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# Creed of Americanism

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## THE CREED OF AMERICANISM\*

The world is facing one of the greatest and swiftest breakdowns in the history of civilization. This collapse is closely associated with the present war and with the war of 1914-1918. Yet it transcends war. It goes back from the actors on the present revolutionary stage to the thinkers who inspired and influenced them.

Among the intellectual preceptors of the present revolution, lawyers have played a leading and telling role. In a sense lawyers make politics their profession. They man the legislatures, the judiciary and the executive agencies of government. They play a dominant part and are a directive force in the formulation of our political thinking and processes. Lawyers, therefore, cannot escape responsibility for the present debacle. They can be justly charged with the greatest responsibility for the preservation of our free democratic institutions.

Our law schools are also potent factors in the preservation of our traditions and institutions. I regret to say that they too have been powerful forces in fomenting and intellectually nurturing the present revolution. This is, therefore, an appropriate forum to examine our consciences as to our trusteeship of our democratic faith.

In any discussion of the basic issues of the present world struggle and revolution, one must be clear and precise in his understanding of the norms of the order, which are under challenge and attack. We lawyers must be very exact and clear in understanding the fundamental tenets of our democratic institutions. We must have a firm intellectual grip on the life principle of our way of life. If we don't, we are not equipped and have not the conviction to defend the vitality of our political order and then our in-

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stitutions will be lost in default of competent defense and advocacy. Our tradition makes us the guardians of a precious thing. We must be in complete agreement as to what that "thing" is if we are to make common cause in its defense.

Catholic lawyers have a double duty to perform. As Americans and lawyers they are trustees of our American institutions and traditions. As Catholics they must defend Christian institutions and their Catholic faith. Although this requires service on two fronts — Americanism and Catholicism — nevertheless it involves only one cause — as the Catholic Church and the American State have a common political faith.

I shall attempt, as requested, to "brief" the postulates of that common political faith. I will try to isolate the foundation principles which mesh Christianity and American democracy together and to show their common meeting ground in the political field.

#### PREAMBLE

Before setting forth the tenets of our Catholic American political creed, we should by way of preamble refresh our memories as to certain basic philosophical and juridical concepts which form the hypothesis upon which these tenets are predicated.

It seems to be a fundamental assumption and hypothesis of our political philosophy that this is a government of laws. If so, we must be clear as to what we mean by "law" as we use that word in our political and legal thinking. There are many definitions and concepts of "law," but the definition which seems the least controversial and perhaps has the greatest acceptance in our country is that *law is a rule of human action*.

A word analysis of this definition reveals significant implications. "*Human*" means having the characteristics and

attributes of *man*. "Man" is thus made *the* point of reference. This reference raises the basic question as to our philosophy of man. It asks the question — "What think ye of man?" What you think of man, therefore, will determine what you think of law and we shall see as we proceed that our founding fathers wrote a very *definite* "Man" into our political philosophy.

The word "action" in relation to human in our definition is equally important. We move toward a goal by our action. Law's work is effectively to direct that action in view of the goal. Therefore, the criteria of law must be the goal toward which our action is directed. Consequently, law is only a directive; the means of attaining the end for which the individual and society exist. We, therefore, must have an end and that end is our philosophy — our conception of a way of life. This presents the questions — "Is Americanism a specific way of life? If so, what are its distinguishing characteristics; what are its vital tenets?" Here again we find that our founding fathers read into our institutions a specific philosophy of political life.

It is begging the question to simply say that our founding fathers adopted the democratic way of life. Democracy has many forms, each form patterned to carry out a different way of life. Our founding fathers selected the *one* form which they considered the best adapted to carry out their particular philosophy and there can be no doubt that they had a sharply defined plan of life based upon specific postulates. They employed "law" in the meaning of our definition as a directive to a definite goal. They did not strive to set up a new order of society, to refashion life according to some new design. They simply devised and erected a governmental machine postulated on the Christian way of life, which was the form of the Western European civilization of which they were a part. Where do we find our authority for this statement? As lawyers, we must go to "the books"!

The Declaration of Independence — the first document emanating from any group having competence to speak authoritatively for what subsequently became the United States of America — concisely and precisely summarizes the tenets of our political faith — of our way of life. These tenets are characteristically Christian in origin and in content.

#### TENET No. 1

In the opening sentence of the Declaration of Independence, our founding fathers acknowledged the existence and efficacy of “the laws of nature and of nature’s God.” They expressly sought to disassociate Americans from any society which does not permit them to enjoy “the separate and equal station to which the laws of nature and of nature’s God entitle them.” This statement professes belief in a personal God, in a divinely created and ordered universe, in the supernatural nature of man and that man’s station, — his status and rights — spring from God. One thing is at least clear. Our founders repudiated an atheistic or materialistic interpretation of the origin of man and of man’s rights. They postulated our institutions and our laws on God, nature and human nature; on a supernatural scheme of things designed in accord with a divine pattern. They did not abandon man to the arbitrary will of other men — to power politics; nor to the blind forces of some imaginary biological or economic principle. They anchored man and society to God. They repudiated the doctrine of the superman and proclaimed the doctrine of the *supernatural man*. That is the *life* principle of our political faith from which all its precepts stem.

#### TENET No. 2

The second tenet is that man is a creature of God, endowed by God with certain unalienable rights and, consequently possessed of these rights *qua man*.

This tenet is implicit in the words "men are created . . ." and men "are endowed by their Creator with certain unalienable rights." In these words our fathers not only acknowledged a personal Creator but recognized man as the proud possessor of certain rights by Divine endowment. Now if man has certain rights by Divine endowment, they are part of his very nature resulting from the very act of his creation. They, therefore, cannot be the gifts of any state or government and consequently must be above and beyond the jurisdiction of the state. How vital this principle is in the light of the jurisdiction now being claimed by dictators, war lords, political and economic "planners" and the modern apostles of the "New State"!

Furthermore, these rights are characterized as "unalienable"; that is to say, they are so integrated in man's very nature that they are humanly indestructible, non-transferable. To deny him the enjoyment of these rights is, therefore, to contradict and destroy his nature as it denies him the facility of using his natural capacities.

Moreover, if man is a creature of God, and his inherent rights have been Divinely endowed, they must have been given him for *some* purpose and, therefore he must be accountable for their use in accord with the purpose of his creation. Consequently, there is a Divine Purpose, a Divine Way of Life and this Divine Way of Life is thus integrated into our political institutions as their ultimate objective and *raison d'être*. But before we express our opinion as to which "Way of Life" has thus become part of our political philosophy, let us first state the other tenets of our faith.

### TENET No. 3

This tenet is that authority in the State that comes ultimately from God through the people. Our fathers expressed this doctrine in the following manner—that governments derive "their just powers from the consent of the governed."

If the governed are creatures of God, then any consent which they are capable of giving is a God-given faculty, so that a power granted by consent ultimately comes from God. Of course, man is given the competence by God to give or withhold his consent as he chooses. This is an application of the doctrine of free will.

If governments have only those powers which they *derive* from the consent of the governed, then the State is merely the creature of man and can consequently have only those faculties which are conferred upon it by man. Therefore, government and all agencies of government can only exercise such powers and faculties, as it can justify by the authentic act of the people. The doctrine that the State is a metaphysical person having a separate being from the persons composing it and that therefore, it has faculties and rights *per se* is foreign to the American concept. This is made very plain by the proclamation of the authors of our government when they say "Governments are instituted among men" \* \* \* "to secure these rights" — the unalienable rights of man — and "that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it." This concedes to the citizen the right to challenge any assertion of power by government which is contrary to the citizen's right and which is not derived from the citizen's consent. Obviously under such a doctrine the State cannot have a being or any capacities independent of its citizenry.

Furthermore, to admit that man can create a government and then alter or abolish it, as it may seem to him to serve in the fulfillment of the purpose of his creation, is to concede the doctrine that man has the power of rationalizing, of independent judgment, of personal choice. This can *only* mean that man has a creative genius and *free will*.

Our founding fathers thus read the Christian doctrine of society into our organic law.

## TENET No. 4

This tenet can be best expressed in the phrase "equality of man." It is found in the words "all men are created equal." This means not equality of capacity, but equality of opportunity, equality before the law, equality of political rights. Nature has ordained a hierarchy of capacity. Our political order can only assure the opportunity and occasion for the use of the capacities which nature has given us. It cannot reclassify man in different norms of perfection from what nature has ordained. It cannot re-create man. All men are created with the same rights but not with the same capacities to enjoy them. This principle is clearly borrowed from the Christian doctrine that all souls are equally valuable.

## TENET No. 5

"Life," "Liberty" and "the pursuit of happiness," which are declared to be rights of man, seem nebulous and meaningless phrases susceptible of almost any interpretation. This would be true if those who used these phrases did not have a definite pattern of life in mind. But they did have such a pattern in mind and they definitely meant that kind of life, that kind of liberty, and that kind of happiness, which conformed to that pattern.

They used "Life," "Liberty" and "Happiness" in the sense of the "Life" of the *man* of Western European civilization — the Christian man — and "Liberty" in the sense of the right to enjoy those things necessary to satisfy his nature and to enable him to carry out his divinely appointed mission in a divinely ordered universe and thereby achieve "Happiness." If they did not mean this, then they used empty slogans and set up a State without a plan, without an ideal, and with no life principle or philosophy. It is clear, at any rate, that they did not make the "economic man," the "social man," the "social unit," the "industrial utility," the criteria or measure of an American. I submit that they *made*



the American by definition a supernatural personality and tried to politically implement and safeguard him as such.

The Christian epic of man runs through all their thinking and is the very fabric out of which our political faith is woven. The five tenets, which we have just "briefed" are built around a single idea, the Christian doctrine of man and society. Our forefathers read this idea indelibly into our organic law and institutions.

In fact, the most acceptable definition of our kind of freedom, which I know, is — Freedom is the opportunity in man to exercise those rights which are essential to the perfection of man's nature and the fulfillment of his appointed mission.

Having thus proclaimed the postulates and tenets of our political faith, the authors of the Declaration of Independence in the remainder of the Declaration, proceeded to recite specific instances of political acts which violated these tenets. When we read their charges, it seems that we are reading an indictment against our contemporary totalitarians. Once depart from the American Christian doctrine of man and society and the consequences are always the same. Freedom is lost to men as soon as you divorce man from his divine character. Freedom has no other sanction and guarantee except a Divine anchorage.

It is significant that the Constitution as originally drafted contained no specific enumeration of individual rights — no Bill of Rights. This was no oversight. The framers considered such rights implicit in the Constitution, an integral part of our institutions. A Bill of Rights was added as an amendment out of supercaution to emphasize by specific enumeration certain individual rights which recent experience had taught them were apt to be challenged. Our civil rights, even those set forth in the Bill of Rights, have no sanction or no *raison d'être* except in relation to the Christian concept of man. The quality of freedom depends entirely upon the quality of the man.

The Constitution of the United States only blueprints and sets up a political mechanism or device to give organic vitality to our way of life. It does not attempt to state that way of life; it assumes a way of life and politically implements it; it establishes political processes to carry it out. But where do we find the way of life described that the Constitution so assumes? The Supreme Court of the United States has said, and repeatedly affirmed, that the Constitution "is but the body and the letter," of which "the Declaration of Independence is the thought and the spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence." Therefore, we find the plan of *our* way of life by referring to the Declaration of Independence and we have seen that *that* way of life is the Christian way of life.

Furthermore, the case-books are replete with decisions making authoritative reference to "the laws of nature and of nature's God" and to the "principles of our Constitutional system." These principles are the tenets we have discussed. We will certainly have to radically reverse a long line of authority and precedent if we now wish to delete the Christian philosophy of man from our institutions and laws!

An impressive fact, from which we cannot easily escape, is that our founding fathers in proclaiming their political beliefs in the Declaration did so as a matter of faith. They professed that they held "these truths (the tenets which we have "briefed") to be self-evident." If "self-evident," they require no proof. They are taken *on faith*. Therefore, these tenets may be aptly called the *Creed of Americanism*, the fundamental dogma of our democratic faith.

And so, I contend on this record, that to be an American, you must accept and profess this Creed as "self-evident," as an act of faith. That, and that alone, makes you an American. You *either* accept the faith or you do not. If an American is not fashioned out of the Christian man, he is philos-

ophically a "man without a country." Those who reject the Christian concept of man and society are not merely un-American, they are anti-our-civilization. They are "fifth-columnists" masquerading as democrats.

It is being generally said that the present war is a war for Christianity and Democracy. It is only a war for Christianity and Democracy in the sense that the Christian doctrine of man and society is being challenged and assailed. If that doctrine is destroyed as the postulate of our political institutions and processes, then the life-principle of our civilization has perished and we will, indeed, enter upon a "New Order." The breakdown in our civilization, which I alluded to at the beginning of this talk, is the result of the collapse of the Christian character of man in our democratic order. Only by restoring man to his rightful and natural estate in society can freedom be regained and peace prevail. The modern totalitarians take God *out* of the State; whereas, our ancestors put God *into* the State. That is the fundamental issue. It is not a question of "Four Freedoms"; it is a question of *One* Freedom — the freedom in man to perfect his divinely created nature and to achieve his Divinely appointed destiny. The totalitarians deny this "Freedom." They repudiate our conception of the nature of man. They do not admit that the individual has any "unalienable rights." Our issue with them is fundamental and cannot be compromised.

We can preserve our political institutions and processes by making all laws, rules and regulations conform to our Constitution, but we can only preserve our civilization, our way of life, by making our Constitution and all laws and acts under it conform to the postulates and tenets of our American philosophy. We must, therefore, as lawyers, not confine ourselves to "hair-splitting" technicalities and clever dialectics. We must weigh all laws, rules and regulations in the scale of our fundamental philosophy and be certain that they are not out of balance with the organic structure of the in-

stitutions of our Christian American concepts. That is the test of their validity, if we purpose to salvage our civilization.

In our own country, we have been indoctrinated by a long series of popular jurists with a new concept of law, popularly referred to as "sociological jurisdiction." Under this school, law is considered as a process of social control, dedicated solely to promote the "social end" which we desire. It repudiates abstract truth and the legal postulates rooted in tradition and accepted on faith. Government is transformed from its traditional concept as a political agency to promote the common good with full respect for the personal integrity and dignity and rights of the democratic man into an economic and social organism to refashion our entire way of life and personal nature to suit the designs of some "planner" in authority. Government is given a new connotation. Our political institutions and processes are being twisted and torn. We are being subtly *insinuated* into a new design of living. Our law schools are the "breeding-ground" of this new cult. Our courts are not only being packed with apostles of this new faith but our court decisions are being packed with their alien ideologies. The foes of our civilization are not all located outside of the United States.

This war will be won or lost — that is to say from the point of view of what kind of civilization results from it — regardless of the military results — only if the right ideas prevail and survive. Ideas are the lawyer's armament — yours and mine. Will we keep the faith of our fathers? On our answer to that question depends the future of mankind.

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