Uncovering the Constitution's Moral Design

Paul R. DeHart

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The U.S. Constitution provides a framework for our laws, but what does it have to say about morality? Paul DeHart ferrets out that document's implicit moral assumptions as he revisits the notion that constitutions are more than merely practical institutional arrangements. In *Uncovering the Constitution's Moral Design*, he seeks to reveal, elaborate, and then evaluate the Constitution's normative framework to determine whether it is philosophically sound—and whether it makes moral assumptions that correspond to reality.

Rejecting the standard approach of the intellectual historian, DeHart for the first time in constitutional theory applies the method of inference to the best explanation to ascertaining our Constitution's moral meaning. He distinguishes the Constitution's intention from the subjective intentions of the framers, teasing out presuppositions that the document makes about the nature of sovereignty, the common good, natural law, and natural rights. He then argues that the Constitution constrains popular sovereignty in a way that entails a real common good, transcendent of human willing and promotive of human well-being, but he points out that while the Constitution presupposes a real common good, it also implies a natural law that prescribes the common good.

In critiquing previous attempts at describing and evaluating the Constitution's normative framework, DeHart demonstrates that the Constitution's moral framework corresponds largely to classical moral theory. He challenges the logical coherency of modern moral philosophy, normative positivism, and other theories that the Constitution has been argued to embody and offers a groundbreaking methodology that can be applied to uncovering the normative framework of other constitutions as well.

This cogently argued study shows that the Constitution presupposes a natural law to which human law must conform, and it takes a major step in resolving current debates over the Constitution's normative framework while remaining detached from the social issues that divide today's political arena. *Uncovering the Constitution's Moral Design* is an original approach to the Constitution that marks a significant contribution to understanding the moral underpinnings of our form of government.

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