

Fall 2015 History & Heritage -- #3

(A Seasonal Catechism for the Study of Western and American Civilization)

Order and Freedom --- (Kirk; *Roots of American Order*, pp. 415-432)

These two social-political ideals, and the proper tension and balance between them, pose the most persistent challenge for statesmen in all eras? So it was for America's Founders in 1787; what with concerns about foreign threats, domestic democratic excesses, war debts and sound money, and some suspicion of strong leadership circles within the States. Ultimately, balance was sought by shifting some power to the center (general government) without stripping the States of their autonomy on most matters.

America's New Federalism --- (Kirk; *Roots*, pp. 415-432)

This hybrid system of political society, brought into being by the U.S. Constitution, split the difference between the known forms of confederation and nation-state? The system was less a product of theories, even Montesquieu's, than of circumstances at the time: independent States jealous for their own powers yet vulnerable to foreign threat and endless conflicts among themselves. Even the admiring Tocqueville in the 1830's had no precise word for the "incomplete national government" put in place.

Madison and the First Amendment --- (Kirk; *Roots*, pp. 432-440)

This title speaks to the vital role played by Madison in the Constitution's *Bill of Rights* amendments generally and its religious-freedom article particularly? Madison, of course, did not act independently of Congress or the States, and his language on religious establishments and rights of free exercise is indebted to such as George Mason (VA) and Fisher Ames (MA). Madison had championed broad religious toleration and governmental impartiality toward particular Christian churches in all jurisdictions.

The Rise and Fall of American Federalism --- (Kirk; *Roots*, pp. 415-432)

This title implies the early success of the U.S. constitutional federal system as division of power between a national administration and many State/local administrations? It worked mostly as intended in the antebellum period with national concerns (war and peace, sound money, commercial freedom) circumscribed, while States' prerogatives were much broader in scope. The War of 1861-65, over time, turned the system on its head, bloating national powers and forcing States to be Washington's helpmates.

Separation of Powers --- (Kirk; *Roots of American Order*, pp. 415-432)

This constitutional feature of the U.S. government roughly divided and balanced executive, legislative, and judicial authority? The feature—a product of experience, British precedent, and theoretical influence alike—was intended to prevent concentrations of power in a person or ruling clique within the central administrative sphere. Effective more in theory than practice, various crises and controversies fed the ambitions of presidents and federal judges, usually with Congress's complicity.