Education and Politics: Lessons from the American Founding

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We are a young Nation and have a character to establish.
—George Washington, Letter to John Augustine Washington, June 15, 1783.¹

Education and politics are inseparable, although not identical. They are inseparable because anything that is taught—even doctrines in physics or biology (for example, Darwinism)—may have political consequences, shaping the opinions of those who rule or will rule; and because what should be taught is therefore an eminently political question. They are inseparable, too, because political speeches and deeds are instructive to citizens, young and old, as well as to non-citizens. So it is not surprising that some of the greatest works of political philosophy take education as their principal theme—Plato's Republic and Rousseau’s Emile, for example—and that many others treat education as the most important way to preserve governments—notably Aristotle’s Politics and Montesquieu’s Spirit of the Laws.

To be sure, not every bit of knowledge has immediate political relevance; and only a fool would maintain that the arts and sciences should simply have their conclusions dictated to them by politicians. To that extent, politics and education remain distinguishable. In fact, the restriction of direct political control over the arts and sciences is itself one great mark of a free society. At the same time, however, another mark of a free society is that citizens have the right to contest and to protest, through the political process, what is being taught by teachers in the schools, politicians in office, and even artists whose works are displayed in public forums.

In the United States, these debates take place under the aegis of the Constitution and the Bill of Rights, whose interpretation, but not whose authority, is often disputed. That is to say, seldom

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does anyone question whether the Constitution itself should be “the supreme law of the land.” The legitimacy of the Constitution and the laws made pursuant to it is generally assumed. What the proper relationship between democratic politics and education should be is therefore commonly regarded as ultimately, or in large part, a constitutional question. Whether state governments are obliged to equalize expenditures per pupil across school districts, whether race, sex, and ethnicity should count in student admissions and faculty hiring, whether bilingual instruction is a right guaranteed to every student who might need it—these are questions that nowadays, for better or worse, look to the Equal Protection Clause of the Fourteenth Amendment for an answer.

But to see the relation of politics to education more comprehensively, we need to step back from the current legal controversies and examine the arguments out of which the Constitution itself emerged. We need to return to the guiding principles of the American Revolution. “There is nothing more common,” Benjamin Rush observed in January 1787, “than to confound the terms of the American Revolution with those of the late American war.”

The American war is over, but this is far from being the case with the American Revolution. On the contrary, nothing but the great drama is closed. It remains yet to establish and perfect our new forms of government, and to prepare the principles, morals, and manners of our citizens for these forms of government after they are established and brought to perfection... To conform the principles, morals and manners of our citizens, to our republican forms of government, it is absolutely necessary that knowledge of every kind should be disseminated through every part of the United States.⁵

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⁵ See, for example, San Antonio Indep. School Dist. v Rodriguez, 411 US 1 (1973) (no constitutional right to equal per student expenditures across school districts).
⁶ See, for example, Regents of the Univ. of California v Bakke, 438 US 265 (1978) (constitution prohibits racial classifications in admissions, but race may be used as a “plus”); Marshall v Kirklan, 602 F2d 1282 (8th Cir 1979) (Constitution limits use of race and sex in faculty hiring to situations in which such classification is substantially related to the achievement of an important governmental objective).
⁷ See, for example, Guadalupe Organization v Tempe Elementary School Dist., 587 F2d 1022 (9th Cir 1978) (no constitutional right to a bilingual education).
The work of the Revolution was not merely the struggle against Great Britain or even the establishment of new forms of government, but the revolution in “the principles, morals, and manners of our citizens” that would be necessary to support and perfect the new republican forms. Indeed, the American founding properly so called is nothing other than this bold educational enterprise. A founding creates new political institutions for a new political community; but “institutions” are at bottom a form of institutio, of training or education. A regime or form of government cannot survive for long if it is not “instituted” in the hearts and minds of its citizens.

The American founding, therefore, may be said to provide the original and authoritative education in being an American. Today, that education is under attack on two main fronts. On the first, critics from both the Right and Left accuse the Founders of neglecting civic education—of bequeathing us a regime of egoistic individuals absorbed in the pursuit of private gain at the expense of the common good. From this point of view, the civic culture is weak and there is insufficient unity of opinions and affections. On the second front, critics, again from both the Right and Left but predominantly and most vocally from the Left, deprecate the Founders and their view of education for paying insufficient attention to “diversity.” Not its defective but its excessive unity is the complaint: the American Founders attempted to impose a property-holding, white, male, heterosexual, Eurocentric culture upon the diverse cultures that then existed or would later spring up in America. This suppression of competing or alternative cultures is the root of our present ills, and multicultural education is the necessary remedy—so runs this second line of criticism.

In this Essay I shall take up each criticism in turn, using it as the occasion to restate important elements of the Founders’ view of the proper relation among republican politics, law, and education. I will not attempt to survey the whole field of the Founders’ educational theory and practice, but will emphasize the parts that are most germane to the present indictments.

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6 For an overview of these criticisms, see Bradley Kent Carter and Joseph F. Kobylka, The Dialogic Community: Education, Leadership, and Participation in James Madison’s Thought, 52 Rev Politics 32-63 (1990).
I. Civic Education

That the Founders failed to provide adequately for the education of future American citizens is today a common charge. Undergirding the charge is an implicit or explicit contrast between American republicanism and the civic-spiritedness of ancient republicanism. Rousseau is the past master of this kind of sweeping, Romantic dismissal of modern liberal arrangements. Writing on a more or less practical assignment and only a few years before the Declaration of Independence was penned, Rousseau, in his *Government of Poland*, wondered:

As we read the history of the ancients, it seems to us that we have moved into another universe and are surrounded by beings of another species. Our Frenchmen, our Englishmen, our Russians—what have they in common with the Romans and the Greeks? Almost nothing except the shape of their bodies . . . . What prevents us from being the kind of men they were? The prejudices, the base philosophy, and the passions of narrow self-interest which, along with indifference to the welfare of others, have been inculcated in all our hearts by ill-devised institutions, in which we find no trace of the hand of genius.\(^a\)

In this passage one can see something of the provenance of the contemporary criticism of the founding from both Right and Left. On the Right, for example, Rousseau's disdain for the "ill-devised institutions" of modern government echoes in George Will's claim that liberal democracies, including the United States, are "ill founded."\(^b\) Following in the footsteps of such neoconservative scholars as Martin Diamond, Walter Berns, and Robert A. Goldwin, Will accuses the American Founders of relying "almost exclusively" on institutional arrangements and the "sociology" of competing factions to substitute for public-spirited citizens and

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statesmen. More recently, the charge has been repeated and elaborated by Allan Bloom in *The Closing of the American Mind*.

Whereas these critics on the Right tend to deplore the Founding's alleged undermining of patriotism and the nobler virtues, the critics on the Left see the Founders' original sin to be the neglect of "community." Deploying many of the same arguments used by the Right, the liberal critics come to a similar but more egalitarian conclusion. They reject the possessive or bourgeois individualism of the founding, including the Founders' supposed view that, in Sheldon Wolin's words, "the aim of a political organization was not to educate men, but to deploy them; not to alter their moral character, but to arrange institutions in such a manner that human drives would cancel each other or, without conscious intent, be deflected towards the common good." This reliance on laws and institutional arrangements led to the decay of political life and art, to what Benjamin Barber calls "public purposelessness." The same regret over the eclipse of lively, communitarian politics permeates much of the historical scholarship of the so-called "civic humanist" or "classical republican" school.

All these critics are correct, of course, in noticing that Washington, Jefferson, Madison, and the other great statesmen of the period were not intent on founding a *polis*. The Founders knew they could not have built such a narrow, soaring structure because they lacked the keystone, the absolutely essential and binding part: the gods. Absent the civic and ancestral gods possessed by every ancient city, the comprehensive and intense political life of a *polis* was impossible. Consider Rousseau's description of the type


of patriotism he wished to confer on Poland, modeled, needless to say, on the patriotism of the ancients:

The newly-born infant, upon first opening his eyes, must gaze upon the fatherland, and until his dying day should behold nothing else. Your true republican is a man who imbibed love of the fatherland, which is to say love of the laws and of liberty, with his mother’s milk. That love makes up his entire existence: he has eyes only for the fatherland, lives only for the fatherland; the moment he is alone, he is a mere cipher; the moment he has no fatherland, he is no more; if not dead, he is worse-off than if he were dead.¹⁶

As Rousseau well knew (though he did not let on while writing to the pious Poles), such dedication could be sustained only where religion and the city were one, where men’s religious and familial passions were absorbed and defined by the city, where all non-citizens were infidels and all citizens brothers. To express it in the language of The Social Contract, civil religion is necessary in order to produce the general will.¹⁶

In the world transformed by the presence of universal religion, in the Christian West in particular, civil religion in the original sense of the term could not be re-established.¹⁷ The intense and total loyalty of the polis could not be recreated even in the small city-states of Italy—as no one understood better than Machiavelli. How then could it be resurrected in the large American states or in the vast continental expanse of the United States? Beginning with the Virginia debate over the disestablishment of the Anglican Church, the American Founders faced up to the revolution brought about by the advent of Christianity, and to the legacy of religious wars and other disorders that had developed in its wake. America

¹⁶ Rousseau, Government of Poland at 19 (cited in note 8).
¹⁶ See Jean-Jacques Rousseau, Roger D. Masters, ed, On The Social Contract 67-70, 124-32 (St. Martin’s, 1978). Rousseau is aware of the “exclusive and tyrannical” impulses in ancient religion that often made it “bloodthirsty and intolerant,” but he still regards it as superior, from the political point of view, to Christianity. His own suggestion of a “purely civil profession of faith” based on toleration and love of civil duties is exposed to many of the same criticisms he directs at established Christianity, but is not for that reason otiose. See Hilail Gildin, Rousseau’s Social Contract: The Design of the Argument 187-89 (U of Chicago Press, 1983).
¹⁷ For an account of the significance of the change from the ancient world, in which every city had its own gods, to the Christian world, in which every city has (in principle) the same God, see Harry V. Jaffa, The American Founding as the Best Regime: The Bonding of Civil and Religious Liberty 18-26 (Claremont Institute, 1990).
would be a republic, but it would be a liberal republic, acknowledging the right of conscience as a fundamental human freedom, and thus limiting government for the sake of protecting man's relation to God.\textsuperscript{18}

The right of conscience expressed the special and private relationship that every soul was understood to have with God, the God of all men everywhere but of no country in particular. James Madison, for example, argued that the duty of worshipping the Creator, according to the mode most agreeable to man's conscience—of being good citizens of the City of God—took precedence over the duties owed to any human city or country.\textsuperscript{19} The external or temporal expression of this superior duty was the right of conscience, the indefeasible or inalienable right of men to be free of political coercion in matters of religious belief and worship.\textsuperscript{20} While men's rights were understood to come before or to be more fundamental than their civic duties, their civic (or political) rights were themselves understood to be derivative of their duty to God.\textsuperscript{21} That is, their rights were accompanied by a sense of religious responsibility: men's inalienable rights were aimed at righteousness and were collateral with their duties, including their duties to the Creator and to other men.\textsuperscript{22}

The liberalism of America's founding principles did not mean that classical political philosophy or its concern with moral virtue was irrelevant, even if the \textit{polis} as an actual political community was no more. In place of the civil religions of individual \textit{poleis}, Americans substituted the universal doctrine of God-given or natural rights as the keystone of political community and obligation. This political theory authorized men to form civil society and to institute and operate government on the basis of the consent of the governed. The bonds of citizenship were strengthened by newly republicanized manners and morals (which in good ancient fashion emphasized the greatness of the country's Founders), but not by an established church, as such. The Founders' endorsement of free exercise of religion entailed the rejection of religious establishments and of any attempt to yoke men's civil rights with their reli-

\textsuperscript{18} See the discussion in Michael W. McConnell, \textit{The Origins and Historical Understanding of Free Exercise of Religion}, 103 Harv L Rev 1410 (1990).

\textsuperscript{19} James Madison, \textit{Memorial and Remonstrance Against Religious Assessments}, in Gaillard Hunt, ed, 2 \textit{The Writings of James Madison (1783-1787)} 183, 184-85 (G.P. Putnam's Sons, 1901).

\textsuperscript{20} Id at 184.

\textsuperscript{21} Id at 184-85.

\textsuperscript{22} Id.
gious opinions. This rejection of claims to rule based on the possession of Divine Wisdom, however, was itself in keeping with the tradition of Socratic rationalism or skepticism. Moreover, once politics and religion had been distinguished, and church and state separated, the independence and stature of the moral realm were restored to something like the Aristotelian basis.

As a consequence, reason and revealed religion could now join hands in defense of morality, precisely because the theological dogmas of the different sects were prescinded from politics. On this basis, the American Founders, far from abandoning education in moral virtue, undertook an unprecedented campaign for public and private education. These efforts took place mainly on the state level, and so are not mentioned in the Constitution or The Federalist Papers. Nevertheless, they were extremely significant for the American way of life. The schools founded in the late eigh-

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25 That education was undertaken solely by the state and local governments is not to say that the national government was indifferent to questions of inculcating morals. Hamilton acknowledges the propriety of certain kinds of morals legislation at the national level through, for example, its consideration of the possibility of a national excise tax that would discourage the excessive use of alcohol. Federalist 12 (Hamilton) in Clinton Rossiter, ed, The Federalist Papers 91, 95 (Mentor, 1961). Indeed, it is those “practices on the part of the State governments which . . . have occasioned an almost universal prostration of morals,” to which The Federalist objects most vehemently; and to which it looks for correction from the salutary influence of the proposed Constitution. Federalist 85 (Hamilton) in Rossiter, ed, The Federalist Papers 520, 521-22. For instance, the obligation of Contracts Clause would compel state governments and private citizens to keep their word, and thus “inspire a general prudence and industry, and give a regular course to the business of society.” Federalist 44 (Madison) in Rossiter, ed, The Federalist Papers 280, 283. For an excellent general account, see Thomas G. West, The Rule of Law in The Federalist, in Charles R. Kesler, ed, Saving the Revolution: The Federalist Papers and the American Founding
teenth and early nineteenth centuries were new kinds of schools, adapted to the task of inculcating the skills, habits, and virtues of republican self-government. They sought to prove that mankind was capable of self-government by showing that America was so capable. Thus, not common meals (as in Sparta) or property (as in the Soviet Union), but common schools and a common dedication to republican principles would be the touchstones of American citizenship.28

Critics of the Founders, however, doubt not only the significance but even the existence of the Founders' concern for moral and civic education. Consider, for example, the widely-shared views of Walter Berns, a leading constitutional scholar. He asserts that the Constitution was based on the "newly discovered principles" of modern political philosophy, and that these were "decidedly not principles having to do with the education of citizens, or the preparation of persons for their role as citizens."29 Nor does it seem that the adepts of this new science were keen on having the states take up the educational slack. Declares Berns, "[i]t is not possible to point to a single statement proving that the Framers expected the states to provide the sort of civic or moral education required of citizens in a republican regime," although he does admit, somewhat contradictorily, "there is ample evidence that they were aware of the requirement."30 He attempts to resolve the contradiction by imputing it to the Framers, arguing that their theory and practice were at odds—that the Framers' new political science gradually eroded the "older and civilized politics" of the states, in which moral and civic education were important concerns.31

Yet the Framers' concern for moral and civic education at both the state and national levels can easily be illustrated. "In every government, which is not altogether despotical," wrote James Wilson in his celebrated law lectures delivered in 1790-91, "the institution [that is, education] of youth is of some publick

150-67, 163-67 (Free Press, 1987). Nevertheless, the establishment and regulation of schools were tasks for state and local governments.

28 In both respects, the Founders' educational views are at odds with John Locke's. Locke insisted on private education with personal tutors living in the parents' home, and placed almost no emphasis on patriotism or civic education. See Thomas L. Pangle, The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke 220-221, 227 (U of Chicago Press, 1988).

29 Berns, Taking the Constitution Seriously at 130 (cited in note 10).

30 Id at 222.

31 Id at 219-20.
consequence. In a republican government, it is of the greatest.”

The peculiar dependence of the republican form of government on popular enlightenment or on the education of the great body of the people is a constant theme in the books, pamphlets, newspaper articles, and letters of the day. George Washington put it this way in his Farewell Address:

"Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Promote then as an object of primary importance, Institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

Throughout his life, Washington was himself a discerning patron of public and private education, and he frequently urged both the state and national governments to support the provision of education so far as they were able. In 1784, he wrote to George Chapman, the author of a book on education:

My sentiments are perfectly in unison with yours sir, that the best means of forming a manly, virtuous and happy people, will be found in the right education of youth. Without this foundation, every other means, in my opinion, must fail . . . . Of the importance of education our Assemblies, happily, seem fully impressed; they [are] establishing new, and giving further endowments to the old Seminaries of learning, and I persuade myself will leave nothing unessayd to cultivate literature and useful knowledge, for the purpose of qualifying the rising generation for patrons of good government, virtue, and happiness.

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LESSONS FROM THE FOUNDING

Even before the Constitution had been written, most states, spurred on by the Continental Congress, had adopted new constitutions that addressed both the ends and means of moral education in a republic. The Virginia Declaration of Rights, composed by George Mason (later a participant in the Federal Convention), warned that “no free Government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.”35 The Massachusetts Constitution, drafted by John Adams, commanded the Commonwealth’s schools “to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections and generous sentiments among the people.”36

This solicitude for citizens’ character extended even to the future states that would be formed out of the territories west of the Appalachians. Here the national government had perforce to play a direct role, inasmuch as it owned and administered the territories on behalf of the Union. And so the Northwest Ordinance, enacted by the Congress under the Articles of Confederation and re-passed by the First Congress, adjured that “Religion, Morality, and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged.”37 Under its provisions, the territories were divided into townships, and the federal government granted the sixteenth part of every township to the new state governments for the maintenance of schools. The same grant was made to almost every new state admitted thereafter; beginning with California’s admission in 1850, it was increased to two sections per township; and with Utah, Arizona, and New Mexico, to four. By the 1930s, these grants, together with miscellaneous other National Land Grants for public education, amounted to 145 million acres, which at the traditional government price of $1.25 an acre, constituted an endowment for

public education of at least $181,250,000 (unadjusted for inflation).  

Before and after the Constitution's ratification, the states were (and in fact continued to be, at least until recently) the primary protectors of the public health, welfare, morals, and order; but in the eighteenth century they were not deeply involved in civic education, or for that matter in education of any kind. Only in New England—in Massachusetts, Connecticut, and New Hampshire—did state law establish common schools for all children, with compulsory attendance and public financing. In the middle states, parochial schools flourished; and in the South, private tutoring, private academies, apprenticeship training, and pauper schools predominated. The great movement to institute public schools and to inculcate republican principles in students was not launched until the Constitution-making period, and did not take hold until the early nineteenth century, when American nationalism was firmer.

What is more, this movement represented a change in emphasis within American education—away from the prevalent sectarian apprehension over "that old deluder, Satan" and toward a concern with the maintenance and perfection of republican government. The cultivation of this reverence for the laws and Constitution formed a chief goal of subsequent public education in America, both formal and informal, as the notable example of

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89 Id at 14-25.
90 Id at 88-91.
91 Massachusetts Education Law of 1647, reprinted in Ellwood P. Cubberley, Readings in Public Education in the United States 18 (Houghton Mifflin, 1934), citing 2 Records of the Governor and Company of the Massachusetts Bay in New England 203 (1853). The original purpose of education in the colonies, particularly in New England, had been religious—to enable every believer to read and interpret the Scripture for himself. This purpose is manifest in the famous Massachusetts education law of 1647, which required that every township appoint a schoolmaster to teach children to read and write, and that larger towns establish grammar schools to prepare better students for university study. The law's prelude reads as follows:

It being one chief project of the old deluder, Satan, to keep men from the knowledge of the Scriptures, as in former times by keeping them in an unknown tongue, so in these latter times by persuading from the use of tongues, that so at least the true sense and meaning of the original might be clouded by false glosses of saint seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavors. . . . It is therefore ordered . . . .

Id at 18-19 (language updated).
Abraham Lincoln's Lyceum Address shows. This speech, entitled “On the Perpetuation of Our Political Institutions,” was delivered in 1838, before the Young Men's Lyceum of Springfield, Illinois, an offshoot of the American Lyceum movement that flourished in the early and mid-nineteenth century. An adult education club featuring lectures, debates, and instruction in political, economic, and scientific subjects, the American Lyceum sought, in the words of its constitution, “to favor the advancement of education, especially in the common schools, and the general diffusion of knowledge.”

The local, county, and state branches of the Lyceum lobbied for public financing of education and training for teachers, established libraries, and donated scientific equipment for the use of local schools and citizens. Thus Lincoln's monitory call in the Lyceum Address for a “political religion” based on reverence for the laws and Constitution—his striking fusion of religious zeal and republican rationalism—can be seen as a kind of rhetorical culmination of the Founders' and their successors' campaigns for civic education.

If a nation is to be self-governing, it must be able to protect itself against the wiles of those eager to subvert a republican constitution; at a minimum, the people must be vigilant and well-informed enough to evaluate their own elected officials. James Madison, writing in 1822, approved of Kentucky's plan of public education for this reason. “A popular Government, without popular information, or the means of acquiring it,” he wrote, “is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.”

In the final analysis, however, the people would be unable to control their government if they were unable to control themselves. Virtually everyone who wrote on education in the founding era stressed, therefore, the central importance of moral education for

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44 Id, quoting American Lyceum general constitution.
45 Id at 570.
47 Gaillard Hunt, ed, 9 The Writings of James Madison (1819-1836) 103 (G.P. Putnam's Sons, 1910).
republican government. Noah Webster's discussion is piquant and worth quoting at length:

Our legislators frame laws for the suppression of vice and immorality; our divines thunder from the pulpit the terrors of infinite wrath against the vices that stain the characters of men. And do laws and preaching effect a reformation of manners? Experience would not give a very favorable answer to this inquiry. The reason is obvious: the attempts are directed to the wrong objects. Laws can only check the public effects of vicious principles but can never reach the principles themselves, and preaching is not very intelligible to people till they arrive at an age when their principles are rooted or their habits firmly established . . . . The great art of correcting mankind, therefore, consists in prepossessing the mind with good principles. For this reason society requires that the education of youth should be watched with the most scrupulous attention. Education, in a great measure, forms the moral characters of men, and morals are the basis of government. Education should therefore be the first care of a legislature . . . . A good system of education should be the first article in the code of political regulations.48

Surely the most well known and carefully worked out of the Founders' educational plans was Jefferson's in Virginia. His system neither despised the utilitarian value of basic education nor the seemingly useless pursuit of the highest learning for its own sake. But his plans focused on the intermediate level, on the proper cultivation of men who love honor and "whom nature hath endowed with genius and virtue."49 Although his proposals went through several revisions, their general outlines did not vary: every child would receive a free elementary education in the three R's, geography, and history.50 From there, the most able would advance to the general schools, where languages, higher mathematics, and philo-

50 Id at 201. History was emphasized to enable people to safeguard their rights against ambition and avarice in all of their protean forms. Id at 199. Benjamin Franklin emphasized the study of history for much the same reason. See Ralph L. Ketcham, ed, The Political Thought of Benjamin Franklin 55-56 (Bobbs-Merrill, 1966).
A third and final layer of schools for professional education would be provided so that students whose families were not wealthy would be able to acquire a means of supporting themselves in independence and dignity. In this way civic and liberal education were blended in Jefferson's plan. The primary schools furnish the basic level of civic education, but the liberal learning confided to the better minds in the general schools (and deepened and refined at the University of Virginia) made this elite group "worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens."

Republican morality suffused both the civic and liberal components of Jefferson's plans, and there was no doubt that from the history taught in elementary schools to the political science imparted at the University of Virginia, no relativism concerning the forms of government would be permitted. The merits of republicanism were everywhere to be stressed, but this was in keeping with its truth: republican government's superiority rested on its ability to secure the people's safety and happiness more fully than any other regime could. Indeed, a republican constitution was itself a great vehicle of public or civic education, instructing the people in their rights and duties and summoning the virtues necessary to fulfill both. John Adams, Jefferson's old friend and sometime political adversary, described this educational benefit of republican constitutionalism in his *Thoughts on Government*:

A constitution founded on these principles introduces knowledge among the people, and inspires them with a conscious dignity becoming freemen; a general emulation takes place, which causes good humor, sociability, good manners, and good morals to be general. That elevation of sentiment inspired by such a government, makes the

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52 Id at 224.
common people brave and enterprising. That ambition which is inspired by it makes them sober, industrious, and frugal.  

The Founders expected that the cultivation of republican opinions among the people would engender republican manners, and thus restrain and shape the role of passion and interest in the new regime. They looked, then, not merely to the fracturing of a majority faction into a multiplicity of interests, as in the pluralist reading of the famous Federalist 10, but to the formation of just majorities whose interests and passions would be in harmony with the Constitution and the common good. Madison affirmed this when, for prudential reasons and after his vigorous opposition to adding a bill of rights to the Constitution during the ratification struggle, he reversed himself and sponsored the Bill of Rights in the First Congress. "The political truths declared in that solemn manner," he wrote at the time, "acquire by degrees the character of fundamental maxims of free Government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion." What was true of the Bill of Rights was true of the Declaration of Independence and the whole constitutional structure of republicanism. The point of American politics was to educate American citizens.

II. **UNITY AND DIVERSITY**

The American Founders were not silent on the question of diversity, if by diversity one means a variety of points of view. "Difference of opinion is advantageous in religion," Jefferson wrote in *Notes on the State of Virginia*, comparing a governmental establishment of religion with the benighted efforts of tyrannical European governments to prescribe medical cures and fix systems of

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84 Adams concludes: "If you compare such a country with the regions of domination, whether monarchical or aristocratical, you will fancy yourself in Arcadia or Elysium." John Adams, *Thoughts on Government*, in Charles S. Hyneman and Donald S. Lutz, eds, 1 *American Political Writing During the Founding Era* 402, 408 (Liberty Classics, 1983).


86 Gaillard Hunt, ed, 5 *The Writings of James Madison (1787-1790)* 273 (G.P. Putnam's Sons, 1904).

87 But see the definition of multicultural education in Fullinwinder, 1991 U Chi Legal F at 77 (cited in note 7).
physics. The Federalist Papers also approved of a “multiplicity of sects” to guard religious freedom against the power of an overweening religious majority, even as it approved of a “multiplicity of interests” to safeguard civil rights. Neither Jefferson nor Madison praised such diversity for its own sake, however.

A variety of interests and sects was useful, in their view, as a means to protect something on which differences of opinion would not be advantageous—mankind’s civil and religious rights. For the basis of these rights was human nature itself: man was entitled to them not because of a particular culture or set of value judgments but because of what he is. This was the doctrine of natural right proclaimed in the Declaration of Independence, and this principle was the heart and soul of the Founders’ republicanism.

Unity of opinion on this principle had to be zealously cultivated. It was, after all, chiefly this opinion—what might be called the Founders’ intolerance of intolerance—that encouraged the great variety of peoples, races, religions, and classes to come together in America. What distinguished America then and now is precisely this openness to humanity; but this openness required the rejection of any attempt to derive political right from any accidental, as opposed to essential, characteristic of a human being. For that reason, claims based on race, sex, religion, ethnicity, class, and culture were excluded as the grounds of political right. We should recall that the exaltation of race and class, of the particularity of regional cultures, of the diversity of local values and domestic institutions, was the hallmark of the antebellum defense of slavery as well as post-Civil War Social Darwinism and Jim Crow.

Similarly, the present-day case for diversity or multiculturalism tends to trace the decisive differences among human beings to our bodies—to our race, sex, and ethnicity. Our minds are regarded as enslaved to our bodies; all thought is supposed to be conditioned or determined by something more fundamental, something subrational. Hence the emphasis on “cultures.” A culture (cultura) is something that grows or is grown; yet, at least in current par-

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**Notes:**

3. The Founders’ practice did not always live up to their theory, of course, but it was in light of their theory that subsequent generations were able to redress the evils of slavery, religious prejudice, and so forth. See Robert A. Goldwin, Why Blacks, Women and Jews Are Not Mentioned in the Constitution, and Other Unorthodox Views (American Enterprise Institute, 1990).
lance, it is not something chosen by human minds that can deliberate rationally and consent freely. Under today's view, everyone is both a product and a victim of his own culture. The cure for this condition, promoters of this view argue, is not to seek the perfection of one's own culture in light of some permanent, transcultural standards, but to be exposed to as many other cultures as possible—multiculturalism.61

Why this exposure should breed appreciation rather than contempt is anybody's guess. For if all cultures are equally valid, why bother learning about new ones? Why not stick with the one that is rooted in your own race, sex, or ethnic group? But if all cultures are not equally valid, why not choose to concentrate on the better ones or indeed on the one that is best?

The Founders did not speak of "cultures" in the modern sense because they believed in permanent standards of right and wrong that were valid for human beings as such, and that could—and should—be discerned by a free people. Thus they distinguished, in the Declaration of Independence, between "barbarous ages" and "civilized" ones, and even condemned "the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions." But the Indians were savage not because they were red-skinned but because in warfare they did not distinguish between combatants and non-combatants. Similarly, the white-skinned King of England was "totally unworthy the Head of a civilized nation" because he endeavored "works of death, desolation, and tyranny... scarcely paralleled in the most barbarous ages."62 Savagery and barbarism are thus permanent dangers confronting and underlying civilized life; they represent retreat from the civilized standards of equal natural rights and government by consent.

The diversity prized by the Founders was rooted not in men's bodies but in their souls. Madison, writing as Publius, opposed the attempt to eliminate the causes of faction by giving everyone the same opinions, passions, and interests. He believed that as long as man's reason is fallible and free, different opinions would necessarily be formed and that "the diversity in the faculties of men, from which the rights of property originate" will naturally tend to obstruct any uniformity of interest.63 Notice that it is from the di-

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63 Federalist 10 (Madison), in Rossiter, ed, The Federalist Papers 77, 78.
verse faculties of men, not (as for Locke) from labor as such, that
the rights of property stem. In order for labor to beget private
property it must first be human labor, the product of distinctively
human faculties. But these are diverse—that is, not existing as a
simple unity—both within the individual soul and among men,
who vary in talents, character, and intelligence. Madison believed
that our knowledge of this diversity, however, is itself incomplete.
“The faculties of the mind itself have never yet been distinguis hed
and defined with satisfactory precision by all the efforts of the
most acute and metaphysical philosophers,” he writes. The exact
boundaries of “sense, perception, judgment, desire, volition, mem-
ory, imagination” have “eluded the most subtle investigations, and
remain a pregnant source of ingenious disquisition and contro versy."

The corollary to the mind’s freedom is the uncertainty of
much of our knowledge, including self-knowledge. The freedom of
the mind is thus the foundation of the most important kind of
human diversity: the diversity of opinions that gives rise to the
pursuit of truth. To be sure, human beings are governed more by
opinions than by wisdom; that is why politics and philosophy, or
democracy and education, are always so near and yet so far. Still,
that much of our knowledge is uncertain does not mean it is all
uncertain, for some truths are self-evident and others are demon-
strable. Among the former is the truth that all men are created
equal, which rests on the mind’s ability to recognize, for example,
the difference between human beings and brute animals. The
faculty that grasps such essential differences was traditionally
called the intellect (nous)—a faculty unmentioned by Madison in
his map of the doubtful provinces of the mind. Madison nonethe-
less demonstrated this faculty in his discussion of slavery, when,
speaking through his “Southern brethren,” he stated that “[t]he
Federal Constitution, therefore, decides with great propriety on
the case of our slaves, when it views them in the mixed character
of persons and property [i.e., brute animals].” He could not label
the slave’s character as “mixed,” however, if he could not first dis-
tinguish between the discrete characters of persons and prop-
erty—that is, if he could not first differentiate between what is

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* Federalist 37 (Madison) in Rossiter, ed, *The Federalist Papers* 224, 227 (cited in
note 27).

* See Federalist 54 (Madison) in Rossiter, ed, *The Federalist Papers* 336, 336-37 (em-
phasis added).
proper to the nature of human beings as opposed to what is proper
to the nature of "irrational animals."

Political freedom thus rests on the freedom of the mind to rec-
ognize the sameness and differences among men. Lincoln, in his
speech on the Dred Scott decision, put it well: "I think the authors
of that notable instrument [the Declaration of Independence] in-
tended to include all men, but they did not intend to declare all
men equal in all respects. They did not mean to say all were equal
in color, size, intellect, moral developments, or social capacity.
They defined with tolerable distinctness, in what respects they did
consider all men created equal—equal in "certain inalienable
rights, among which are life, liberty, and the pursuit of happi-
ness." 66 In Lincoln's and the Founders' view, then, a free society
should reflect the natural inequalities among men in terms of
"color, size, intellect, moral developments, or social capacity, 67
as well as the range of outcomes that a diversity of talents, ambitions,
and virtues would produce in commerce and the arts. But these
inequalities would be less fundamental than the natural equality of
human beings qua human beings, which gives rise to their rights.

Lincoln's "political religion" sought a unanimity of opinion on
these natural rights that, in turn, supplied the condition for the
rambunctious political diversity of the early republic. The party
system in the United States could not have operated peacefully or
respectably without an underlying agreement on the most impor-
tant political questions. This is what Jefferson meant in his First
Inaugural when, after the bitter partisan strife of the 1800 election,
he declared that "every difference of opinion is not a difference of
principle." The two parties were actually "brethren of the same
principle" who were "called by different names"; hence his famous
pronouncement, "[w]e are all republicans—we are [all] federal-
ists." 68 In short, because neither party doubted the fundamental
equality of men, their disagreements over the role of executive
power and the scope of federal authority could be solved by the
republican principle of majority rule. Neither party was actually
anti-republican, though it is perhaps closer to Jefferson's real
meaning to say that the election of 1800 had decided that hence-
forth the Federalists would not and could not be anti-republi-

66 Basler, ed, 2 Collected Works of Abraham Lincoln at 405-06 (cited in note 42).
67 Id.
68 Thomas Jefferson, First Inaugural Address (Mar 4, 1801), reprinted in Peterson, ed,
can — on account of the smashing victory of his Democratic-Republican partisans. 69

It was the breakdown of this consensus, of course, that precipitated the Civil War. In one sense, that war stands as the gravest possible indictment of the educational efforts of the Founders: so poor was their handiwork that less than 75 years after the Constitution was ratified, it teetered on the brink of ruin. Yet in a more profound sense, the war and Lincoln’s preservation of the Union confirmed the wisdom of the Founders’ views on education: without citizens, no republic; without republican education, no citizens.

CONCLUSION

Lincoln’s achievement was the culmination of the Founders’ goal of republican education. His career is a reminder of the educational value of republican politics itself, and especially of the lessons displayed in the speeches and deeds of the greatest statesmen. Theodore Roosevelt understood this lesson well, and expounded it movingly in an essay he wrote in 1895:

[E]very great nation owes to the men whose lives have formed part of its greatness not merely the material effect of what they did, not merely the laws they placed upon the statute books or the victories they won over armed foes, but also the immense but indefinable moral influence produced by their deeds and words themselves upon the national character . . . . Each of us who reads the Gettysburg speech or the second inaugural address of the greatest American of the nineteenth century, or who studies the long campaigns and lofty statesmanship of that other American who was even greater, cannot but feel within him that lift toward things higher and nobler which can never be bestowed by the enjoyment of mere material prosperity. 70

In today’s academy, Washington and Lincoln are dismissed as “dead white males,” whose educational relevance to a multicultural world is nil. The truth, however, is very nearly the opposite. The true liberalism and genuine cosmopolitanism of these great men

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69 On the political implications of Jefferson’s educational plans, see Honeywell, Educational Work of Thomas Jefferson at 146-59 (cited in note 49).
have never been more needed in American education and in American politics. But who will educate the educators?