to Orestes Brownson and Alexis de Tocqueville to formulate the dialectical categories by which to understand the field of possibilities for American politics.

Brownson, a great American seeker, Catholic convert, and writer, cast a cold eye on the Founding and made prescient observations about the constitutional crisis surrounding the decisive fratricide of 1861–1865. The authors apply his categories to the present American crisis of a house divided between the progressivist plan to remold America using education, the courts, and federal government and the contrasting vision of the more libertarian and radical individualist attempts to free the citizen from regulation, social obligation, and moral constraint. According to Brownson, the divisions of our nation stem from its very beginning. The authors trace out the ideological projections of the southern aristocrats and their unlimited assertion of the self to include slavery, and similarly of the New England Puritans and their transcendental abolition of all difference. Selfishness and pantheism are the monsters lurking under the Founding that continue to threaten each subsequent generation; the extremes convulse the republic with a utopian plan to transform human nature and reduce the republic to some grotesque caricature of itself.

The authors propose a “full unwritten constitution” deriving from the culture and customs of the American people to correct and rein in the

ideologies and to provide hope for a rejuvenation of the cultured and responsible citizen. Such an unwritten constitution owes much to the religiosity of the American people, especially in its Christian notion of conscience and providence, and in its flourishing intermediate groups of family, local loyalties, and church. The authors offer many instructive insights and arguments to exemplify an adequate anthropology—affirming the dignity of the person in relation to others, fully social and responsible, and open to God—thereby providing the principles and models for a reasonable, practical, and constructive way through the contemporary ideological confusion. They explain how the American account of rights has become disconnected from this unwritten constitution and been brought into an abstract or gnostic scheme to enable the autonomous self in fulfilling a therapeutic and consumerist dream.

At times, however, the book is marred by a strained attempt to attribute the chief flaw of the Founding to the influence of Locke. Lockeanism is frequently decried, and yet not once in the book is Locke himself found in a textual reference or a footnote. I hope that this is not seen as quibbling, for the authors do deploy an impressive number of Locke scholars. But the authors rely on a placeholder or amalgamation of ideologies whose provenance is in truth complex and obscure. What is called Lockeanism or radical autonomy springs up from sources prior to Locke and unfolds with much more purity in nineteenth-century philosophy. A confrontation with Descartes or Hobbes, Hegel or Marx, would provide more philosophical depth to the book's critique of the ideology of human autonomy. And many have argued that Locke was more modest in his claims and more attuned to history and the phenomena of human nature than those others. Human sociability, human virtues, patriotism, and religion are neither denied nor simplistically reduced in Locke. I would question the claim made that it is "Lockean America" that is distinguished by "a progressive attitude towards politics and society [and] open to indefinite improvement" (131). I would look more to the Hegelian influence on Emerson and Dewey. In the last chapter, the authors do acknowledge this moderate and Christian aspect of Locke (132).

The authors are correct that Locke's philosophy, however construed, is woefully inadequate to the tasks of political renewal in our day and so they rightly turn at the book's end to their constructive account of Thomistic constitutionalism. The unwritten constitution died a long, slow death by the end of the nineteenth century. (I also suggest Updike's *In the Beauty of the Lilies* or Marion Montgomery's *Trilogy on the Prophetic Spirit*). And yet the "providential and relational" God invoked by the Founders is essential to this unwritten constitution and serves as the corrective of the "Lockean past tense unrelational" God of nature (145). How is such a political theology to be recovered? The authors turn to a southern writer, Walker Percy, to discover a path to constitutional Thomism. Percy argued that we must combine both the egalitarian and the personal dimensions of human dignity and emphasize relational virtues of generosity and magnanimity as interpreted through Thomas Aquinas. The attributes of this personal God, as recognized by our

Founders in the Declaration, include creator, legislator, judge, and providential orderer. The authors dispute the claim of Michael Zuckert that the addition of the last three attributes adds nothing to the creator God of nature insofar as the providential and judgmental God “acts to enforce the very order of the God of nature” (137). But the authors respond that the Christianity infusing this document does much more than prop up a civil theology. It secures the ground for personal identity and responsible freedom.

We could add here that God as judge underwrites personal conscience and the steady personal witness of truth and goodness, not simply the fear that would lead a citizen to obey the laws. The notion of God the judge actually frees the agent from the limited transcendence of the city. Divine providence corresponds to an existential order beyond essential nature as signified by God the creator. The human agent, trusting in this providential orderer, discovers a newfound courage and prudence to act. The first Catholic archbishop, John Carroll, eulogized the first president of the United States in precisely these terms: “The Language uniformly held by Washington, the maxim invariably inculcated and repeated by him in almost every public manifestation of his sentiments, was the acknowledgment of the superintending providence, preparing, regulating and governing all human events for the accomplishment of its eternal purposes, and predisposing the instruments, by which they are to be effected” (“Discourse on George Washington delivered in the Catholic Church of St. Peter, Baltimore,” February 22, 1800).

Clearly a theology of a providential God imbues America’s greatest achievements—achievements of the likes of George Washington, Abraham Lincoln, and Ronald Reagan. In this spirit, the authors affirm that now we must look to American Thomism, such as found in Walker Percy and John Courtney Murray, to find a glimpse of “American providential constitutionalism in full.” Despite the influence of individualism on the Founding and the development of the American republic, the authors end the book on a note of hope as they acknowledge the full meaning of the Declaration and see that it remains as a star on the political horizon. No less an admirer of that document than Pope John Paul II said to Lindy Boggs as she assumed the duties of American ambassador to the Holy See in 1997: “Indeed, it may be asked whether the American democratic experiment would have been possible, or how well it will succeed in the future, without a deeply rooted vision of divine providence over the individual and over the fate of nations.”

—John P. Hittinger  
*Center for Thomistic Studies, University of St. Thomas*

