

Parnassus House  
November 13, 2025

*Great Founders – America’s Constitutional Founding*

Although the Constitution (1787) is the basis of America’s constitutional republic, the Declaration of Independence (1776) expresses the core claims upon which the nation was founded. In it, Jefferson writes of entitlements drawn from “the Laws of Nature and of Nature’s God.” All men are “endowed by their Creator” with unalienable rights, which are to be secured by a government that draws its legitimacy from the will of the people.

1. Jefferson’s language fuses – and indeed *confuses* – “Nature” and “God.” It is perhaps intentionally vague, blurring the natural and supernatural origins of rights.
2. Setting metaphysical and theological questions aside, the *political* effect of appealing to the Creator God is to secure the basis for claims of *rights*. If we have rights, we have them because God created us in his image. In that sense, we are God’s *property*. It would be *unjust* for an earthly tyrant to subjugate beings made by God in his own image. The divine origin of rights protects against legal positivism – the view that laws only exist by conventional human decree.
3. Good government, for Jefferson, is obtained through entering into a *social compact*. We consent to give up a portion of our natural, pre-political freedom to the state. In return, it protects our rights from tyranny. The source of *legitimacy* in the American founding is the *will of the people*.
4. Drawing legitimacy from the will of the people does *not* entail the need to instantiate any one particular *form* of government. The best form of government is the one that best protects rights. For the founders, that means protecting against *both* the tyranny of a monarch *and* the tyranny of the majority, which tends to result from democracy.

The Federalist Papers were written to persuade people to ratify the Constitution. But they also serve as a clear articulation of the innovative political theory of America’s founders. According to their distinctly modern political science, government could be ordered in such a way that vices such as faction, ambition, and acquisitiveness could be made to counteract each other.

1. In Federalist 10, Publius distinguishes between the *causes* and the *effects* of faction. The causes “cannot be removed” without sacrificing liberty. So the aim of the Constitution is rather to mitigate the bad effects of faction by vesting power across such a variety of factions that no single one can dominate. Federalist 51 voices a similar idea vis-à-vis the separation of powers: “Ambition must be made to counteract ambition.”
2. Publius is conflicted between *republicanism* and *liberalism*. On the one hand, Americans need to exercise sufficient *civic virtue* in order to sustain the republic. On the other hand, people cannot be counted upon to act virtuously. Institutions of government need to work with humans *as they really are*. The innovation of modern liberal political science, inherited from Locke and Montesquieu, is to leverage *vice* to *stabilize* politics.