"American Government: Enduring Principles and Critical Choices is an excellent way to introduce students to the study of American government and the American political order more generally. Its historical development approach helps students make sense out of what might otherwise seem a random collection of events, highlighting the most important choices made by American statesmen and citizens and what those choices made possible over time. While presenting all of the conventional elements of an American government text, it is a gripping and well-told story that students will enjoy."
Dennis Hale, Professor of Political Science, Boston College

"Marc Landy's book is unique among the many available introductory textbooks on American government in its political development approach to the subject matter, an approach that proves to be both necessary for understanding contemporary American politics and government and useful for correcting the myopic tendencies of our present age. At a time of deep political division and widespread dissatisfaction with 'politics as usual,' students need now, more than ever, an education that helps them to develop the ability to think about our current situation in an informed and critical way. Landy's book provides such an education. It is must-reading for our time."
Ronald C. Lee, Jr., Assistant Professor of Political Science, Rockford University

To understand contemporary American politics and government, students need to see how political ideas, institutions, and forces have developed over time. The fourth edition of *American Government* dwells on the seminal role played by political memory and path dependency in shaping contemporary institutions, political forces, and public opinion, as well as the critical choices that have caused them to shift course. It provides a comprehensive depiction of current demographic, political, attitudinal, and governmental facts, trends, and conditions. Each chapter begins with a detailed contemporary portrait of its subject.

MARC LANDY is the Edward and Louise Peterson Professor of American History and Government at Ashland University and Professor of Political Science at Boston College. He is the co-author of *Presidential Greatness* (2000) and *The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton* (1994). He has written for many journals, including *National Affairs*, *Political Science & Politics*, and *Public Administration Review*.

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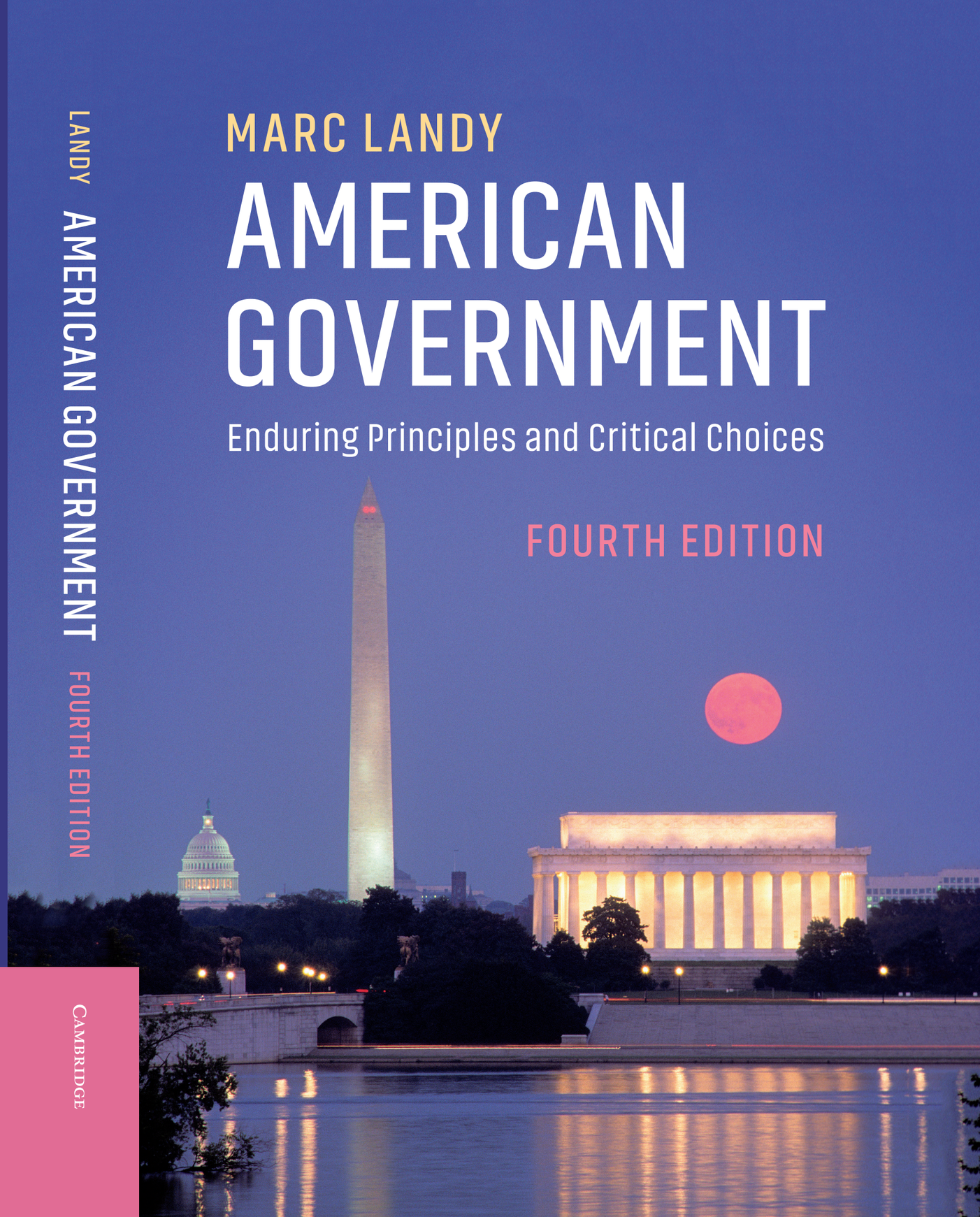
MARC LANDY

AMERICAN GOVERNMENT

Enduring Principles and Critical Choices

FOURTH EDITION



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Contents

Preface

This book grows out of a friendship that developed from a deep intellectual affinity. Sid Milkis and I met in 1984 when we were put on the same panel at the American Political Science Association meeting. We found that we were both preoccupied by the New Deal. Sid was trying to understand how it gave rise to the modern administrative state. I was trying to figure out how Franklin Roosevelt both embraced the labor movement and staved off the transformation of the Democratic Party into a British-style Labor party. Soon after, Sid came to Brandeis University, where I had become a Fellow of the Gordon Public Policy Center. We had adjoining offices at the center and were able to continue our conversations over lunch and coffee and at the center's seminars. We discovered that our common interests were not limited to Franklin Roosevelt and the New Deal; we had both come to believe that the study of political science had been severed from its historical roots and that our job was to graft the study of contemporary politics back on to those roots. Both of us were already doing this in our American politics teaching with very good results. We saw that students developed a much keener and firmer grasp of current matters when they became aware of the intellectual and institutional connections that the contemporary issues and events had with the past. Sid applied this approach to his book *The President and Parties* and to the textbook he coauthored with Michael Nelson, *The American Presidency: Origins and Development*. Marc applied the approach to essays about the labor movement's impact on the development of American politics. Together, we drew on the American political development framework in our investigations for our book *Presidential Greatness* and our chapter, "The Presidency in History: Leading From the Eye of the Storm," in Michael Nelson's edited volume, *The Presidency and the Political System*. In the meantime, our devotion to connecting past and present came to appear less eccentric; many other scholars also began to find greater meaning and interest in bringing history to bear on the study of American politics. American Political Development (APD) has now established itself as one of the most active and intellectually vibrant movements within political science.

The underlying premise of the APD approach is the conviction that to understand contemporary American politics and governments, students need to understand how political ideas, institutions, and forces have developed over time. In Chapter 1, I invoke what William Faulkner once wrote, "The past is never dead. It's not even past." The past shapes our ideas, attitudes and sentiments endowing

the present with meaning. Delving into the past reveals what key political and governmental principles endure and what critical changes have occurred – hence the book's subtitle, "Enduring Principles, Critical Choices". The book dwells on the seminal role played by political memory and path dependency in shaping contemporary institutions, political forces, and public opinion as well as the key decisions that have caused them to shift course. The seminal fourth chapter entitled "Political Development" dwells on those episodes when enduring principles were most profoundly contested. The other chapters likewise elucidate the critical choices that have shaped their specific subject.

Because the very purpose of the APD approach is to shed light on the present, this book provides a comprehensive depiction of present demographic, political, attitudinal, and governmental facts, trends, and conditions. Each chapter begins with a detailed contemporary portrait of its subject. For example, the contemporary portrait segment in "Campaigns, Elections, and Media" includes a detailed description of the 2016 presidential election campaign. The portraits ground the students in the most important facts and analytical principles regarding the chapter subject, and comprise a brief guide to current politics and governments.

There are no separate chapters about civil rights, civil liberties, or public policy because these subjects are so integral to American politics that they form key threads woven into the fabric of the entire book. We do, however, devote an entire chapter to political economy (Chapter 6). We believe that such a chapter is necessary because so much of the substance of political discussion, partisan conflict and policy-making is about economics. As the name, political economy, implies, this chapter highlights the political forces that have shaped the institutional and legal framework in which economic activity takes place. Throughout the book, students are made aware that what they are learning in their history courses complements their political science understanding, and vice versa. Chapter 6 shows them how the study of economics and of political science inform one another as well.

New in the Fourth Edition

This new edition greatly strengthens the book's coverage of political behavior and the media, and is supported by materials on the Cambridge University Press website, www.cambridge.org. Whereas Part IV of the previous editions, entitled "Political Forces," contained two chapters, Part IV of this edition, renamed "Political Life," now contains four. There is an entire chapter devoted to public opinion. Campaigns and elections also have a chapter of their own as do political parties. The consideration of media is now so central to both the campaigns and elections Chapter and the political and civic participation chapter that the word "media" has been added to the titles of both.

The critical choice theme announced in the book's subtitle now receives greater emphasis. In each chapter the critical choices the chapter considers are highlighted. Each critical choice discussion begins with an introductory paragraph that crystallizes the importance of the choice. It ends with a segment entitled "Upshot" that illuminates the contemporary importance of the choice. To stimulate critical thinking, every chapter offers a critical thinking essay question based on a controversial issue the chapter raises. For example, following the sections on the spoils system and civil service reform in the chapter entitled "The Bureaucracy," the following question is posed: "The spoils system distributes government jobs on the basis of party loyalty. The civil service system relies on competitive examination for that purpose. Discuss the strengths and weaknesses of each approach. Which one do you favor?"

This edition provides many more graphs, maps, tables, and timelines than previous editions did. These graphics serve to greatly enrich both the contemporary portrait and the developmental components of each chapter and to strengthen the analytic connection between past and present. They also render the book's content more readable and inviting.

Organization

Each chapter begins with an overview that uses a bullet format to highlight the central themes of the chapter. Each of these bullets serves as a heading for each of the different sections that comprise the chapter. Following the overview there is a brief vignette that provides an evocative introduction to at least one of the key themes bulleted in the overview. For example, the Congress chapter's opening vignette is about Congress' consideration of President Trump's cabinet nominees, revealing how this process exemplifies the growing party polarization of Congress. Next comes the "Contemporary Portrait" section described above. The rest of the chapter is organized developmentally according to the chapter overview bullets. The concluding section is entitled "Looking Forward." It invites the student to make use of insights from the chapter to consider an issue of great present and future importance. For example, the political parties chapter looks at the functions that political parties have historically performed and invites the student to consider which of those functions they still perform; which they do not; and why the loss of certain key functions are of critical importance going forward. The chapter ends with a summary, organized on the basis of the section headings, that focuses on the most important matters the chapter discusses.

Acknowledgments

I thank the coauthor of the previous editions of this book Sidney Milkis for our decades of fruitful intellectual collaboration. The editor of this edition, Robert Dreesen, has been unstinting in his encouragement and support. The developmental editor Brianda Reyes has provided very valuable guidance regarding how to make the book more accessible to students, as well as a host of other helpful suggestions. Jessica Goley, Thomas Goodman, Nick Allmaier, and Peter Wilkin have been gracious, thoughtful, energetic, and diligent in their assistance. I thank my good friend Steve Thomas, for the stimulating conversations we have had about the book and his insights for improving it.

1 Introduction

CHAPTER OVERVIEW

This chapter focuses on:

- **Fundamental concepts of American politics and government.**
- **Why this book approaches the study of American politics and government from the perspective of American political development (APD).**
- **Why the American political system is biased in favor of the status quo.**
- **How critical choices operate to overcome the bias in favor of the status quo and lead to transformative change.**
- **The aims of American government as outlined in the Preamble to the Constitution; a brief introductory sketch of efforts to achieve those aims and some of the most serious current controversies those efforts provoke.**

"I Have a Dream"

On August 28, 1963, 250,000 people marched on Washington to protest discrimination against African Americans and to celebrate the rise of the civil rights movement. Race relations in the South were dominated by so-called Jim Crow laws, enacted at the end of the nineteenth century, which imposed racial segregation in all aspects of life. In *Brown v. Board of Education of Topeka* (1954), the Supreme Court declared the so-called "separate but equal" doctrine in education policy unconstitutional. Nonetheless, many Southern schools remained segregated. Not since the turbulent Reconstruction Era that followed the Civil War had the South been so alienated from the rest of the country.

When, starting in the mid 1950s, civil rights demonstrations broke out throughout the South to protest this racial caste system, local police brutally repressed efforts to break down what the distinguished African American sociologist W. E. B. Du Bois had called the "color line." When African American students

tried to enter Little Rock High School in September of 1957, a crowd of white parents cursed and threatened them as the governor of Arkansas, Orval Faubus, blocked the door. The civil rights movement gained great momentum in 1960 when black and white students joined together to sit in at lunch counters throughout the South demanding to be served. The wave of protests continued in 1961 as Northern blacks and whites took bus trips to the South and refused to segregate themselves when they reached Southern bus terminal waiting rooms and restaurants. A particularly ugly confrontation took place in Birmingham, Alabama in September of that year, where one of the civil rights movement's most important leaders, Martin Luther King, Jr., was jailed. President John F. Kennedy had been reluctant to take on civil rights, arguing that it was up to local officials to enforce the law. After Birmingham, however, Kennedy gave his support to a comprehensive civil rights bill making racial discrimination in hotels, restaurants, and other public accommodations illegal and giving the attorney general the power to bring suits on behalf of individuals to speed up lagging school desegregation. The measure also authorized agencies of the federal government to withhold federal funds from racially discriminatory state programs.

To heighten awareness of their cause and to press for passage of Kennedy's bill, civil rights leaders organized the largest single protest demonstration in American history. King's speech at the Lincoln Memorial was its climax. Late in the afternoon, the summer heat still sweltering, King appeared at the microphone. The crowd, restlessly awaiting King's appearance, broke into thunderous applause and chanted his name. King began by praising Lincoln's Emancipation Proclamation as "a great beacon of hope to millions of Negro slaves who had been seared in the flames of withering injustice." But, he continued,

> one hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize an appalling condition.

This litany of oppression might have elicited anger; indeed, some of King's followers had been growing impatient with his peaceful resistance to Jim Crow and its brutish defenders. But King, an ordained minister, spoke the words of justice, not revenge: "Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred." A reverend might have been expected to invoke the warnings of the biblical prophets in calling America to account, instead King appealed to America's charter of freedom. He called upon Americans to practice the political and social ideals of the Declaration of Independence:

> When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every

American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

King lamented that America had not lived up to those famous words. Even after the Brown case had interpreted the Constitution so as to fulfill the promise of the Declaration of Independence, segregationists prevailed. The promissory note had come back marked "insufficient funds."

Still, he counseled continued faith in the promise of American life. African Americans should "refuse to believe that the bank of justice is bankrupt." At the same time, King warned, their faith in American justice could not last much longer; the time had come "to make real the promises of Democracy." "Now is the time to rise from the dark and desolate valley of segregation to the sunlight path of racial justice." His indictment went beyond the South. "We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing to vote for." The crowd shouted and clapped in cadence with him. Inspired by this surge of feeling, King abandoned his prepared text; but even as he spoke "from his heart," in words that would make this address memorable, King's sermon had a familiar ring, drawing again on the Declaration of Independence:

I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold this truth to be self-evident, that all men are created equal." When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God almighty, we are free at last!"

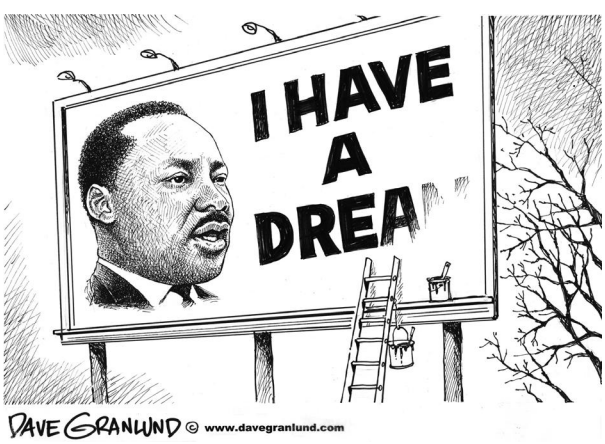

Figure 1.1. The Unfinished Word of Martin Luther King. Cartoon by David Granger, 2011.
Source: Political Cartoons Com.

Fundamental Democratic Republican Concepts: Speech, Leadership, Institutions

King's speech is a fine place to begin this text because it shows that politics is not just about power, greed, and ambition but also about the noblest sentiments of the human spirit. It also vividly illustrates what American politics and government are made of, their fundamental concepts. It was a speech and, in a free society, most of political life is lived through speech. The various forms of speech that politics employs – argument, explanation, exhortation, and discussion – are what give it its distinctive character. Just as clay is the medium of sculpture, words are the medium of republican and democratic politics. The brilliance of King's speech stems from his ability to artfully make use of what that medium has to offer – metaphor, adjective, symbol, analogy. The speech was listened to by hundreds of thousands of people. It was a *public event*. Unlike many other activities – friendship, sex, reading or listening to music on an iPhone, politics typically takes place in public. Not everyone is capable of commanding the attention of a crowd the way Martin Luther King did. Those who can command such public attention we call leaders. Followers have a big political role to play as well, but the United States is a very big place and ordinary people have only a very limited capacity to influence political life and make their voices heard. Therefore, they are very dependent on leaders to represent, inspire, and command them. King was not a professional politician. No matter. The key tasks of *political leadership* are frequenly performed by those who do not even think of themselves as politicians and who do not hold political office.

King's speech took place in a very particular context and was intended to achieve very particular goals. King's goal was to pass civil rights legislation. The very need to push hard for that goal implies that there is opposition to it. Other people, and their leaders have other, conflicting, goals. Speech and leadership give politics some of the qualities of theatre – vivid language, evocative acting. But, as the word "goal" suggests, politics also ressembles sports. Competition can be fierce. Foul play occurs and gets penalized if the perpetrators get caught. There are winners and losers. Thus conflict and competition are also central to politics.

Politics also ressembles sports in that it is highly organized. The rules are carefully laid out. Different teams develop a collective identity and persist over time. The term used for the organizations that endure, command loyalty and develop their own collective identities is *institution*. Martin Luther King was not simply speaking to a crowd of individuals on that warm August day, he was speaking to people with strong institutional affiliations – union members, church congregants, lodge brothers, and sorority sisters. And he was appealing to leaders of two powerful political institutions – the Democratic and Republican parties – to press for action by one of the three central national governing institutions, the

United States Congress. King himself was not only the leader of a movement, he was also the head of an important religious institution, the Ebenezer Baptist Church. Chapter 3 will introduce an additional fundamental republican democratic concept: deliberation.

The American Polity: A Democratic Republic

The entire political story of civil rights, of which this speech is such an epochal part, takes place within the frame established by one overarching institution, a polity, the United States. It was the law of the United States that had the ultimate authority to decide the outcome of the civil rights struggle. It was the legislature of the United States that deliberated about and formulated the law. The citizenry of the United States chose the members of that legislature. The United States is a *polity* because it successfully claims the political allegiance of its members. Those members may feel a deeper tie to their church or to some other institution to which they belong, but it is the constitution and the laws of the United States that they are compelled to obey. The governing institutions of the US provide them with their political rights and responsibilities. Once in the history of the United States its claim to being a polity was challenged. Southern states seceded and, temporarily, formed a new polity, the Confederate States of America. It took a brutal war, the Civil War, to defeat secession and restore the US's status as a single polity.

The United States is unusual in that it went through a formal process of constitution writing to become a polity. Many other polities such as Britain, France, China, or Japan did not begin on any specific date, nor did they go through a process of discussion and debate to become a polity. If this were a text on comparative politics, it would be necessary to delve deeply into how those other polities came into being; instead it focuses exclusively on the formation of the American polity. Chapter 2 describes the ideas and beliefs that formed the background to the actual formation of the United States. Chapter 3 focuses specifically on the writing and ratification of that polity's founding document, the United States Constitution. Chapter 4 identifies key moments of constitutional crisis when there were major reconsiderations of the American polity's constitutional underpinning.

In order to claim that speech and choice are the building blocks of a polity, that polity must allow persons to speak freely, to have a say in how the laws are made and to feel secure that those laws will be obeyed. A polity characterized by free speech, rule of law, and collective decision making is called a *republic*. The American Republic, and all modern ones, operate on the basis of representation. The citizenry plays a minor role, if any, in governing. For the most part its role is restricted to electing representatives who do the actual work of governing. Because the representatives are popularly elected the United States is a representative, democratic republic.

American Political Development

Political Memory

Martin Luther King gave a speech in the present in an effort to influence the future and yet so much of it focuses on the past. It refers back to leaders, documents, and songs from long ago – Lincoln, the Declaration of Independence, the framers of the Constitution, a spiritual sung by slaves. This was no accident. King knew that the best way to impress all the audiences for his speech – the crowd on the Mall, the congressmen whose votes he was trying to garner, tomorrow's newspaper readers, the next generation of children reading history textbooks– was to link his thoughts and aspirations to great leaders, ideas, and cultural symbols from the past.

As the great American writer William Faulkner observed, "the past is not dead, it is not even past." It shapes our ideas, attitudes, and sentiments endowing the present with meaning. Stories from the past pervade our imaginations. They provide vivid examples of what to do and what not to do. They help to define our sense of who we are, whom we love, and whom we hate. They supply our minds with a cast of heroes to emulate. Faced with a tough decision, a president or even an ordinary person might not only consider the present facts but also look for moral and intellectual guidance by asking "What would Lincoln have done? What would Martin Luther King have done?"

The pull of the past is demonstrated by the frequency with which historical analogies find their way into political debate. People often make use of such analogies to reason through a problem and to defend their position. Those who favored Obama's stimulus package chose a favorable historical case to compare it to – FDR's New Deal. Those who opposed the War in Iraq often likened it to an unsuccessful prior war – Vietnam. Those who favored it claimed that a failure to attack Iraq would do to the Middle East what the appeasement of Hitler at Munich did to Europe. The manner in which the past influences our thoughts, feelings, and imagination this text calls *political memory*. MLK crafted his words to create the strongest possible connection between his ideas and sentiments and those that serve as the wellsprings of American political memory.

Enduring Principles

This book will show that the political memory of Americans is largely devoted to political principles that were established early in our history and that endure. Those principles are so deeply embedded in American political understanding and so central to its political life that the term *enduring principles* forms half of this book's subtitle. These foundational principles stem from three distinct

sources. The commitment to natural rights and limited government stems from the Classic Liberal political philosophers of the seventeenth century. The commitment to local self-government and community solidarity stems from Puritanism and the practical experience of local self-government in the New England townships. The commitment to democracy and equality is rooted in the experience of the American Revolution and the works of such apostles of majority rule as Thomas Paine and Thomas Jefferson. For simplicity sake, the book refers to these three political strands as Classic Liberalism, Communitarianism, and Egalitarian Democracy. The commonalities and tensions between them are discussed in Chapter 2, and the actual political conflicts that those tensions give rise to are highlighted in Chapter 4 and reemerge continually in later chapters.

In the words of leading political scientists Stephen Skowronek and Karen Orren, "because a polity in all its different parts is contructed historically, over time, the nature and prospects of any single part will be best understood within the long course of political formation." They term this approach to studying politics, *political development*. This text takes a political development approach. It shows how the political building blocks discussed in the previous section – speech, leadership, conflict, institutions – have operated over time to shape current American politics and government. How the key political principles mentioned above have faced challenge, how and to what extent they have endured.

As critical as political memory is to understanding present politics, the American Political Development (APD) approach also demonstrates two other crucial avenues by which the past affects the present – *path dependency* and *critical choices*.

Like individuals, political institutions are also heavily influenced by the past. Once a particular way of doing things has been set in motion, considerable inertia develops that encourages the continuation of that course. Political scientists call this phenomenon *path dependency*. A striking everyday example of path dependency is typewriting. When inventor C. L. Sholes built the first commercial typewriter prototype in 1868, the keys were arranged alphabetically in two rows. But the metal arms attached to the keys would jam if two letters near each other were typed in succession. So, Sholes rearranged the keys to make sure that the most common letter pairs such as "TH" were not too near each other. The new keyboard arrangement was nicknamed QWERTY after the six letters that form the upper left-hand row of the keyboard. QWERTY's original rationale has disappeared because keyboards now send their messages electronically. Many typing students find it very hard to master. Despite its shortcomings, QWERTY remains the universal typing keyboard arrangement simply because it is already so widely used and so many people have already taken pains to master it. Future typists might benefit from a change, but they do not buy keyboards; current typists do. Many political institutions and practices are just like QWERTY. Although their original purposes no longer exist, people are used to them and the costs of starting afresh are just too high.

There are countless examples of path dependence in American politics. Perhaps the single most important example is the way in which the United States is carved up into individual states. State boundary lines exist for all sorts of peculiar historical reasons. On the East Coast, they represent, for the most part, the grants given by Britain to specific individuals and groups to establish colonies. On the Pacific Coast and in the Southwest, they represent the boundaries of colonies obtained from Spain. In the Great Plains, they often represent little more than the preference of surveyors for drawing squares and rectangles. One can imagine many good reasons for adjusting state boundaries to accommodate practical realities. Why should Kansas City be split between Kansas and Missouri? The suburbs of northern New Jersey and southwestern Connecticut are dominated culturally and to a large measure economically by New York City and yet they remain part of other states. There have been very few changes in state boundaries over the entire course of American history.

This bias in favor of the status quo is not simply because people are creatures of habit, though indeed they are. It is also because, as a rule, those who benefit from an existing policy will fight harder to keep the policy in place than those who might benefit from a change will fight to alter it. Beneficiaries of existing policies know what they have and what they stand to lose if policies change. Potential beneficiaries can only estimate the benefits that a policy change might bring them. Therefore, politically speaking, fear of loss is a more powerful motivator than hope of gain.

Critical Choices

By showing how the odds favor the status quo, the developmental approach encourages a greater appreciation of what it takes to beat the odds. As passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act so forcefully demonstrate, the powerful inertial biases of American politics are sometimes overcome. A key theme of this book is how and why Americans have made *critical choices* that shifted America's political path. How and why did the antipathy to political parties yield to the establishment of a two party political system? How and why did a strictly limited federal government mushroom into an elaborate administrative state? How and why were voting rights for African Americans and women finally granted after having been denied for so long?

Those critical choices that reshaped the constitutional underpinnings of the Ameican polity the text refers to as conservative revolutions (see Chapter 4). Calling them conservative revolutions is a reminder that such is the power of path dependency that even when when critical change does occur, those changes are decisively shaped by past events.

In sum, this text bases its discussion of American politics on several key building blocks: the interplay of enduring principles and critical choices; the role of political memory and path dependency, the influence of political speech, the role of political leaders, the dynamics of political competition, and the functioning of political institutions.

The Plan of This Book

This book is divided into four parts. The first, "Formative Experiences," contains Chapters 2, 3, and 4, which focus respectively on political culture, constitutional design, and critical episodes in American political development. Chapter 2 examines the formation and meaning of the core political beliefs that Americans profess. It shows how those beliefs coalesce to form what Tocqueville called "habits of the heart," an enduring political culture shaping the political opinions and actions of Americans. Chapter 3 looks at the Constitution: the political debate its creation provoked, the conflicts between rights and democracy that it settled, and those that it left unsettled. It explains why it is so important that the American government was erected on the basis of an original and carefully designed blueprint and how that conscious plan both reflects American political culture and has helped to shape it. Chapter 4 focuses on the major points of transition that have occurred since the constitutional founding.

Part II, "Pivotal Relationships," looks at how the federal government engages with the states and with the economy. The Constitution does not establish fixed boundaries between national and state governmental power, nor does it clearly define the limits of government regulation of private property. The disputes provoked by these uncertain boundaries have proven to be among the most hotly contested controversies in all of American political life and have given it much of its distinctive style and substance. As we shall see, those who fight for greater national power as well as those who resist either in the name of states rights or property rights all invoke the principles of rights and democracy to support their side.

The four chapters that form Part III, "Governing Institutions," each examine one of the three branches of national government – the Congress, the presidency, and the federal judiciary – enumerated in the Constitution, as well as the bureaucracy, which developed, in large measure, outside of formal constitutional arrangements. These chapters describe how those institutions operate now and how they have changed over time. The great debates over the structure and purposes of these institutions demonstrate how political arguments and political decisions shape and alter the "nuts and bolts" of government.

Part IV concentrates on the various phenomena that comprise American political life and the interrelationships among them. It begins with an analysis of contemporary public opinion describing how the opinions that Americans hold both reflect enduring aspects of American political culture and display some disturbing deviations from it. In a representative democracy the primary means for translating opinion into meaningful political participation comes through the act of voting. The next two chapters examine voting, first by looking at the most powerful means for galvanizing and organizing voting behavior, the political party, and then by looking at the impact of political campaigns and of the rules governing elections. The chapter on campaigns and elections includes a detailed account of the 2016 presidential campaign. Although elections are central to the operation of a democratic republic, they are not the sole focal point of meaningful political activity. Chapter 14 examines other critical forms of political behavior: movements, lobbies, and voluntary associations. All of these political actors have been discussed extensively earlier in the book, but always in supporting roles. It would be impossible to have a full-fledged discussion of any of the topics in Parts I through III without paying due attention to their mighty influence. Here they gain center stage. The spotlight is on their development and dynamics and how they have embodied and exemplified key questions of liberty, community, and democracy. The book ends with some reflections on several of the major concepts and principles that permeate the text.

Each chapter begins within an overview of its key themes. A vignette follows that evokes one or more of those themes. Then the chapter provides a contemporary portait of how the chapter's subject actually functions today. After, the chapter traces the political development of that subject to demonstrate the debt that current reality owes to enduring principles and to persistent paths and critical choices that have been forged over time. It provides a concluding statement, and ends with a summary of the most important points the chapter has made.

American Politics and Government: Policies and Programs

There is no better guide to what Americans want and expect from government than the Constitution's Preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The following is a brief introductory sketch of programs and policies that have been put in place to implement these high-minded but vague objectives and some of the most serious current controversies surrounding them.

"Form a More Perfect Union"

At present, the United States is the only major nation that refers to itself as a "union." The US was founded as a union of states and, to this day, the individual states have many of the powers that in other countries belong exclusively to the central government. They levy taxes, educate college students, build and maintain roads, and have their own law codes. Most crimes are tried in state criminal courts. Most lawsuits are brought in state civil courts. Those states with capital punishment laws exercise a legal power to kill. States perform a multitude of important regulatory functions. They regulate insurance companies, hospitals, and real estate transactions. All states issue drivers licenses. States also require licenses to engage in a wide variety of professions and businesses. In North Carolina, for example, one must obtain a license in order to engage in any one of more than one hundred and fifty occupations including school teaching, practicing law, parachute rigging, embalming, and acting as an agent for a professional athlete.

Each state has its own constitution, which differ greatly from one another. For example, unlike the federal government and forty-nine other states, Nebraska's legislature is not bicameral; it consists solely of one legislative chamber. The Louisiana legal code is derived from France's Code Napoleon, not from British Common Law that serves as the basis for the law codes of all the other states. The complex relationship between the states and the national government is called federalism (see Chapter 5). The US is not the only federal nation. Germany, India, and Canada are among the other nations that grant significant powers to their states or provinces.

The original reason for seeking to establish *a more perfect union* was the weakness of the central government formed by the Articles of Confederation (see Chapter 2). The current national government is at least as strong as those of other nations. It commands the largest and strongest military and spends the most money on defense of any country in the world. Some of its activities – such as running the military, the diplomatic corps, the post office, and the national parks, forests, and public lands, and providing old-age pensions – it does entirely on its own. But many others – providing healthcare and income subsidies to the poor, training workers, regulating air and water pollution, aiding the handicapped and establishing student achievement standards – it does in partnership with state and local governments. Sometimes it funds these policy partnerships through what are called federal grants in aid (see Chapter 5). Sometimes it simply requires the states and localities to do them with their own money through what are called mandates (see Chapter 5).

There is no clear-cut distinction between which powers belong to the states and which to the federal government. This blurriness gives a distinctive cast to American political debate. Here, political conflict occurs not only over *what*

government should do, but *who* should do it. For example, the arguments over abortion, gay marriage, and gun control include both the question of what should be done about them and also whether the states or the federal government should control the matter. Before the passage of the No Child Left Behind law (NCLB) in 2002, the federal government had restricted its intervention in K-12 education to enforcing school desegregation and providing various forms of aid to poor school districts. NCLB made it a condition of federal aid that every state establish student achievement standards and test students to ensure that they were meeting those standards. Many parents, teachers, and concerned citizens considered NCLB to be an unwarranted intrusion of the federal government into a matter that ought to remain the exclusive province of the states and localities. In the face of this mass of protest, in 2015 Congress replaced NCLB with the Every Student Succeeds Act, which significantly loosened the national standards, greatly reducing the intrusiveness of the national government in educational matters.

Perfecting the Union pertains not only to harmonizing national and state governments but also to determining which persons can legitimately claim to be a part of it. Other nations traditionally defined their citizenry on the basis of blood. A Frenchman was a Frenchman because he was descended from Frenchmen. The US, being a nation formed by immigrants, did not adopt that approach. Citizenship has been open both to those born here and those who take an oath of allegiance to the United States. Becoming an American means committing one's self to the set of principles that define the *American creed* as that creed is expressed in the Declaration of Independence, the Preamble to the Constitution and the Bill of Rights.

Controversy: Open versus Restricted Immigration

Not everyone has the opportunity to become a US citizen. Current law restricts the number of aliens who can establish residency in the United States and thus become eligible for citizenship. To escape poverty and political oppression, millions of foreigners, most of them from Mexico, the Caribbean, and Central America, enter the country illegally. The Pew Research Center has estimated that as of 2014 there were 11,700,000 illegal aliens in the United States (www.pewresearch.org/fact-tank/2016/09/20/measuring-illegal-immigration-how-pew-research-center-counts-unauthorized-immigrants-in-the-u-s/). The attitude of American citizens toward them is ambivalent. They perform work that American citizens are unwilling to perform – slaughtering cows and hogs, harvesting crops, maintaining lawns – but they also put a great strain on schools, housing, police, hospitals, and welfare systems.

The arguments in favor of exerting tighter control of illegal immigration and in favor of loosening such control are based on different conceptions of how best to perfect the Union. Neither denies that the essence of American citizenship is a

commitment to the American creed. But restrictionists insist that the Union can only continue to flourish if the rate of immigration does not exceed the capacity of government and society to successfully absorb and assimilate the newcomers. Anti-restrictions maintain that any serious attempt to keep people out violates the deepest principles of liberty and equality that underlie the Union and thus renders the Union all the more imperfect. As we shall see in Chapter 13, the immigration issue played a big role in the 2016 presidential campaign.

"Insure Domestic Tranquility"

Unlike other countries, the United States has no national police force. The ordinary tasks of "insuring domestic tranquility," such as preventing and solving crimes, regulating traffic, and controlling crowds, are performed by state and local police. States also have their own codes of criminal law covering most ordinary crimes such as burglarly, arson, rape, murder, and assault, and their own courts for enforcing those codes. In 1878, Congress passed the *Posse Comitatus* Act, which is still in effect. *Posse Comitatus* means "power of the county." It forbids the mililtary from conducting domestic law enforcement except for constitutionally explicit or congressionally mandated exceptions. The Insurrection Act of 1807 clarifies the authority of the federal government to use the military to suppress domestic insurrections, as Lincoln did in the South's secession in the Civil War. In the 1950s and 1960s federal troops were used to overcome the refusal of Southern governors to integrate schools as required by decisions of the Supreme Court, and were sent in to control some of the riots that had broken out in the African American neighborhoods of major American cities.

The federal government does perform certain specific law enforcement functions that are beyond the capacity of state and local police. The Federal Bureau of Investigation was formed to cope with crimes that crossed state lines, such as kidnapping, and subsequently expanded the scope of its activities to include the prosecution of organized crime. The Secret Service guards the safety of the president, the vice president, their families, presidential candidates, and visiting world leaders. It also protects the money supply by prosecuting counterfeiting of US currency and bonds. The Coast Guard was granted an exception by the Congress to enable it to fight drug trafficking. But the targeted nature of these assignments attest to how powerful the resistance of Americans is to allowing the federal government to perform ordinary police functions.

Since 9/11, efforts to prevent terror attacks has served to greatly increase federal law enforcement responsibilities. This expansion is signified by the creation of the Department of Homeland Security (DHS), the first new cabinet level department since the Department of Veterans Affairs was established in 1989. Both the Secret Service and the Coast Guard have been transferred to DHS. It also houses the newly created Transportation Security Administration created

to protect the nation's airports, railroads and other transportation networks, the Customs Service, the Immigration Service, and various other bureaus and parts of other agencies concerned with domestic preparedness. Although not part of DHS, the FBI has greatly expanded its antiterror efforts.

Controversy: "Insure Domestic Tranquility" versus Civil Liberties

The most serious current controversy about insuring domestic tranquility concerns the clash between protecting citizens against terror attack and protecting the full range of individual rights the Constitution guarantees. Normally a search warrant is required in order for law enforcement to place a tap on a telephone or otherwise listen in on what would otherwise be private communication. In order to obtain information about terror attack planning President George W. Bush ordered the National Security Agency (NSA) to monitor international telephone calls and international email of persons suspected of terrorist ties without first obtaining a search warrant. When news of this practice was leaked to the *New York Times*, many critics claimed that it was a violation of one's right to communicate in private. The administration stressed that the NSA did not eavesdrop on the actual phone conversations or read emails but rather searched for patterns of phone numbers and emails addresses to see who was talking to whom. This did not reassure critics who viewed the compiling of any data about interpersonal telecommunications as a violation of civil liberties. Despite the great outrage expressed, Congress confirmed the president's authority to order these forms of surveillance when it amended the Foreign Intelligence Surveillance Act in 2008.

"Provide for the Common Defense"

The goal of "providing for the common defense" is obvious. Americans want to be safe from foreign threat. But what does "defense" mean? As any football fan knows, offense and defense are inseparable. The other team cannot score if your team has the ball. The same is true for war. The national defense does not consist only of fending off enemy attack. In many cases the best defense consists of keeping one's enemies on the defensive by strengthening one's own offensive capabilities. The United States military is trained and equipped to attack others as well as to defend against attack.

Modern war is horrifically destructive. It is a last resort for protecting national security. Therefore a critical aspect of providing for the common defense involves diminishing the likelihood of war through the conduct of diplomacy. Diplomatic time and effort is devoted to building alliances with other friendly nations and trying to find common ground even with potential enemies via negotiation. The military aspect of providing for the common defense is primarily the responsibility

of the Department of Defense and the armed services that it supervises. The diplomatic aspect is primarily the province of the Department of State. These duties are so vital to the safety of the nation that the Secretaries of Defense and State, along with the Secretary of the Treasury, are, after the president, the most powerful and prestigious positions in the executive branch.

Until the Cold War ended in the early 1990s, the United States was one of two world superpowers and was engaged in a costly and dangerous rivalry with the other superpower, the Soviet Union. With the collapse of the Soviet Union, the US has become the world's sole superpower. Its military strength dwarfs that of any other nation. It spends more on defense than the rest of the world combined.

Because it has such a voracious appetite for supplies and technology, it has spawned huge industries devoted to producing weapons, transport, communications systems, and other high-tech equipment for it. In order to maintain its technological edge over other nations, the military invests heavily in scientific and engineering research, much of which is done by universities who, in turn, have become heavily dependent upon the funds they receive from the Defense Department to conduct such studies. Indeed the US spends more on defense research and development than any other nation spends for all its military needs. President Dwight David Eisenhower coined the term "military industrial complex" to refer to this complex network of government, industry, and higher education.

Its size and strength enables the United States to operate on a global basis. No other nation has the wherewithal to do so. Even at the height of the Iraq War, when 160,000 soldiers were fighting in that country and another 12,000 were fighting in Afghanistan, the US maintained what are called combatant commands prepared to wage war almost anywhere in the world. These include: European Command, Pacific Command, and Southern Command, among others. Each command has a well-staffed headquarters and large numbers of troops, with others available to be mobilized in time of war.

Controversy: Superpower or Super Bully?

The most serious controversy involving "the common defense" stems from the United States' superpower status and global reach. Does this overwhelming power really make the country safer or does such strength serve as an almost irresistible temptation to throw its weight around? In recent decades the US has been engaged militarily in places such as Kosovo, Somalia, and Libya where the relationship between the fighting it was engaged in and US national security was tenuous at best.

The War on Terror launched by the Bush administration committed the US to long, costly, and bloody wars in Iraq and Afghanistan. Nations whom the US considers to be allies either opposed these efforts or made only very small troop

commitments. Some argue that the US should not be so willing to act on its own. It should work more closely with its allies because that is the best way to maintain peace and the best way to ensure that the burden of fighting is more equally shared should war become unavoidable. Others contend that those allies have become so used to having the US fight their battles for them that they are no longer willing or able to bear their fair share of the load and that, therefore, the US has no choice but to take on the primary responsibility of protecting its national security, and theirs.

"Promote the General Welfare"

The United States took a very different approach to providing for the general welfare than did the nations of Western Europe. It defined "welfare" to mean restricting the intrusion of government rather than providing help to people. This effort to reign in government power is called *limited government*. It assumes that unless the constitution specifically grants government the right to engage in a specific activity, the government is not permitted to do so. Limiting government to only those constitutionally specified activities is called *enumerated powers*. Article I of the Constitution restricts the legislative power of government to only those specific powers enumerated in Article Section 8. Throughout most of its history the national government did not provide student loans, unemployment benefits, aid to the disabled, old-age pensions, medical care for the poor, or any of the other social service programs it now offers.

In the twentieth century American government has greatly expanded its powers beyond those enumerated in the Constitution. As a result, differences between American welfare policy and those of Western Europe have diminished considerably. The major remaining differences relate not to the total amount of welfare aid – the US is now in line with most advanced countries in total welfare funds expended – but rather how and for what purposes welfare aid is provided. The US is much more inclined to *target* specific categories of recipients – the elderly, the disabled, children, and unwed mothers. Whereas many rich countries will provide income to any poor person, in the US a guaranteed income is only accorded to those over 65 and welfare payments only go to poor single parent families, and for a maximum of only five years. In many European countries, college tuition is free or very low. The US national government does not attempt to control college tuition but subsidizes low-income college students and provides low-interest loans to middle class ones. Nor does the US provide free universal day care and preschool as so many of its counterparts do. Rather it funds preschool programs for the poor.

Rather than make direct payments for many welfare purposes, the US prefers to make use of the Federal Tax Code for philanthropic purposes. Gifts to charity are tax deductible. A very sizeable part of funds spent on medical care, scholarship aid,

mental health services, and many other welfare programs comes from charitable donations. Low-income working people receive tax credits to offset their income tax obligations. If those credits exceed the taxes owed, they keep the difference.

The federal government also provides for the general welfare by regulating the behavior of the private sector. Federal agencies such as the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, the Civil Rights Division of the Justice Department, and the Consumer Product Safety Commission have been established to enforce a variety of regulatory laws passed by Congress. The missions of these various regulatory bodies include, among others: enforcing laws to limit the air, water, and other forms of pollution emitted by factories, power plants, and automobiles; guaranteeing the safety of food, drugs, toys, and workplaces; and combating race, gender, and other forms of discrimination.

The federal government also intensively regulates various aspects of the economy. It does this in two different ways. It oversees the behavior of specific sectors such as banking and stock and bond trading to try to make sure that the firms engaged in those activities provide accurate information to customers and do not engage in excessively risky activities. It also regulates the overall functioning of the economy by controlling the money supply and setting the interest rates the government charges for the sale of government bonds.

Other rich nations engage in these same regulatory activities. But they also take aggressive actions to control labor markets and the conditions of employment. They intervene to set wages for the employees of certain industries, establish a mandatory number of vacation days, and restrict the ability of employers to fire workers. The US restricts itself to establishing a minimum wage that, in practice, only affects the lowest-paid workers. Otherwise companies are free to pay what they wish, hire and fire whom they want, and set whatever vacation policies they desire as long as they do not discriminate among workers on the basis of race, religion, national origin, gender, or age.

Controversy: Welfare versus Self-reliance

What government provides for individuals and businesses they need not provide for themselves. Ever since the creation of old-age pensions in the 1930s, every major proposal for greater government welfare aid has aroused opposition on the grounds that it diminishes the self-reliance and sense of personal responsibility of those receiving the aid. This criticism is at the heart of the controversy that arose from the bailouts of certain banks, investment houses, insurance firms, and automobile companies that took place during the financial collapse and economic recession of late 2008 and early 2009. Opponents argued that by bailing out those who made excessively risky loans, insurance contracts, and investments the government was signaling that it would do so again in the future, thus

relieving the perpetrators of these risky practices of the need to act more prudently and responsibly. Likewise, the bailout of Chrysler and General Motors signaled that if a company employs a large enough number of workers, dealers, and suppliers, the government will not let it fail even if it is has failed the market test of supply and demand. Supporters of bailouts do not deny that they give the wrong message to firms; rather they argue that if major banks, insurance companies, and investment houses fail, the stock and bond markets will tumble, credit will disappear, and a wave of home foreclosures will occur. Furthermore, the auto industry is so central to the economy that the failure of the first and third largest auto companies would set off a similar wave of unemployment. So, even if bailouts risk encouraging irresponsibility, they are necessary, and in this instance were the lesser of two evils.

"Secure the Blessings of Liberty"

The American Constitution is made up of seven separate articles and twenty-seven differerent amendments. But when Americans are asked what's in the Constitution they rarely mention either the articles or the last seventeen amendments. For the average American the Constitution *is* the Bill of Rights – the rights to free speech, religion, gun ownership, property, and other liberties granted to persons and to the states in the first ten amendments. Americans have always prided themselves on being a liberty-loving people and they still do. A great theme of American political development is that of the expansion of rights to include full civil and political rights to African Americans and women. Although the Constitution contains no right to old-age pensions, social security has become such an accepted part of American life that it has more or less risen to the status of a right. In recent years, laws have been passed to greatly increase the rights enjoyed by the physically and mentally disabled. The Supreme Court has also declared that the Constitution ensures that every American enjoys a right to privacy.

Controversy: A Right to Healthcare?

In our discussions of immigration and electronic surveillance we have already commented on the problems that arise when rights clash. Another great source of controversy arises from efforts to further expand rights. The current controversy over heathcare reveals differences of opinion about how much of it Americans should have by right. Currently most Americans have health insurance. It is either a benefit they receive from their employer, tax free, or something they purchase for themselves. But many employers do not provide health insurance. Therefore many Americans are uninsured either because they cannot afford to buy it or they are young and healthy enough that they would rather go without it.

Even if one agrees that healthcare is a right of all Americans what does that right actually entitle one to? Breakthroughs in modern medicine have greatly expanded the possible meanings of healthcare. Laser surgery enables tennis players with knee problems to be back on the court in a few weeks. Viagra extends the active sex life of men into their old age. Fertility treatment enables women to get pregnant later in life. Botox eliminates wrinkles. Does everyone have a right to all these forms of healthcare? Some argue that the right to healthcare is limited to "no frills" items like checkups and catastrophic illness or trauma. Others argue that virtually any form of physical or mental correction or enhancement should be available to all Americans regardless of income, especially since the government provides much of the funding that goes into the discovery and development of the chemicals and techniques that make such enhancements possible.

"Establish Justice"

We save "Establish Justice" for last because for two of the three dominant schools of contemporary American political thinking it is very closely tied to goals we have already discussed. *Libertarians* would argue that establishing justice means the same thing as securing the blessings of liberty. They would consider justice to mean what the Declaration of Independence posits as the right to "pursue happiness." Justice is not something that government grants; rather, it is the opportunity to make the best of things on one's own, free of government interference. *Liberals* would link the establishment of justice to providing for the general welfare. They consider that a society is just only if it assists those who have not had a fair chance to pursue happiness because they are poor, female, or members of racial, religious, or ethnic minorities. They demand that government do more than refrain from interfering in the race of life. They want it to act affirmatively to ensure that all handicaps have been removed so that the race is run fairly. Only *conservatives* view the establishment of justice as a distinct aim of politics. Conservatives are often lumped together with libertarians because they too oppose government policies aimed at redistributing wealth and subsidizing the poor. Both fear that such policies undermine self-reliance and personal responsibility. But unlike libertarians, conservatives seek to use government to establish justice by upholding moral virtue and combating moral decay.

Controversy: Permit, Subidize, or Ban Abortion

These differing views of justice crystallize in the debate over abortion. Libertarians support unfettered access to abortion, believing that women should have the freedom to control what is done to their bodies. They oppose the attempts by conservatives to moralize the issue. Most liberals also oppose restrictions on abortion but as a matter of justice they also insist that the government subsidize

abortions for those too poor to afford them. Many conservatives consider abortion to be immoral and therefore they want government to ban it or at least establish restrictive conditions to control it, including requiring pregnant minors to discuss the matter with their parents and with the prospective father.

The Institutions of Government

Afer setting out the aims of American government in the Preamble, the Constitution proceeds to establish specific institutions designed to carry out those aims. The Constitution creates three branches of government: the executive, headed by the president (see Chapter 8), the legislative, comprised of two separate branches of Congress – the House of Representatives and the Senate (see Chapter 7) – and the judicial, comprised of a system of federal courts presided over by the Supreme Court (see Chapter 9).

Each of these branches has its own duties, and this allocation of responsibilities is known as the *separation of powers*. Each branch is also granted specific means for intruding into the workings of the others. This system of intrusions is referred to as *checks and balances*. Thus, the president has the power to veto bills passed by Congress. The House of Representatives can *impeach* the president and the Senate may then vote to remove him from office. The Senate must confirm certain presidential appointments, most especially appointments to the federal courts and to the president's cabinet. Although the Constitution does not explicitly provide for it, the Supreme Court has acquired the power to declare acts of Congress and actions of the president unconstitutional.

The following is a brief sketch of each of the three branches of the federal government. The sketches display both continuity and change. They depict critical ways in which the three branches adhere to the constitutional blueprint. They also describe departures from that blueprint and raise the question of whether or not those departures violate the spirit of checks and balances.

Congress

Article I grants *Congress* the exclusive power to legislate. All the laws of the United States must pass both houses of Congress – the *House of Representatives* and the *Senate*. If the president vetoes a bill approved by Congress, both houses must reapprove the measure by a two-thirds vote for it to become law. All bills having to do with raising revenue must first pass the House of Representatives before being eligible for consideration by the Senate. The Senate reviews all cabinet, court, and diplomatic appointments made by the president and must consent to them.

Congresspersons also engage in many activities not discussed in the Constitution. They provide diverse services to their constituents including help with immigration problems and with difficulties in obtaining veterans, social security, and other forms of benefits that constituents believe they qualify for. Congress also engages in extensive oversight of executive agencies. It holds hearings and calls executive officials to testify and to defend their actions. Although the Constitution does not specifically grant such powers to Congress, they may well be defended as constituting important checks on the executive, preventing it from dealing arbitrarily or unfairly with citizens or evading the letter or the spirit of laws passed by Congress. Congress's capacity to adequately check executive excess is more fully discussed in Chapter 7.

The President

Congress legislates, but it no longer serves as the only or even perhaps the most important initiator of legislative proposals. The role of chief legislator has passed to the *president*. He often sets the legislative agenda and uses his enormous political influence to press for passage of legislation he favors and to fight against legislation he opposes.

This shift in the nature of legislative leadership is but one aspect of a broad increase in the expansion of the president's political importance. The president commands the bulk of the attention that the media pays to national political affairs. His speeches are televised. His travels and activities are reported on in minute detail. Presidential elections are by far the most important and celebrated of all national political events. The Constitution makes the president commander in chief of the armed forces, but in addition to acquiring the power of legislator in chief he has now also become political celebrity in chief. Only the most popular entertainers and athletes can claim a similar level of fame.

Celebrity poses both opportunities and problems for the president. It enables him to command public attention more or less at will and thus enables him to communicate more successfully with the citizenry than anyone else. But it also greatly increases the public's expectations of what he can accomplish. If the economy declines, the public is ready to blame him even though he may not necessarily be in a position to do anything about it. The impact of this expansion of the president's role on the system of checks and balances will be discussed more fully in Chapter 8.

The Supreme Court

Article III of the Constitution creates a federal court system, culminating in a *Supreme Court*, that is responsible for "all cases arising under the Constitution." The federal courts do indeed hear and decide cases involving disputes between

states, disputes that take place at sea, and a host of other questions that are clearly beyond the capacity of any state court to deal with. But the Supreme Court in particular has also taken on two enormous responsibilities that the Constitution does not specifically give it. It decides whether acts of Congress and of the president are constitutional or not. During the Bush administration the Court overruled actions of both the president and Congress regarding the War on Terror.

The Supreme Court has also taken on the power to declare the existence of rights not enumerated in the Bill of Rights. For example, in declaring unconstitutional a Connecticut law that made it a crime to sell or use contraception because the law violated the right to privacy, it admitted that the Constitution mentions no such right. Rather, it argued, the spirit of a right to privacy pervades the document as a whole. Defenders of these rulings view them as critical both to checking congressional and presidential excess and protecting the people's liberties. Critics charge that these decisions undermine the Constitution by allowing the Court to usurp legislative and executive authority as well as to short-circuit the constitutional amendment process by rewriting the Constitution itself. This controversy over the Court's role in the checks and balances system will be taken up more fully in Chapter 9

A Request

As the reader now proceeds to the fuller account of American government and politics that this chapter has introduced, we urge that in addition to trying to understand how politics works, the reader also try to appreciate politics. Because no person is an island, politics is inescapable. We must live with the collective decisions made in our midst whether we choose to participate in them or not. Inescapable yes, tedious no. Politics combines the suspense of sports with the colorful array of characters found in great literature. Savor its richness, its dramatic intensity, and its capacity to surprise.

CHAPTER SUMMARY

* Key building blocks of American politics include: the influence of political speech, the role of political leaders, the dynamics of political competition, and the functioning of political institutions.
* The American polity is best understood to be a democratic republic.
* The United States is a federal union in which both the states and the national government exercise considerable powers.

* The American Constitution prescribes limited government based on enumerated powers and seeks to create a system of checks and balances between the different branches of government.
* American political development is an approach to the study of politics and government that proceeds historically in order to illuminate how the past affects the present and future.
* The past strongly influences the present because of how political institutions work and how individuals think about politics and government. Three key aspects of political development are: political memory, path dependency, and critical choices.
* Path dependency means that once a way of doing things has been set in motion a considerable inertia develops that encourages the continuation of that course.
* Americans have made critical choices that shifted America's political path.
* The battle over immigration is not one between right and wrong but between different conceptions of rights – the right to enter a free society versus the right of those already there to protect their quality of life by defining the terms and conditions of entry.
* Unlike most other countries, the United States has no national police force. The ordinary tasks of "insuring domestic tranquility" such as preventing and solving crimes, regulating traffic, and controlling crowds are performed by state and local police.
* With the collapse of the Soviet Union, the US has become the world's sole superpower. Its military strength dwarfs that of any other nation.
* Historically, the United States took a very different approach to providing for the general welfare than did other advanced republican democracies, but those differences have diminished considerably in recent decades.
* A great theme of American political development is that of the expansion of rights to include full civil and political rights to African Americans and women. In recent years laws have been passed to greatly increase the rights enjoyed by the physically and mentally disabled.
* A key difference between libertarians, liberals, and conservatives regards their views of justice.

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Part I
Formative Experiences

2 Political Culture

CHAPTER OVERVIEW

This chapter focuses on:

- **A contemporary portait of American political culture.**
- **The cornerstones of American political culture: communitarianism, classic liberalism, and democratic egalitarianism.**
- **The debate about separating from the mother country.**
- **The critical choice to declare a creed.**
- **Violations of the American creed: slavery and denial of women's rights.**
- **The push towards a more powerful union: centralization, nationalism, and mixed government.**

The Declaration of Independence does not say "all *Americans* are created equal." It extends the promise of equality and of the inalienable rights attached to it to all men, meaning all people. In a series of speeches in the days and weeks following September 11, 2001, President George W. Bush argued that the terrorist attacks on the World Trade Center and Pentagon were not merely acts of senseless destruction but direct challenges to the universal principles of human freedom that the Declaration defined.

Three days after the attack, speaking at a prayer service at the National Cathedral, the president explained that the War on Terror was about nothing less than the future of human freedom and that defending freedom was America's oldest responsibility and greatest tradition: "In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender. And the commitment of our fathers is now the calling of our time."

The following week, addressing a joint session of Congress, he explained why America in particular had been the target of the attacks: "Why do they hate us? They hate us for what we see here in this chamber – a democratically elected government. Their leaders are self-appointed. They hate our freedoms – our

freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other."

He told the members of Congress that the War on Terror was not merely to protect American lives and property but to defend the universal principles at the heart of the American creed: "Freedom and fear are at war . . . The advance of human freedom now depends on us."

In early November, President Bush addressed the United Nations to impress upon the peoples of the world that America's fight was their fight as well because the natural rights at stake belonged to everyone.

> [T]he dreams of mankind are defined by liberty, the natural right to create and build and worship and live in dignity . . . These aspirations are lifting up the peoples of Europe, Asia, Africa and the Americas, and they can lift up all of the Islamic world. We stand for the permanent hopes of humanity, and those hopes will not be denied.

In his January 2002 State of the Union address, he spoke of how America was once again being called upon to play a "unique role in human events," a role first recognized by John Winthrop when he announced that the New World was "a city upon a hill," a beacon of freedom beamed at a world threatened by despotism.

There are many different approaches that Bush could have chosen for explaining to the American people what the problem was and how the government would respond. His decision to so strongly emphasize issues of human freedom and natural rights provides an important clue to just how deeply embedded such ideas are in what this chapter calls American political culture. *Political culture* refers to the core beliefs in a society. These central beliefs forge a people – "We the People," as the preamble to the Constitution reads – from a large and diverse society. The first chapter discussed the concept of path dependence. This chapter describes how these core beliefs that have persisted throughout the course of American political development were forged. After painting a portrait of American political culture, it examines its three cornerstones, *communitarianism*, *classic liberalism*, and *democratic egalitarianism*, and the key differences between them. It examines the debate among the colonists about whether to fight for independence, and invites the reader to decide whether the Loyalists or the revolutionaries made a better case. It explains that unlike other nations, American government is grounded in a creed, stated in the Declaration of Independence. It describes the two great stains on that creed, slavery and the subjugation of women. It shows that in the aftermath of the American Revolution the tensions between the three strands of American political culture bubbled to the surface, and describes how the political crisis arising from those tensions led to a push for a more powerful union.

American Political Culture: A Contemporary Portrait

American political culture is in many respects similar to the United States' sister rich democratic nations in Europe. Like them, Americans believe in a political system that is free, democratic, and respectful of minority rights. They all believe that people should be tolerant of religious ethnic and cultural diversity, and that individuals should be judged on their merits, not on what family they come from or what ethnic group they belong to. They also share a strong skepticism about the national government and other large institutions, especially corporations. However, there are critical cultural, economic, and political matters about which American opinion departs from those of its closest relatives. These departures combine to form a political culture that is highly distinctive and help to account for the critical political and policy differences between the United States and other mature democracies that this book will explore in later chapters.

Americans are far more patriotic than citizens of those countries. They are more likely to display pride in their country and to say that they would prefer to live in America than elsewhere. Americans are also more likely to believe that American culture is superior to other cultures. Germans are almost as likely to proclaim cultural superiority, but only a third of Britons and a quarter of the French do so (www.pewglobal.org/files/2011/11/Trend-Table.pdf).

Americans believe that the fundamental principles and attributes of American society are sound even though they are highly critical of specific governmental institutions, especially Congress and the bureaucracy. Americans are proud of their particular ethnic, religious, and racial identities. And yet most Americans identify themselves as "just Americans" (Jack Cirtrin and David O. Sears, *American Identity and the Politics of Multiculturalism*, Cambridge University Press, 2014, pp. 153–4).

Americans are also more optimistic about their futures than Europeans. This optimism is also reflected in the greater willingness of Americans to bring children into the world. The US birthrate is higher than that of any other developed country except Ireland and New Zealand (www.cia.gov/library/publications/the-world-factbook/rankorder/2054rank.html).

Americans also have a much stronger conviction that they control their own destinies. Only a third of Americans say that "success in life is determined by outside forces" whereas 72 percent of Germans, 57 percent of the French, and 41 percent of the British agree with that statement. Americans differ from their sister democratic republics in their understanding of the proper relationship between the individual and the government. Only about a third of Americans think that the government should play an active role so that nobody is in need whereas almost two-thirds of French and Germans and half of Britons think it should (www.pewglobal.org/files/2011/11/Trend-Table.pdf).

Like their European counterparts, Americans value equality. But they are far more likely to define equality in terms of equal opportunity rather than equal result. Most Europeans claim that government should reduce the gap between the rich and the poor. Most Americans disagree. They are less likely to see income inequality as unfair because they are more likely to interpret such inequality as resulting from differences in talent, ambition, and effort. They are more likely than Europeans to see poverty as resulting from laziness and passivity more than from bad luck. Although they profess an appreciation for diversity, they oppose the use of racial, gender, or ethnic quotas as a means for achieving it. Individual merit is the only acceptable grounds for attaining professional and economic success. Freedom for the individual is considered a superior objective to social equality. Even those racial minorities, African Americans and Hispanics, that have experienced significant economic discrimination are more likely than Europeans to believe that they can and will better themselves economically and that individuals are responsible for their own destiny.

Americans are far more religious than Europeans. Fifty percent of Americans say religion was very important to them compared to only 21 percent of Germans, 17 percent of Britons, and 13 percent of the French (www.pewglobal.org/files/2011/11/Trend-Table.pdf). Americans are also far more likely than Europeans to agree that "it is necessary to believe in God to be moral." They are also far more likely to profess the moral values that religion inspires. In the United States, it is less common for a man and a woman to live together as a couple without being married. Prostitution is illegal in forty-nine states. Many towns and counties ban the sale of alcohol. The differences in moral attitudes between Europe and the US were evident in the public reaction to President Clinton's sexual encounters with a young woman who was serving as his intern. In the United States there was shock and outrage. The case figured significantly in the bill of impeachment brought against him by the House of Representatives. The same news was greeted in Europe with a combination of unconcern and amusement at Americans' lack of sophistication. By European standards, Americans appear "puritanical."

In summary, compared to Europeans, Americans are:

More patriotic
More optimistic
Less positive about an active government
Less concerned about income inequality
More religious
More individualistic

Thus although their levels of education and wealth are roughly equal to those of Europeans countries, Americans are not nearly as "modern" in their beliefs. If by "modern" one means irreligion, a relativistic attitude toward other cultures,

a nonjudgemental attitude regarding sexual conduct, and a desire for the government to provide for one's needs. The more traditional religious and moral principles that Americans adhere to are usually associated with premodern social arrangments based on family ties and social caste. One might therefore expect Americans to have stronger ties to family and place, and to expect that their lot in life will be no better than that of their parents. Yet Americans are the most staunchly individualistic, the most likely to move away from home, and have the strongest commitments to free and open economic competition of any rich nation. The answer to how such varied and even contradictory attitudes have come to coexist lies in the origins and early development of American political culture, and the two very different cornerstones on which it has been built.

Communitarianism

The first cornerstone of American political culture was deposited by the original English settlers of Massachusetts, a full century and a half before the American Revolution. They are known as Puritans because of their commitment to purifying Protestantism. Their approach put them at odds with the Church of England, whose members were known as Anglicans. Although Anglicans were also Protestants, they did not accept the radical version of it that the Puritans preached.

Puritan religious understanding was grounded in the thought of the great theologian John Calvin (1509–64), who was born a Frenchman but who lived most of his life in Geneva. Calvin's defining principle was that because humankind was so deeply sinful, individuals could not, on their own, redeem themselves in the eyes of God and bring about their own salvation. Salvation was something that only God could bestow. Calvin condemned the Roman Catholic Church because it preached that through confession, penance, and good works a person could be saved and expect to go to heaven, a view that the Church of England shared. One might imagine that a rejection of good works would cause Calvinists to become selfish and self-indulgent, but the Puritans' interpretation of the impossibility of saving themselves led in just the opposite direction. They determined to create a covenant with God in which they would pledge to act as righteously as possible and to be single-minded in their devotion to Him.

A covenant is not a contract. It puts God under no obligation. The totality of the Puritan commitment came with no strings attached. Individuals did not enter the covenant; it was entered into by the entire congregation, hence the origin of the term "congregationalist." And, because any one member could destroy the covenant, each congregant had to accept responsibility for the behavior of every other member. They were each their brothers' and sisters' keeper. The congregation was comprised of the entire community. The idea of the covenant

therefore established a political community in which every person had a critical role to play and the good of the whole took precedence over that of any one individual. Thus what was initially a religious commitment came to have great political significance encouraging high levels of political participation in the Puritan communities and a strong commitment to the principle of the common good. Local self-government was integrally linked to religious virtue.

America appealed to the Puritans precisely because it was a new land that had not been corrupted by the decadent and heretical forms of Christianity that dominated the Church of England. In a speech entitled "A Model of Christian Charity," John Winthrop, the first governor of Massachusetts, gave voice to the Puritan mission, suggesting that England would soon take heed of what they were accomplishing in the New World: "For we must consider that we shall be as a city upon a hill, the eyes of all people are upon us." Thus the Puritan mission was twofold: to establish a religious community pleasing in the eyes of God, and to provide the mother country with a shining example of how she could mend her ways. The Puritans thus bequeathed to later Americans both a strong commitment to democratic solidarity and a deep sense of America as an exemplary nation with a mission to encourage others to adopt its freedom-loving ways.

The Puritans did not dominate American religion. However, their community spirit, denigration of materialism, and commitment to serving as a beacon to the godless became critical elements of American political culture, which was bolstered by the continuing overall strength of American religious life.

Because the American colonies were a haven for religious dissenters, no one church dominated life in the colonies.. Religious freedom strengthened religious influence on American society. It cultivated the belief that churches did not threaten individual liberty, as was the case in feudal Europe, but protected it. Shorn of state sponsorship, churches became strong, independent institutions that contributed significantly to the emergence of a distinctive American culture. The Anglican Church in America, painfully weaned from government support, became the Episcopal Church. After the Revolution, Roman Catholics previously under the administration of the vicar apostolic of England came under the authority of Father John Carroll of Baltimore, named in 1789 the first American Roman Catholic bishop. Lutherans, Presbyterians, Quakers, Jews, Baptists a few decades later, and Methodists thrived along with the Congregationalists.

The strength of American religious institutions and religious attachments tempered the individualism fostered by the second cornerstone of American political culture, Classic Liberalism. Christian principles of fellowship and charity were enfused into daily life. Tocqueville observed, "While the law allows the American people to do everything, there are things which religion prevents them from imagining and forbids them to dare." The actual conditions of life in the colonies reinforced and strengthened the strong sense of community and commitment to local self-government that the Puritans pioneered. Although the

colonies were officially subservient to Britain, the vast ocean separating them from Britain, combined with the mother country's preoccupation with European affairs, sapped Britain of the capacity and energy to effectively govern them. They had no choice but to govern themselves.

As Tocqueville observed, this relentless need to cope with the practicalities of their common life helped them develop the "habits of the heart," the feelings of mutual respect, sympathy, and obligation needed to live successfully together. Thus, emotions and sentiments were joined to religious and political principle to encourage successful self-government. No aspect of community life was more important in developing such habits of the heart than the jury. Jury service plucked people out of their ordinary private life and forced them to think and deliberate about matters of great import to the community. Jurors had to decide whether a person was guilty of a crime and should therefore be imprisoned or even executed. In civil matters they had to sort out the relative merits of the claims made by those who brought suit and those against whom the suit was brought. Tocqueville recognized that such a challenging responsibility was the best way for ordinary people to develop the skills and sentiments that self-government required. He called juries "the schoolrooms of democracy."

Classic Liberalism

The second cornerstone of American political culture consisted of a set of political philosophical principles developed by the great seventeenth-century and early eighteenth-century British political philosophers Thomas Hobbes, John Locke, and David Hume and the great French political philosopher Baron de Montesquieu. Its fundamental principles are *natural rights* and government as a *social contract*. It asserts that people live completely freely, on their own, until they chose to make a contract with one another to form a government. They make the contract because on their own they cannot protect their natural rights to live free of oppression and violent death and to enjoy their property. Those entering the contract promise to give up their freedom to do exactly as they wish in return for the promise that government will protect their natural rights. If the government fails to secure their rights, they are free to dissolve the contract and return to their prior natural state of complete freedom.

The term "Classic Liberalism" should not be confused with Liberalism as the term is currently used. Liberalism in its modern guise connotes a belief in using the national government to achieve benevolent purposes. It is directly at odds with Classic Liberalism's stress on limited government. *Modern Liberalism* has far more in common with Progressivism, a political viewpoint we will discuss in Chapter 4. The shift from the older to the newer meaning of liberalism was promoted by Franklin Delano Roosevelt (FDR), who deemed it more politically

prudent to shed the "Progressive" label and call his defense of an activist ambitious national government "Liberalism." FDR's impact on American politics will be discussed in Chapters 4 and 8.

Classic Liberalism's rights-based approach was a sharp departure from earlier political philosophical traditions. Like Communitarianism, those had stressed the duties and obligations owed to the political community and/or the Church rather than the rights of individuals. Traditionally, people conceived of themselves as members of a greater whole – a clan, a tribe, a city, a congregation – not as solitary persons. Hobbes and Locke influenced the American Founders to believe that everyone is born endowed with a right to live as one pleases and therefore the community may not trample on those rights unless the individual does harm to others. This view of government as a contract between free individuals was in stark contrast to the Puritan concept of covenant. The purpose of the covenant was to commit to collective obligations. The purpose of the social contract was to protect individual rights. American political culture absorbed both of these contradictory points of view and the tensions between them continue to animate American political life.

Classic Liberals recognized the difficulties of maintaining and perpetuating a political order dedicated to individual freedom. Their knowledge of history informed them that the right to life and liberty was constantly being trampled as a result of the lust of kings and nobles for power and glory and the competing claims of different religions to provide the sole path to salvation. To counter these threats it was necessary to encourage people to find satisfaction in pursuits that did not so readily stimulate them to oppress and kill one another. Therefore, Classic Liberals encouraged people to enjoy their private lives; to seek comfort and happiness from their work and their recreation and to satisfy their competitive instincts by vying with one another in the marketplace rather than on the battlefield. They believed that the pursuit of wealth, comfort, and security would prove less threatening to liberty than the pursuit of glory or salvation.

Previously, the world of business had been looked down upon. Soldiers and churchmen were seen as far nobler than those engaged in "mere" trade. The Classic Liberals sought to elevate the prestige of business in order to encourage ambitious and energetic men to enter this "safe" profession rather than to expend their energies and talents on warmongering and theological disputation. Furthermore, to succeed in business they would need to develop talents and habits far more conducive to political peace and stability than those associated with soldiering and religious disputation. The traits of frugality, prudence, patience, and temperance necessary to commercial success were also more conducive to preserving a decent political order than the swagger and recklessness of the soldier or the intolerant single-mindedness of the religious zealot. Imagination, inventiveness, and ambition were also highly prized as long as they were channeled in a practical, marketable direction, toward increasing human

wellbeing and comfort. Thus, even as Americans were encouraged to view themselves as idealistic residents of a "city on a hill," they were also coming to appreciate the value of the private pursuit of gain.

The Classic Liberals sought to organize governmental affairs to protect liberty. Montesquieu in particular stressed the importance of a separation of powers among the executive, legislative, and judiciary. But he also believed that the peaceful and liberty-loving habits created through a devotion to commerce were a necessary complement to political protections if natural rights were to be preserved. A liberal republic would need to be a commercial republic.

Because Americans were highly literate, Classic Liberal ideas spread rapidly and widely during the eighteenth century. Newspapers flourished in all the cities and towns of any size. Large cities established publishing houses of their own. Even if they did not read the actual writings of Hobbes, Locke, Hume, and Montesquieu, the settlers were exposed to classical liberal ideas in a welter of books and articles written by disciples of these philosophers. These popularizations were devoted to making the key principles of classical liberalism accessible and attractive to the ordinary reader. Classic Liberal ideas were especially appealing to British Americans because, unlike the people they left behind, a large percentage of the males among them owned some property and participated in town governments, criminal and civil juries, and colonial assemblies.

These first two cornerstones of American political culture differed in crucial respects. The Puritan community existed to please God and therefore life in common was devoted to spiritual, virtuous ends. Classic liberals conceived of the goals of politics and government in a less exhalted light. People chose to live in common not to achieve noble ends but to preserve their life, liberty, and property. Puritans placed the wellbeing of the community as a whole above that of its individual members. Classic Liberalism was individualistic at its core. The Puritans and the local governments they spawned governed themselves democratically. Town meetings were open to all eligible members of the community, and decisions were made by majority vote. The quintessential local political institution, the jury, was chosen from among the citizenry. By contrast, the most influential Classic Liberal thinker, John Locke, argued that the people could consent to place the hands of government in a monarchy (rule of one), aristocracy (rule of few), or democracy (rule of the many). Fearing that unlimited democracy would lead to mob rule and the deprivation of liberty, he preferred a mixed government in which rule by the many was checked by other institutions that retained monarchic and aristocratic aspects.

Despite the deep differences in outlook between Puritans and Classic Liberals, they also shared important similarities that allowed them to coexist and to influence one another. Unlike supporters of feudalism or hereditary monarchy, they both believed that government was only legitimate if it was based on the willingness of the individual to be governed. Membership in the Puritan

Table 2.1. Puritanism and Classic Liberalism.

Puritanism	Classic Liberalism
• Commitment to community solidarity • Sense of America as an exemplary nation • Impulse to encourage community spirit, denigrate materialism, and serve as a beacon to the godless	• Shifts from focus on duties to focus on rights • Views of government as a contract between individuals based on consent • Promotes pursuit of private interest in the name of protecting liberty

community was voluntary; you could leave it, or you could be expelled from it. In that sense it was not completely different from the liberal idea of a government formed by individuals who have agreed to join in order to protect their rights.

Separation from the Mother Country

The decision to fight for independence from Britain was indeed a difficult one. The vast majority of colonists were of British descent and had always considered themselves to be British. They knew that the English were far freer than any other people and that in the absence of the protection of the British army and navy they would be at great risk of being conquered by a far less benevolent colonial power, most likely France or Spain. Yet, in 1776 the Continental Congress, composed of representatives of the thirteen colonies, voted for independence. By that time the colonists had come to harbor a number of serious grievances regarding their treatment by the mother country. For the first 150 years of their existence they paid no taxes to Britain. Then, in the wake of the French and Indian War, Britain imposed a series of taxes. The first, known as the Stamp Act, imposed a tax on a wide variety of print matter that included playing cards, newspapers, and various documents. Later, the tax on tea precipitated the Boston Tea Party. Another source of resentment on the part of colonists involved the British Parliament's effort to curtail juries. Because it did not believe that colonial juries were sufficiently willing to convict fellow colonists charged with evading paying customs duties, it sought to exempt such cases from jury trial. As we have seen, juries were a pillar of local self-government, and yet the British government was depriving them of much of their importance.

A reasonable case can be made for either the choice to revolt or to remain loyal to Britain. In the French and Indian War, British troops fought to protect American colonists. The war was expensive and therefore Britain felt that it was only fair to make the colonists help pay for it. Smuggling was indeed quite common in the colonies, and juries often did treat such cases with great

indulgence. Nonetheless, the two cornerstones of American political culture fed the colonists sense of outrage at such aggressions. According to Classic Liberalism, government was formed to secure rights, including a right to property. Taxes were a form of reducing a person's property and therefore required a person's consent. But the colonists were not represented in the British Parliament and therefore were not granted the opportunity to give or withhold their consent. Colonists were also devoted communitarians and feared that the restrictions Britain had already imposed on local self-government was just the beginning of concerted effort to turn them from citizens into subjects.

Perhaps the most articulate and impressive of those who sought to remain loyal to Britain was Thomas Hutchinson of Massachusetts. Hutchinson was a direct descendant of very early Puritan settlers. He took an active part in the political life of the colony, rising to be governor. He adhered to Classic Liberal principles. Indeed, his opposition to revolution was derived from the deepest of Classic Liberal principles, the protection of personal security. He argued that the real choice for Americans was not between remaining with Britain or becoming independent. As victory in the French and Indian war had so recently demonstrated, Britain was the protector of the safety of Americans. Separating from Britain would not produce anarchy but rather subjugation to a far less benevolent, liberty-loving great power. Hutchinson admitted that taxation without representation was unfair. But he reminded colonists that their protests against the Stamp Act had led Parliament to rescind it. Surely, if the colonists protested responsibly, Parliament could be made to rescind the taxes it had more recently imposed, including the odious tax on tea. And even if those efforts failed, the taxes imposed on the colonies were less than those paid by Englishmen, and were simply not that much of a burden. Colonists remained the freest people in the world. Even unfair taxes and some limits on trial by jury were a small price to pay for the protection required to continue to remain so free. Rights are never absolute. There will always be some limitation on them required for the sake of preserving security. The right to self-preservation is the most basic of natural rights; it is wrong to put one's life in danger simply to prevent some relative limitation of one's other rights.

CRITICAL THINKING QUESTION

Reasonable Americans could and did differ about whether to separate from Britain. The Cambridge University Press website contains excerpts from the writings of prominent supporters of independence, including excerpts from an essay by Hutchinson. You are invited to read these writings, summarize what you consider to be the best arguments made by each side, and explain why you chose to be a Revolutionary or a Loyalist.

CRITICAL CHOICE: DECLARING A CREED – THE DECLARATION OF INDEPENDENCE

The United States was the first nation to declare a creed. It is propounded in the Declaration's second sentence. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life Liberty and the Pursuit of Happiness." Each element of the creed embodies Classic Liberalism. The term "men" in the language of the eighteenth century meant "persons". All persons were equal because they each voluntarily gave up the equal freedom they enjoyed in the state of nature in order to join together to secure their rights. Those rights were unalienable, meaning that no one could legitimately take them away. The first and most basic of those rights was life, the guarantee that government would not harm you and would protect you against threats to your security. Second was liberty, freedom to think and do as one pleased and to take part in a free government. The third is somewhat harder to interpret. Classic Liberals had declared a right to property. Jefferson would have understood "pursuit of happiness" to include a right to protection of one's property. But he wanted to express something more ambitious and exalted, a fair chance to succeed in life. Perhaps the closest modern equivalent of the phrase "pursuit of happiness" would be "equal opportunity." There is no promise that one will succeed, but one is entitled to a fair chance to realize one's ambitions.

The status of the *Declaration of Independence* as the American creed is attested to by the choice of July 4, the date it was issued, as the nation's official birthday, rather than July 2, the date of the Continental Congress vote for independence. Thus, the principles justifying the revolution were exhalted above the revolutionary act itself.

All the members of the Continental Congress signed the Declaration, even though it officially required only the signature of the Congress's president, John Hancock. Hancock's signature was the largest to appear at the end of the Declaration – to save King George III the trouble, he noted cheekily, of putting on his reading glasses. The other members of Congress, embracing their president's rebellious spirit, added their names. After all, the Declaration was no mere official document, but "an avowal of revolution." In making their signatures part of such a dangerous state paper, the members of the Continental Congress took a solemn oath as citizens of a new government. They gave the first official display of the American political community. As the last sentence of the document read, "for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

The gravity of this pledge was demonstrated by the manner in which the Declaration was publicized. It was read before groups of people in public

ceremonies. The mobilization of British soldiers on American soil for the purpose of suppressing the incipient rebellion added solemnity to these occasions. With this menace in mind, Congress directed that the Declaration should be proclaimed not only in all the colonies but also by the head of the army.

On July 9, General George Washington ordered officers of the Continental Army brigades stationed in New York City to obtain copies of the Declaration from the Adjutant General's Office. Then, with the British soldiers "constantly in view, upon and at Staten-Island," as one participant recalled, the brigades were "formed in hollow squares on their respective parades," where they heard the Declaration read.

Enshrining Classic Liberalism in the Declaration of Independence did not force Americans to come down from "the city on a hill." The habits of the heart that the Puritans had first imparted still exerted their influence on political life. American political culture continued to rest on these first two often conflicting cornerstones.

UPSHOT

Although other nations enable immigrants from other countries to become citizens, in practice, immigrants have a very hard time fitting into the lives of nations for whom citizenship has traditionally been based on blood and common culture. In America, slavery excepted, adherence to the political creed embodied in the Declaration of Independence is the defining quality of what it means to be an American.

Violations of the American Creed

Slavery

Neither the Revolution itself nor the Declaration on which it grounded itself did much to remedy the two most glaring violations of the American creed, slavery and the subjugation of women. Nonetheless the Declaration proved invaluable to later advocates for abolition and for women's rights. The Declaration did not say "all white men were created equal." And, in eighteenth-century speech, the term "men" was equivalent to "persons" and therefore included women. Thus the phrase "all men are created equal" became a rallying cry for the advocates of abolition and of womens rights. It enabled them to demonstrate the hypocrisy of those who refused to treat women and African Americans equally and to deprive them of their "unalienable rights."

Virginia was the first of the English colonies, founded in 1607. Unlike Massachusetts, it was founded by seekers of wealth, not religious perfection. No sooner had it been settled than it began to deprive men and women of the fruits of their

Table 2.2. Slave population and percentage of total population of original thirteen colonies, 1770.

Colony	Slave population	Percentage
New Hampshire	654	1
Massachusetts	4,754	2
Connecticut	5,698	3
Rhode Island	3,761	6
New York	19,062	12
New Jersey	8,220	7
Pennsylvania	5,561	2
Delaware	1,836	5
Maryland	63,818	32
Virginia	187,600	42
North Carolina	69,600	35
South Carolina	75,168	61
Georgia	15,000	45

Source: W. W. Norton.

labor. Slavery was introduced in Virginia in 1620 by a Dutch ship that landed twenty Africans on the banks of the James River. Over time it spread to all the British colonies in North America. Virginia's leaders, including such great figures as George Washington, Thomas Jefferson, and James Madison, professed to believe in the key principles of Classic Liberalism, but they also owned slaves. At the time of the outbreak of the American Revolution in 1776 slavery was legal in all thirteen former colonies and there were more than half a million slaves in what was to become the United States.

Thomas Jefferson was painfully aware of the contradiction involved in a slave owner such as himself declaring that "all men were created equal" and that they had an inalienable right to liberty. He knew that slavery was wrong. He hoped that it would die out over time. But he believed that it had become too important to the livelihoods of white Southerners to be abolished. Many Southerners shared his view that slavery was a necessary evil. Jefferson did attempt to abolish the slave trade in his original draft, although Congress removed it in the final version. In a long paragraph, which John Adams admiringly called "the vehement philippic against Negro slavery," Jefferson charged King George III with waging "cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither." Jefferson further accused the British of compounding their crime of introducing slavery into the colonies by sowing seeds of rebellion among slaves. His uncharacteristically venomous prose was aimed at the "Christian king of Great Britain," who, through his subordinates

in America, "was now exciting these very people to rise in arms among us, and to purchase that liberty of which he deprived them, by murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another." These are the most hollow words to be found in the Declaration. Everyone knew that the colonists themselves were responsible for the evils of slavery and therefore had to bear the responsibility for the violence and death that would occur when slaves sought their freedom. The fact that Jefferson felt compelled to deflect the blame for it from the colonists to the King reflects just how badly its claims to liberty and equality were tarnished by the perpetuation of this oppressive institution.

The Southern states resisted emancipation. Even gradual abolition would have violated the "property rights" of thousands of influential men, including Jefferson, and left the South with the unwanted task of devising a new labor system. Moreover, the South was afraid that a large population of free blacks would exact retribution, perhaps violently. Jefferson would write in 1820:

> I can say with conscious truth that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in a practical way . . . But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation on the other.

Jefferson's fears were tragically realized by the violent slave uprising led by Nat Turner, which originally was planned to begin on July 4, 1831. The revolt actually began on August 22, when a band of eight slaves led by Turner killed five members of the Travis family in Southampton, Virginia. During the next three days, the ranks of the rebels swelled to between sixty and seventy and they killed an additional fifty-eight whites in Jerusalem, Virginia. Militias caught most of the rebels within a few days, and Turner was captured on October 31. He was executed on November 11, 1831.

And yet the crucial significance of declaring "all men are created equal" was not lost on either the defenders or the opponents of slavery. John C. Calhoun of South Carolina, one of slavery's most effective champions, admitted as much in the late 1840s. He lamented that the Declaration had "spread far and wide, and fixed itself deeply in the public mind." The Declaration became a revered document, not only because its message was "popular," as Calhoun thought, but also because it articulated and affirmed the American creed. In 1852, Frederick Douglass, a former slave who had escaped bondage to become an eloquent defender of emancipation, purposely chose the Declaration's July 4th anniversary to remind Americans that they could not enslave African Americans and still be true to their creed.

> What to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all the other days in the year, the gross injustice and cruelty to which he is the

constant victim. To him your celebration is a sham; your boasted liberty an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your sermons and thanksgivings, with your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy – a thin veil to cover up crimes which would disgrace a nation of savages.

Like Abraham Lincoln and Martin Luther King, Douglass made clear that slavery robbed the Revolution of its true meaning. As the Declaration made abundantly clear, the fight for independence was not just about separating from Great Britain but about establishing a political order devoted to liberty and equality for all.

Denying Rights to Women

When Abigail Adams urged her revolutionary husband John and his fellow rebels to "remember the ladies" or the women would "foment a revolution of their own," he did not take his wife's plea seriously. Politics, he insisted, was "not the Province of the ladies." In truth, Abigail Adams was not advocating political rights; she was advocating fairer treatment for women in the household. "Do not put such unlimited power into the hands of husbands," she wrote. "Remember all men would be tyrants if they could."

Though the Revolution did not directly alter the political status of women, it did improve their legal and educational circumstances. For example, it became somewhat easier for women to obtain divorces in the aftermath of the struggle for independence. During the colonial period, divorces were rare, but easier for men to obtain than for women. The difference did not vanish after the Revolution, but it did diminish. Before independence, no Massachusetts woman was known to have obtained a divorce on the grounds of adultery; thereafter, wives were more likely to sue errant husbands successfully.

The New Englander Judith Sargent Murray urged the cultivation of women's minds to encourage self-respect and "excellency in our sex." Her fellow reformer, Benjamin Rush, gave political expression to this view: only educated and independent-minded women, Rush argued, could raise the informed and self-reliant male citizens that a republican government demanded.This emphasis on "republican motherhood" and its potential to bestow dignity on the democratic individual had a dramatic influence on female literacy. Between 1780 and 1830, the number of colleges and secondary schools, including those for women, rose dramatically. Women's schools and colleges offered a solid academic curriculum. By 1850, there were as many literate women as men. Nonetheless, American women remained excluded from participation in political life. Most Americans considered the female's rightful place to be in the home.

Figure 2.1. Literacy rate in Colonial New England.
Source: W. W. Norton.

Like opponents of slavery, advocates of women's rights found the Declaration a powerful text to enlist on behalf of their cause. The organizers of the first convention for women's rights, in 1848 at Seneca Falls, New York, were veterans of the antislavery movement. In preparing the convention's statement of principles and demands, Elizabeth Cady Stanton invoked the Declaration. "We hold these truths to be self-evident," the proclamation declared, "that all men and women are created equal." The Seneca Falls proclamation went on to submit "facts" to a "candid world" to prove "the history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her."

Even some of the convention's leaders, such as Lucretia Mott, felt that the right to vote was too advanced for the times and would lead to ridicule of the nascent women's movement. But, Frederick Douglass, one of thirty men brave enough to attend the Seneca Falls gathering, argued convincingly that political equality was essential if women were to enjoy true freedom. The convention adopted the suffrage resolution by a small majority. The Seneca Falls Statement of Principles, as Stanton observed, "would serve three generations of women" in their fight for natural rights promised by the Declaration.

A Third Cornerstone: Democratic Egalitarianism

The Declaration did not specify the institutional forms that would best protect the rights it proclaimed. The ensuing debate about how the ex-colonies should govern themselves revealed not only ongoing tensions between Communitarianism and Classic Liberalism but also the growing influence of what would become

a third political cultural cornerstone, Democratic Egalitarianism. Communitarians and Classic Liberals shared a fear of tyranny of the majority. Although the New England townships had been governed democratically, that democracy had been kept under very tight wraps. Only members of the congregation in good standing could participate. There was no room for the godless, meaning all those other Christians who did not adhere to strict Puritan theological principles. Thus, strict religious conformity served as a powerful check on democratic practice.

Prior to and during the Revolution the fear of majority tyranny receded in favor of a desire to place more power in the hands of the people. Democratic egalitarianism trumpeted majoritary rule as a virtue and adopted a much more inclusive view of who should be eligible to participate in politics.

Common Sense

A democratic understanding of revolution was given a powerful push in January of 1776 by the publication of an enormously influential and widely read political pamphlet called *Common Sense*. It was written by Thomas Paine, a newly arrived English immigrant. It was written in simple and direct language shorn of the flowery trappings characteristic of late eighteenth-century political writing. It succeeded spectacularly in its objective of reaching a mass audience. About 150,000 copies were sold in the critical period between January and July 1776. The population of the colonies at that time was roughly 2.5 million. One in seventeen people bought the pamphlet. To achieve a similar proportion of buyers, a pamphlet today would have to sell more than 15 million copies. It called for a democratic representative government with power concentrated in a large national popular assembly. The primacy of local government and the connection to religious virtue, so central to the communitarianism the Puritans had inspired, was sacrificed in the name of national majority rule. Elections would be frequent, terms short, and rotation in office required. Everything possible should be done to preserve the new government's democratic character and to surpress all monarchic tendencies. Therefore, Paine opposed the creation of any independent executive power. As the size of America grew, so should its assembly, assuring a strong relationship between the people and their representatives.

The fight for independence intensified the celebration of "the People." The line between "gentlemen" and the rest of the society, never as clear in the colonies as it was in the mother country and Europe, was radically blurred by the Revolution and its aftermath. Still, the leaders of the Revolution disagreed about how democratic the new government should be. John Adams encouraged the national and state governments to adopt, in a modified form, the British system of separated powers. Perhaps the united colonies should not have a king, but they needed a strong executive who would share power with separate legislative and judicial institutions. "Without three orders and an effectual balance between