

Do Ordain And Establish This Constitution For The United States Of America. Meaning

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The phrase "Do ordain and establish this Constitution for the United States of America" is one of the most significant lines in American history, found at the conclusion of the United States Constitution. It encapsulates the foundational authority and legitimacy bestowed upon the Constitution by its creators. Understanding the meaning and implications of this phrase is crucial for appreciating how the United States established its system of government, the significance of the Constitution, and the legal and historical context that continues to influence American governance today.

This article explores the meaning behind "Do ordain and establish this Constitution for the United States of America," delving into its historical origins, legal significance, and the broader implications for American democracy. We will analyze the language used, its role within the Constitution, and why it remains a powerful symbol of the American constitutional order.

Historical Context of the Preamble and the Phrase

The Drafting of the Constitution

In September 1787, the Constitutional Convention convened in Philadelphia with the goal of creating a new framework for governance after the weaknesses of the Articles of Confederation became apparent. Delegates from various states debated and crafted a document that would serve as the supreme law of the land.

The final draft of the Constitution was signed on September 17, 1787, and the concluding line reads:

> "Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the Twelfth."

Immediately following this, the document states:

> "And to the Laws thereof, and to the Union thereof, and to the Security of a free Constitution, do ordain and establish this Constitution for the United States of America."

This language signifies the deliberate and collective act of the framers to create a new governing document.

Significance of the Phrase in the Constitutional Preamble

While the phrase "Do ordain and establish this Constitution" appears at the end of the document, it holds the same weight as the Preamble, which begins with "We the People." Both sections underscore the authority and legitimacy of the Constitution.

The phrase functions as a formal declaration that the Constitution is:

- Ordered and sanctioned ("do ordain")
- Officially established as law ("establish")
- Enacted by the collective will of the people and their representatives

This language emphasizes the constitutional authority as originating from the consent of the governed, a core principle of American democracy.

Legal and Philosophical Meaning of "Do Ordain and Establish"

Understanding "Ordain"

The term "ordain" historically refers to the act of authorizing or establishing by formal decree. Its use in the Constitution signifies:

- A deliberate act of creation or enactment
- An invocation of divine or moral authority, reflecting the 18th-century language and understanding of law
- The solemnity and gravity of establishing a new constitutional framework

In modern terms, "to ordain" can be seen as to enact or decree, emphasizing the official and authoritative nature of the document.

Understanding "Establish"

The word "establish" means to set up on a firm or permanent basis. In the constitutional context, it signifies:

- The formal foundation of the government
- The creation of the legal framework that will govern the nation
- The intention for the Constitution to be enduring and fundamental

Together, "ordain and establish" implies a comprehensive act of creating a lasting legal and

governmental structure grounded in the authority of the people.

The Collective Authority and Consent

The phrase underscores the idea that the Constitution is not an arbitrary document but one created through collective consent — the "unanimous" agreement of the framers, representing the will of the people they serve. This notion aligns with the principles of popular sovereignty, a cornerstone of American democracy.

Implications of the Phrase for American Governance

Foundation of the Rule of Law

The act of "ordaining and establishing" the Constitution signifies the establishment of the rule of law in the United States. It underscores that the government derives its authority from the Constitution, which is the supreme law of the land.

This phrase:

- Validates the Constitution as the ultimate legal authority
- Ensures that all laws and governmental actions adhere to the principles set forth
- Provides a basis for judicial review and constitutional interpretation

Legitimization of the Federal System

By "establishing" the Constitution, the framers created a federal system that balances power between national and state governments. The phrase affirms the legitimacy of this system and the authority of the federal government to operate under the Constitution.

Endurance and Permanence

The language also signifies the framers' intent for the Constitution to be a lasting foundation for American governance. The phrase "do ordain and establish" suggests permanence, stability, and a commitment to uphold the document for generations to come.

Modern Significance and Interpretation

Legal Relevance

Today, the phrase remains a fundamental part of American constitutional law. It is often cited in legal arguments and judicial decisions to affirm the authority of the Constitution.

- The phrase emphasizes that the Constitution was created by the people, through their representatives
- It reinforces the idea that constitutional authority is legitimate and binding

Cultural and Symbolic Importance

Beyond its legal significance, "do ordain and establish" symbolizes the collective effort and shared commitment of the American people to uphold democratic principles and the rule of law.

- It reflects the democratic foundation of the nation
- Serves as a reminder of the intentions of the framers to create a government that is by the people and for the people

Contemporary Interpretations and Debates

While generally understood as a formal declaration, debates sometimes arise over the scope of the phrase, especially regarding:

- The balance of powers between federal and state governments
- The ongoing interpretation of constitutional provisions
- The authority of the courts to interpret the Constitution

Nonetheless, the core meaning remains rooted in the idea of deliberate, collective establishment of the nation's fundamental legal framework.

Conclusion

The phrase "Do ordain and establish this Constitution for the United States of America" is a powerful declaration that embodies the legitimacy, authority, and enduring nature of the U.S. Constitution. It signifies the collective act of creating a durable legal foundation grounded in the consent of the governed. Understanding its meaning provides insight into the foundational principles of American democracy—popular sovereignty, rule of law, and the pursuit of a government that reflects the will of its people.

As the cornerstone of American governance, this phrase continues to remind us of the deliberate and collective effort that founded the nation's legal and political order. It underscores the importance of the Constitution as the ultimate authority and the enduring symbol of freedom, justice, and democratic ideals in the United States.

Keywords: Do ordain and establish, Constitution of the United States, meaning, legal significance, American democracy, constitutional law, founding principles, sovereignty, rule of law, federal system.

Frequently Asked Questions

What does the phrase 'Do Ordain And Establish This Constitution For The United States Of America' mean?

It signifies that the framers of the Constitution officially authorized and established the document as the supreme law of the land, giving it legal authority and legitimacy.

Why is the phrase 'do ordain and establish' important in the Constitution?

It emphasizes the deliberate and formal act of creating and ratifying the Constitution, indicating the people's and the framers' consent to its authority.

Who is responsible for 'ordaining and establishing' the Constitution?

The Constitution was ratified by the states through their conventions, and the phrase signifies the collective approval and acceptance by the founding states and their representatives.

What is the historical significance of the phrase in American history?

This phrase marks the moment when the framers officially enacted the Constitution, transforming it from a draft into the supreme law governing the United States.

Does 'do ordain and establish' mean the Constitution is divinely inspired?

Not necessarily; it indicates a formal legal and moral act of creation and approval, rather than implying divine authority, though some view it as inspired by higher principles.

How does this phrase relate to the concept of sovereignty in the US?

It signifies that the authority of the Constitution comes from the people and their states, establishing the foundational sovereignty of the nation.

Is the phrase 'do ordain and establish' unique to the US Constitution?

While similar phrases appear in other foundational documents, this specific language is unique to the US Constitution and underscores the legal authority granted by the ratifying states.

What legal power does the phrase grant to the Constitution?

It grants the Constitution the authority to serve as the supreme law of the land, guiding and limiting government powers and protecting individual rights.

How does this phrase influence the interpretation of the Constitution today?

It underscores the Constitution's foundational and deliberate nature, reminding courts and citizens of its authority and the importance of adhering to its principles.

Can the phrase 'do ordain and establish' be seen as a form of social contract?

Yes, it reflects the idea that the Constitution was created through a social contract among the states and the people, establishing a government based on mutual agreement and consent.

Additional Resources

Do Ordain And Establish This Constitution For The United States Of America: Meaning and Significance

The phrase “Do ordain and establish this Constitution for the United States of America” is one of the most pivotal declarations in American history. It encapsulates the foundational moment when the framers of the Constitution formally ratified the document, giving it legal authority and legitimacy. To fully appreciate the depth and significance of this phrase, it’s essential to dissect its components, historical context, and implications for the American constitutional framework.

Understanding the Phrase: A Breakdown

The phrase appears in the preamble of the United States Constitution, specifically in Article VII, which states:

> “Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth.”

> “And to the Establishment thereof, do ordain and establish this Constitution for the United States of America.”

While the phrase may seem straightforward, its language carries profound legal and philosophical weight.

Key Terms Explained

- Do Ordain:

The term “ordain” signifies a formal, deliberate act of establishing authority or law. Historically, it has ecclesiastical connotations—implying a divine or solemn authority—suggesting that the framers viewed their act as not merely legal but also morally and ethically significant.

- And Establish:

To “establish” means to set up, confirm, or institute something officially and permanently. In this context, it emphasizes the intent to create a durable and binding legal framework that would govern the nation.

- This Constitution:

Refers to the document itself, a new foundational legal framework replacing the Articles of Confederation, designed to unify the states under a common set of laws and principles.

- For the United States of America:

Indicates that the act of ordaining and establishing applies to the entire nation, representing a collective, sovereign entity formed by the states.

Historical Context of the Phrase

The Philadelphia Convention of 1787

The process leading to this declaration was initiated by widespread dissatisfaction with the Articles of Confederation, which many believed provided insufficient federal authority. Delegates from twelve states (Rhode Island abstained) convened in Philadelphia to revise the Articles, but ultimately drafted an entirely new Constitution.

Constitutional Ratification Process

- The Constitution was drafted on September 17, 1787, and then sent to the states for ratification.
- Each state held conventions to consider adoption, with some fiercely debating the merits and concerns.
- Once nine states ratified, the Constitution became the supreme law of the land, but the formal ratification process was completed with the ninth state's approval.

The Meaning of “Unanimous Consent”

- The phrase highlights that the Constitution was adopted with the collective agreement of the states involved.
- It underscores the importance of consensus among the founding entities, giving legitimacy to the new government structure.

Philosophical and Legal Significance of the Phrase

The Supremacy of the Constitution

- By stating that the Constitution is “ordained and established,” the framers declared it as the supreme legal authority.
- This act situates the Constitution above all other laws, treaties, and statutes within the United States, establishing the principle of constitutional supremacy.

The Concept of Sovereignty

- The phrase emphasizes that sovereignty resides ultimately with the people, as the Constitution is a product of their collective will.
- The act of “ordaining” and “establishing” reflects a transfer of authority from the states and their representatives to a national governing document.

Legitimization and Authority

- The use of formal language lends weight and solemnity, reinforcing that this is not just an ordinary law but a foundational, almost sacred, document.
- It imbues the Constitution with a sense of permanence and divine sanction, influencing its interpretation as a covenant among the people and the states.

Implications for American Governance

Formation of the Federal System

- The phrase signifies the creation of a federal system of government where power is shared between national and state authorities.
- It set the stage for a balanced government structure with separation of powers, checks and balances, and protected rights.

Legal Foundation and Rule of Law

- Establishes the Constitution as the ultimate legal authority, guiding the creation and interpretation of laws.
- Ensures that all governmental actions derive their legitimacy from this foundational act.

Protection of Rights and Liberties

- The act of establishing the Constitution laid the groundwork for enshrining fundamental rights, later formalized in amendments such as the Bill of Rights.
- It creates a legal and moral framework within which individual freedoms are protected against tyranny.

Broader Interpretations and Modern Significance

Symbol of American Identity

- The phrase encapsulates the collective effort of the founding generation to forge a new nation based on shared principles of democracy, liberty, and rule of law.
- It remains a powerful symbol of national unity and constitutional legitimacy.

Legal and Constitutional Doctrine

- Courts, especially the Supreme Court, have invoked this phrase to affirm the authority of the

Constitution in numerous rulings.

- It underscores the importance of adherence to the constitutional process for legitimate governance.

Contemporary Relevance

- The phrase reminds Americans of the importance of constitutional fidelity and the ongoing responsibility to uphold its principles.

- Debates about constitutional amendments, reinterpretations, and adherence all trace back to this foundational act of ordination and establishment.

Conclusion

The declaration “Do ordain and establish this Constitution for the United States of America” is far more than ceremonial language. It signifies the solemn act of creating a legal and moral foundation for the nation—a compact forged by the collective will of the states and people. This act of ordination and establishment affirms the Constitution’s authority, legitimacy, and enduring role as the supreme law of the land.

By understanding the depth of this phrase, we recognize the profound intention of the framers: to craft a government rooted in principles of justice, liberty, and legal stability that would endure for generations. It is both a historic milestone and an ongoing beacon guiding the governance and identity of the United States of America.

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