

# Advanced Placement American Government

## Unit I:

### American Political Culture and Ideology

- Wednesday 8/13 Introduction to AP American Government. Assign Textbooks (if time allows), hand out Course Outline and Unit 1 syllabus for Chapters 1 and 4. Introduce riddles of our democratic system. Assigned Reading: *Citizen Democracy*.
- Thursday 8/14 Class Roundtable discussion: *Citizen Democracy*. Thesis in groups, in class. Explanation of critical review guideline sheet (in unit packet)/Thesis statements
- Friday 8/15 Introduction to political philosophers (class notes) **Preview John Locke's "Second Treatise of Civil Government"** Woll, pp. 3-11 (in packet). Work on Thesis Statements. A critical review will be due next **Friday!**
- Monday 8/18 Finish notes on political philosophers. **Read: Ch1 pp. 3-7** (Outline sections I - III in your syllabus) **First seminar discussion:** Locke's "Second Treatise."
- Tuesday 8/19 **Practice quiz Ch1 pp. 7-15** (Outline sections IV - VI) Class discussion of "What is Virtue?" (in unit packet)
- Wednesday 8/20 **Quiz over Ch4, pp. 76-84** (follow outline sections I - III) **Class Discussion:** "Do we want Push-Button Democracy?" **Video: DNA and Death Penalty**, if time permits.
- Thursday 8/21 **Quiz over Ch4, pp. 84-94** (follow outline sections IV-VI) First discussion of the AP Essay: Tips, Format and the 9-point grading scale. Group activity: Writing an AP essay thesis (in unit packet)
- Friday 8/22 **Locke critical review due.** Group activity: Writing outlines and



conclusions, in packet, Ludlum #2. **Start on Founding of Democratic Republic by Martin Diamond.** Construct annotations and thesis statements.

Monday 8/25 **Seminar Discussion:** Martin Diamond: Founding of the Democratic Republic. Have Thesis statement and annotations ready.

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# PART ONE

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## *The American System*

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### 1

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## The Study of American Government

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### I. Reviewing the Chapter

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#### A. Chapter Focus

The purpose of this chapter is to give you a preview of the major questions to be asked throughout the textbook, as well as to introduce some key terms in the basic vocabulary of American politics. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. List the two basic questions to be asked about American (or any other) government, and show that they are distinct questions.
2. Explain what is meant by *power* in general human terms, and by *political power* in particular, relating the latter to authority, legitimacy, and democracy in the context of American government.
3. Distinguish among the three concepts of democracy mentioned in the chapter, explaining in which of these senses the textbook refers to American government as *democratic*.
4. Differentiate between majoritarian politics and elitist politics, explaining the four major theories of the latter.
5. Explain how the phenomenon of political change tends to make political scientists cautious in stating how politics works or what values dominate it.



## B. Study Outline

- I. What is political power?
  - A. Two great questions about politics
    1. Who governs: those who govern will affect us
    2. To what ends: how government affects our lives
    3. The text focuses on who governs and, in answering this question, looks at how the government makes decisions on a variety of issues
  - B. Power
    1. Definition: the ability of one person to cause another person to act in accordance with the first person's intentions
    2. Text's concern: power as it is used to affect who will hold government office and how government will behave
    3. Authority: the right to use power; not all who exercise political power have it
    4. Legitimacy: what makes a law or constitution a source of right
    5. Struggles over what makes authority legitimate
    6. Necessity to be in some sense democratic in United States today
- II. What is democracy?
  - A. Where the "true interests" of the people are served, whether those people affect the decision making (democratic centralism) or not
    1. China
    2. Cuba
    3. European, Asian, Latin American dictatorships
  - B. Aristotelian "rule of the many" (participatory democracy)
    1. Fifth-century B.C. Greek city-state
    2. New England town meeting
    3. Community control in self-governing neighborhood
    4. Citizen participation in formulating programs
  - C. Acquisition of power by leaders via competitive elections (representative democracy)
    1. Sometimes disapprovingly referred to as the *elitist theory*
    2. Justifications of representative democracy
      - a. Direct democracy is impractical
      - b. The people make unwise decisions based on fleeting emotions
- III. Direct versus representative democracy
  - A. Text uses the term *democracy* to refer to *representative democracy*
    1. Constitution does not contain word *democracy* but "republican form of government"
    2. Representative democracy requires leadership competition if system is to work
  - B. Push-button democracy
    1. Many Americans dissatisfied with representative democracy
      - a. Responds too slowly
      - b. Serves special interests
      - c. Is unresponsive to majority opinion
    2. Push-button democracy is an alternative: experts debate on TV and people vote by phone
    3. Push-button democracy may not be better
      - a. Quick decisions can be bad
      - b. Special interests can spend heavily to influence voters in direct democracy
      - c. Basic liberties should not hinge on majority vote
- IV. How is power distributed in a democracy?
  - A. Majoritarian politics
    1. Leaders constrained to follow wishes of the people very closely
    2. Applies when issues are simple, clear, and feasible
  - B. Elitism
    1. Rule by identifiable group of persons who possess a disproportionate share of political power

2. Theories on political elites
  - a. Marxism: government merely a reflection of underlying economic forces
  - b. C. Wright Mills: power elite composed of corporate leaders, generals, politicians
  - c. Max Weber: bureaucracies based on expertise, specialized competence
  - d. Pluralist view: no single elite has monopoly on power; hence must bargain and compromise
- C. Cynical view that politics is self-seeking
  1. Good policies may result from bad motives
  2. Self-interest an incomplete guide to actions
    - a. AFL-CIO and civil rights
  3. Alexis de Tocqueville on America
- V. Political change
  - A. Necessary to refer frequently to history because no single theory adequate
    1. Government today influenced by yesterday
    2. Government today still evolving and responds to changing beliefs
  - B. Politics about the public interest, not just who gets what
- VI. Finding out who governs
  - A. Often we give partial or contingent answers
  - B. Preferences vary, and so does politics
  - C. Politics cannot be equated with laws on the books
  - D. Sweeping claims are to be avoided

### C. Key Terms Match

Match the following terms and descriptions:

- |                                      |  |
|--------------------------------------|--|
| a. Aristotle                         | 1. ___ The ability of one person to cause another person to act in accordance with the first person's intentions               |
| b. authority                         | 2. ___ Power when used to determine who will hold government office and how government will behave                             |
| c. bureaucracy                       | 3. ___ The right to exercise political power   |
| d. bureaucratic theory               | 4. ___ The widely shared perception that something or someone should be obeyed   |
| e. citizen participation             | 5. ___ Discovering and then acting on the genuine needs of the people, within a party cadre                                    |
| f. city-state                        | 6. ___ Conferring political power on those selected by the voters in competitive elections                                     |
| g. community control                 | 7. ___ An identifiable group of people with a disproportionate share of political power  |
| h. democracy                         | 8. ___ A relatively small political unit within which classical democracy was practiced  |
| i. democratic centralism             | 9. ___ Political system in which the choices of the political leaders are closely constrained by the preferences of the people |
| j. direct or participatory democracy | 10. ___ A philosopher who defined <i>democracy</i> as the "rule of the many"   |
| k. elite (political)                 | 11. ___ A theory that government is merely a reflection of underlying economic forces  |
| l. elitist theory                    | 12. ___ A sociologist who presented the idea of a mostly nongovernmental power elite   |
| m. legitimacy                        |  |
| n. majoritarian politics             |  |
| o. Marxist theory                    |  |
| p. Mills                             |  |
| q. pluralist theory                  |  |
| r. political power                   |  |
| s. power                             |  |

(continue)

- t. representative democracy
- u. Schumpeter
- v. Weber

- 13. \_\_\_\_ A sociologist who emphasized the phenomenon of bureaucracy in explaining political developments
- 14. \_\_\_\_ Political system in which local citizens are empowered to govern themselves directly
- 15. \_\_\_\_ Political system in which those affected by a governmental program must be permitted to participate in the program's formulation
- 16. \_\_\_\_ A theory that no one interest group consistently holds political power
- 17. \_\_\_\_ Structures of authority organized around expertise and specialization
- 18. \_\_\_\_ An economist who defined *democracy* as the competitive struggle by political leaders for the people's vote
- 19. \_\_\_\_ A theory that appointed civil servants make the key governing decisions
- 20. \_\_\_\_ A term used to describe three different political systems in which the people are said to rule, directly or indirectly
- 21. \_\_\_\_ A political system in which all or most citizens participate directly by either holding office or making policy
- 22. \_\_\_\_ A theory that a few top leaders make the key decisions without reference to popular desires

**D. Did You Think That . . . ?**

*Below are listed a number of misconceptions. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Handbook.*

- 1. "The legitimacy of the American system rests solely on democratic values and practices."

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- 2. "The meaning of the word *democracy* is generally agreed upon in the world today."

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- 3. "Only government officials influence policy making."

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- 4. "By reading this book, I will get clear and definitive answers to my political questions."

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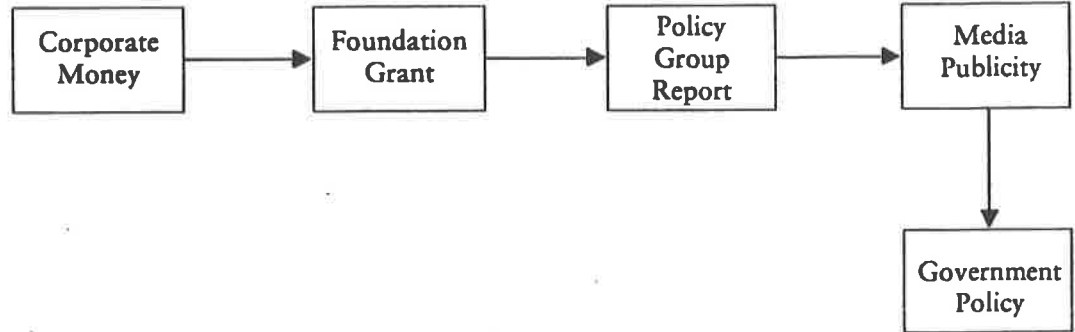
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The Exercise of Political Power

The chapter ends with the statement "Judgments about institutions and interests can only be made after one has seen how they behave on a variety of important or potential issues."

This statement contains the message of the chapter: political power boils down to exercising influence over decision making. Thus the central issue explored in the text, how political decisions are made in the United States, is approached by examining the behavior of the major actors connected with the governing process.

To apply the chapter's material, consider the model formulated by Thomas Dye to explain the decision-making process. In simplified terms, the model views public policy as the end product of a series of decisions made before the government is ever involved. The model identifies at least five separate stages in the determination of national policy:



Source: Thomas R. Dye, *Who's Running America? The Bush Era*, 5th ed., 1990, p. 251. Adapted by permission of Prentice-Hall, Englewood Cliffs, NJ.

The model operates in the following manner. Corporations donate money to nonprofit foundations (the Ford Foundation, the Carnegie Foundation) in order to get a tax write-off. The foundation throws all the money into a pot—making it no longer identifiable as coming from a particular source—and distributes it by making grants to policy groups (think tanks) to conduct studies of important national issues. The policy groups generate recommendations that the media publicize. With the agenda already established, the government merely responds to policy initiatives devised elsewhere.

The model is held together by the concept of interlocking directorates. Interlocking occurs when a person on the board of directors of one institution (such as a corporation) also holds a position on the board of another institution (such as a foundation or policy group). A high degree of interlocking results in a common core of people that has the authority to determine what policy studies are conducted and to ensure that the subsequent recommendations receive public attention. The government is therefore compelled to respond to the public concern implanted by policy studies funded from corporate sources.

Does the model accurately reflect the structure of political power in the United States? According to Dye, the level of interlocking is indeed impressive—32 percent of all top positions in leading institutions interlock.

Along the same lines, the text presents four theories developed to explain the exercise of political power by elites: Marxist, elitist, bureaucratic, and pluralist. How does Dye's model harmonize with each of these theories? Take time to apply the material by considering the following issues:

1. Outline the assumptions of each theory.

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## APPLYING WHAT YOU'VE LEARNED CH 1 (CONT.)

2. Use these assumptions to examine Dye's model. Is Dye borrowing elements of earlier theories or remaining within the framework of one theory? Is Dye evolving a new theory of political power?

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3. What are Dye's assumptions? How valid are they?

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4. Is Dye suggesting that a conspiracy exists in the United States? Apply what you have learned about the four theories of political power in answering this question.

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# 4

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## American Political Culture

### I. Reviewing the Chapter

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#### A. Chapter Focus

This chapter departs rather sharply from the previous ones, which focused on the legal and historical aspects of American government, and concentrates instead on the somewhat less concrete notion of *political culture*, or the inherited set of beliefs, attitudes, and opinions people (in this case, Americans) have about how their government ought to operate. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Define what scholars mean by *political culture*, and list some of the dominant aspects of political culture in the United States.
2. Discuss how American citizens compare with those of other countries in their political attitudes.
3. List the contributions to American political culture made by the Revolution, by the nation's religious heritages, and by the family. Explain the apparent absence of class consciousness in this country.
5. Explain why some observers are quite concerned about the growth of mistrust in government and why others regard this mistrust as normal and healthy.
6. Define internal and external feelings of *political efficacy*, and explain how the level of each of these has varied over the past generation.
7. Explain why a certain level of political tolerance is necessary in the conduct of democratic politics, and review the evidence that indicates just how much political tolerance exists in this country. Agree or disagree with the text's conclusion that no group is truly free of political intolerance.

#### B. Study Outline

- I. Political culture
  - A. Tocqueville on American democracy
    1. Abundant and fertile soil for democracy to grow
    2. No feudal aristocracy; minimal taxes; few legal restraints
    3. Westward movement; vast territory provided opportunities
    4. Nation of small, independent farmers
    5. "Moral and intellectual characteristics"—today called political culture
  - B. Definition of political culture: distinctive and patterned way of thinking about how political and economic life ought to be carried out—for example, stronger American belief in political than in economic equality
  - C. Elements of the American political system
    1. Liberty

2. Democracy
  3. Equality
  4. Civic duty
  - D. Some questions about the U.S. political culture
    1. How do we know people share these beliefs?
      - Before polls, beliefs inferred from books, speeches, and so on
    2. How do we explain behavior inconsistent with beliefs?
      - Beliefs still important, source of change
    3. Why so much political conflict in U.S. history?
      - Conflict occurs even with beliefs in common
    4. Most consistent evidence of political culture
      - Use of terms *Americanism*, *un-American*
  - E. The economic system
    1. Americans support free enterprise but see limits on marketplace freedom
    2. Americans prefer equality of opportunity to equality of result; individualist view
    3. Americans have a shared commitment to economic individualism/self-reliance (see 1924 and 1977 polls)
- II. Comparing the United States with other nations
- A. Political system
    1. Swedes: more deferential than participatory
      - a. Defer to government experts and specialists
      - b. Rarely challenge governmental decisions
      - c. Believe in what is best more than what people want
      - d. Value equality over liberty
      - e. Value harmony and observe obligations
    2. Japanese
      - a. Value good relations with colleagues
      - b. Emphasize group decisions and social harmony
      - c. Respect authority
    3. Americans
      - a. Tend to assert rights
      - b. Emphasize individualism, competition, equality, following rules, treating others fairly (compare with the Japanese)
    4. Cultural differences affect political and economic systems
    5. Danger of overgeneralizing: many diverse groups within a culture
    6. Almond and Verba: U.S. and British citizens
      - a. Stronger sense of civic duty, civic competence
      - b. Institutional confidence
      - c. Pride in country and willingness to fight for it
      - d. Action to rectify unjust laws
  - B. Economic system
    1. Swedes (contrasted with Americans): Verba and Orren
      - a. Equal pay and top limit on incomes
      - b. Less income inequality
    2. Cultural differences make a difference in politics
      - a. Private ownership in United States versus public ownership in European countries
  - C. Religious belief
    1. Americans highly religious compared with Europeans
    2. Religious beliefs have played an important role in American politics
    3. Both liberals and conservatives use the pulpit to promote political change
- III. The sources of political culture
- A. Historical roots
    1. Revolution essentially over liberty; preoccupied with asserting rights

2. Adversarial culture the result of distrust of authority and a belief that human nature is depraved
  3. Federalist-Jeffersonian transition in 1800
    - a. Legitimated role of opposition party; liberty and political change can coexist
- B. Legal-sociological factors
1. Widespread participation permitted by Constitution
  2. Absence of an established national religion
    - a. Religious diversity a source of cleavage
    - b. Absence of established religion has facilitated the absence of political orthodoxy
    - c. Puritan heritage (dominant one) stress on personal achievement
      - (1) Work
      - (2) Save money
      - (3) Obey secular law
      - (4) Do good
      - (5) Embrace "Protestant ethic"
    - d. Miniature political systems produced by churches' congregational organization
  3. Family instills the ways we think about world and politics
    - a. Great freedom of children
    - b. Equality among family members
    - c. Rights accorded each person
    - d. Varied interests considered
  4. Class consciousness absent
    - a. Most people consider themselves middle class
    - b. Even unemployed do not oppose management
    - c. Message of Horatio Alger stories is still popular
- C. The culture war
1. Two cultural classes in America battle over values
  2. Culture war differs from political disputes in three ways:
    - a. Money is not at stake
    - b. Compromises are almost impossible
    - c. Conflict is more profound
  3. Culture conflict animated by deep differences in people's beliefs about private and public morality
  4. Culture war about what kind of country we ought to live in
  5. Two camps
    - a. Orthodox: morality, with rules from God, more important than self-expression
    - b. Progressive: personal freedom, with rules based on circumstances, more important than tradition
  6. Orthodox associated with fundamentalist Protestants and progressives with mainline Protestants and those with no strong religious beliefs
  7. Culture war occurring within religious denominations
  8. Current culture war has special importance historically because of two changes:
    - a. More people consider themselves progressives than previously
    - b. Rise of technology makes culture war easier to wage
- IV. Mistrust of government
- A. Evidence of increase since mid-1960s
1. Jimmy Carter speech in 1979 on American malaise
  2. Perceived number of crooks in government
  3. Government run for a "few big interests"
  4. "Lots" of tax money wasted
  5. Government does right only "some of time"

- B. Causes
  - 1. Watergate
  - 2. Vietnam
  - 3. But same trend before and after these events
- C. Necessary to view in context
  - 1. Mainly mistrust of leaders, not of system
  - 2. Present view closer to historical norm—unusually high confidence in 1950s
  - 3. Mistrust shared with most other institutions
  - 4. Mistrust may be static since 1980
- D. In summary
  - 1. No loss of confidence in Americans themselves or in their system
  - 2. But people less ready to support leaders than in 1950s
- V. Political efficacy
  - A. Definition: citizen's capacity to understand and influence political events
  - B. Parts
    - 1. Internal efficacy
      - a. Ability to understand and influence events
      - b. About the same as in 1950s
    - 2. External efficacy
      - a. Belief that system will respond to citizens
      - b. Not shaped by particular events
      - c. Declined steadily through 1960s and 1970s
  - C. Comparison: still much higher than Europeans'
  - D. Conclusion
    - 1. Americans today may not be more "alienated" . . .
    - 2. . . . But simply more realistic
- VI. Political tolerance
  - A. Crucial to democratic politics
    - 1. Citizens must be reasonably tolerant . . .
    - 2. . . . But not necessarily perfectly tolerant
  - B. Levels of American political tolerance
    - 1. Most Americans assent in abstract . . .
    - 2. . . . But would deny rights in concrete cases
      - a. Liberals intolerant of extreme right
      - b. Conservatives intolerant of extreme left
    - 3. Most are willing to allow expression to most
    - 4. Americans have become more tolerant in recent few decades
  - C. Question: How do very unpopular groups survive?
    - 1. Most people do not act on beliefs
    - 2. Usually no consensus on whom to persecute
    - 3. Courts are sufficiently insulated from public opinion to enforce protection
  - D. Conclusions
    - 1. Political liberty cannot be taken for granted
    - 2. No group should pretend it is always tolerant
      - a. Conservatives once targeted professors
      - b. Later, professors targeted conservatives

### C. Key Terms Match

Match the following terms and descriptions:

- |                                 |          |   |
|---------------------------------|----------|---|
| a. civic competence             | 1. ____  | A distinctive and patterned way of thinking about how political life ought to be carried out  |
| b. civic duty                   | 2. ____  | The condition of being relatively free of governmental restraints   |
| c. class consciousness          | 3. ____  | The inclination to believe that one's efforts and rewards in life are to be conducted and enjoyed by oneself, apart from larger social groupings                                  |
| d. congregational               | 4. ____  | A condition in which people, although not guaranteed equal rewards, expect to have comparable chances to compete for those rewards  |
| e. equal opportunity            | 5. ____  | The feeling that one ought to do one's share in community affairs, irrespective of concrete rewards   |
| f. external efficacy            | 6. ____  | A word used in naming a congressional committee to merge the concepts of acceptance of national values and goodness itself  |
| g. individualism                | 7. ____  | A political party that opposes the majority party but within the context of the legal rules of the game   |
| h. internal efficacy            | 8. ____  | A set of values that includes working hard, saving one's money, and obeying the law   |
| i. liberty                      | 9. ____  | A kind of church in which members control activities, whether erecting a building, hiring a preacher, or managing its finances  |
| j. opposition party             | 10. ____ | A scandal relating to the authorization by President Nixon and his aides of an illegal break-in to spy on the opposition party and their subsequent covering up of the conspiracy |
| k. orthodox (social)            | 11. ____ | A citizen's capacity to understand and influence political events   |
| l. political culture            | 12. ____ | Confidence in one's own ability to understand and take part in political affairs  |
| m. political efficacy, sense of | 13. ____ | The belief that the system will respond to what citizens do   |
| n. political ideology           | 14. ____ | The willingness to allow people with whom one disagrees to have the full protection of the laws when they express their opinions  |
| o. political tolerance          | 15. ____ | A belief that one can affect government policies  |
| p. progressive (social)         | 16. ____ | An awareness of belonging to a particular socioeconomic group whose interests are different from those of others  |
| q. un-American                  | 17. ____ | People who believe that moral rules are derived from God, are unchanging, and are more important than individual choice   |
| r. Watergate                    | 18. ____ | A relatively consistent set of views of the policies government ought to pursue   |
| s. work ethic                   | 19. ____ | People who believe that moral rules are derived in part from an individual's beliefs and the circumstances of modern life   |

5. State whether you personally believe that *all* types of political groups should receive the full protection of American laws. If so, why? If not, to which groups would you deny which rights?

### III. Applying What You've Learned

CH 4 WILSON

According to the text, political culture is a patterned way of thinking about how political and economic systems should operate. American culture emphasizes the rights of individuals: liberty, equality, and democracy. Such a political culture can exist only in a climate of tolerance, although exceptions certainly leap to mind: the racial prejudice that has plagued America from its inception; the hatred and violence that surround the abortion controversy; the suppression of ideas that occurred during the McCarthy era over supposed communist influence in the nation.

These examples do not contradict the basic premises of the text about the nature of political culture in the United States. Individual rights and tolerance still constitute the essence of the American way of life. How can the exceptions be explained? Consider this table:

Least-Liked Group Should	Percentage Tolerant		
	General Public	Political Elites <sup>a</sup>	Difference
Be allowed to teach in state schools	18	46	28
Be allowed to run for office	27	83	56
Be allowed to exist	32	74	42
Be allowed to hold a public rally	33	93	60
Be allowed to make a public speech	50	93	43
Not have phones tapped by the government	63	78	15

<sup>a</sup> Political elites consist of members of the U.S. House of Representatives.

Source: Adapted from David G. Barnum and John L. Sullivan, "Elusive Foundations of Political Freedom in Britain and the United States," *Journal of Politics* 52 (August 1990): 729.

These data reflect the arguments presented in the text to explain episodes of intolerance in American history. Apply the material in the chapter in contemplating the following issues:

#### 1. The Role of Political Elites

Note that levels of tolerance are higher among political elites than among members of the general public, who consistently exhibit a greater willingness to suppress deviant opinions. The values associated with the American culture, in other words, would be trampled without political elites that restrain the impulses of the masses and act both to preserve and to defend American cultural beliefs.

- a. What characteristics of elites make them more aware of the cultural traditions of American politics? Look at the text's discussions on sources of political culture and on political tolerance for clues.

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- b. Does a person's sense of political efficacy affect tolerance? After all, members of the U.S. House of Representatives comprised the category "political elites" in the table. To some degree, according to the text, political efficacy is formed by a person's capacity to understand and to influence politics. Don't these factors suggest that tolerance is related to efficacy? Before answering, reread the text on efficacy.

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2. The Values of American Culture

American political culture is the product of a set of defined values. Review the text to isolate these values. It follows that the values most closely identified with American culture acquire greatest support from the public.

- a. In light of these considerations, why would the general public express less tolerance for the right of the least-liked group to teach in state schools than for the government to tap phones? Is one value more "American" than the other?

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- b. Would Swedes respond differently to the issues listed in the table? How is Swedish culture different in terms of tolerance?

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# What Is Virtue?

**You can't lose it, like virginity, and don't confuse it with 'values,' which vary. Throughout a long, rich history, it's meant doing the right thing.**

BY KENNETH L. WOODWARD

**V**IRTUE: FOR TOO MANY AMERICANS, the word suggests only a bygone bluenose era, prim lectures on sexual purity—at best, something you “lose” when you finally

give in or give up. But for the ancient Greeks, the great medieval theologians and a growing number of contemporary philosophers as well, virtue has little to do with sexuality. For these thinkers, the cultivation of virtue makes individuals happy, wise, courageous, competent. The result is a good person, a responsible citizen and parent, a trusted leader, possibly even a saint. Without a virtuous people, according to this tradition, society cannot function well. And without a virtuous society, individuals cannot realize either their own or the common good. That, in theory, is what the “politics of virtue” is all about.

But before politicians embrace virtue as their latest election-year slogan, they would do well to tune in to contemporary philosophy. Despite the call for virtue, we live in an age of moral relativism. According to the dominant school of moral philosophy, the skepticism engendered by the Enlightenment has reduced all ideas of right and wrong to matters of personal taste, emotional preference or cultural choice. Since the truth cannot be known, neither can the good. In this view, the most any government can do is carve out rules that—like a traffic cop—ensure that a rough justice prevails among its citizens. Within agreed-upon social limits, therefore, people are free to make what they will of their private lives. In the United States, this outlook has

produced a strong emphasis on rights over responsibilities, and it influences much of contemporary political theory.

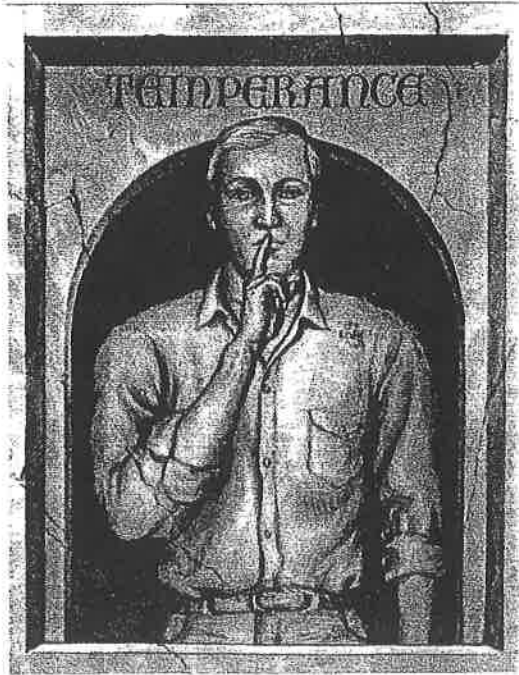
Against this moral relativism, advocates of the “ethics of virtue” argue that some personal choices are morally superior to others. The issue, as they see it, is not the right to choose but the right way to make

For the ordinary citizen, virtue is easily confused with “values.” Since personal values differ, Americans argue over whose values ought to be taught. But “values” is a morally neutral term that merely indicates preference and can be quite banal. To choose vanilla over chocolate is not the same as deciding how to raise children,



**FORTITUDE**

The strength of mind and courage to persevere in the face of adversity



**TEMPERANCE**

Self-discipline, the control of all unruly human passions and appetites

choices. The disorder of contemporary American society, they insist, is proof that the “Enlightenment Project,” as philosopher Alasdair MacIntyre of the University of Notre Dame puts it, has failed. What he and a variety of other influential thinkers like James Q. Wilson of UCLA, Martha Nussbaum of Brown University, Charles Taylor of McGill University in Canada and Bernard Williams of Oxford in England propose is the renewal of the idea of virtue—or character—as the basis for both personal and social ethics.

though both express values. A virtue, by contrast, is a quality of character by which individuals habitually recognize and do the right thing. “Instead of talking about ‘family values,’” says Wilson, “everybody would be better off talking about the virtues that a decent family tries to inculcate.” To Wilson and thinkers like him, these are the four classical virtues, old as Aristotle and just as compelling today: prudence, justice, fortitude and temperance.

But they do need modern translation. Prudence, for example, is not cautious cal-

ulation but practical wisdom—recognizing and making the right choice in specific situations. It is the master virtue that makes all others possible. Justice, as the Greeks thought of it, includes fairness, honesty and keeping promises. Fortitude is courage—guts—not only in combat but, as Lincoln exemplified during the Civil War, in pursuit of the right path despite great risks. And temperance involves much more than moderation in drink. It is self-discipline, the control of all the human passions and sensual pleasures—anger and frustration as well as food, drink and sex. A person of good character, then, is someone who through repeated good acts achieves an appropriate balance of these virtues in his life. Like a successful tennis professional, the virtuous person plays a consistently good game.

ty—to Aristotle's four. To this day, Catholic candidates for sainthood are judged by those seven virtues—plus one that the Greeks never admired: humility. And in his own influential book, "The Moral Sense," Wilson adds compassion as the virtue by which we habitually extend to strangers that concern we readily show for family and friends.

Can virtue be taught like academic subjects? This is what a number of public-school districts are asking themselves in response to parental demands that the classroom foster the formation of good character—as it did in the 19th century. Plato, whose philosophy focused on ideas, was inclined to think it could. But Aristotle was the wiser man. Unlike science and other intellectual pursuits, he reasoned, moral virtue is acquired only through prac-

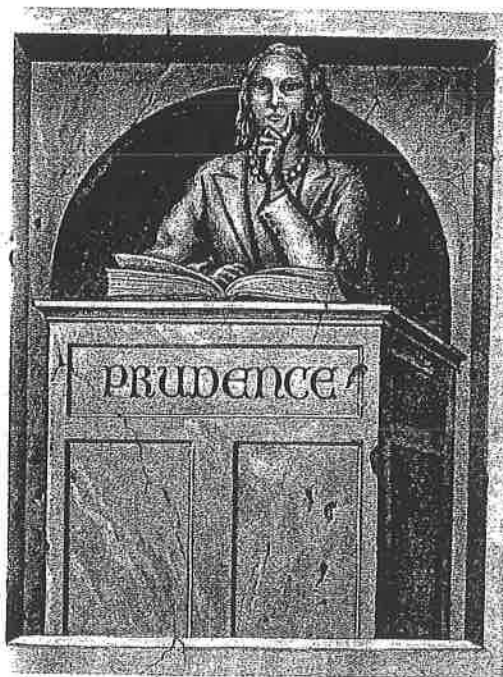
textbooks. Good character comes from living in communities—family, neighborhood, religious and civic institutions—where virtue is encouraged and rewarded. For much of American history, that responsibility fell disproportionately on women: in the home, of course, but also in Sunday schools and one-room schoolhouses. But contemporary America is as far from its small-town past as ancient Athens is from midtown Manhattan. Sociologically, all of the core institutions that once transmitted moral education are in disrepair. The family has fractured; neighborhoods have disappeared or turned surly; many schools can barely educate, and even many churches wonder what to teach. "You can't have strong virtues without strong institutions," says Jean Bethke Elshtain, professor of political science at Vanderbilt

University. "And you can't have strong institutions without moral authority."

But many Americans are unprepared to recognize any moral authority outside themselves. Even so, they are not without their value systems. Believers have their God, movement feminists their liberation, intellectuals their ideas, professionals their careers. ethics, says MacIntyre, what we have are merely shards of competing moral traditions, none of them coherent. Among them the most prevalent is "the ethics of authenticity," a phrase that Canadian philosopher Charles Taylor uses to describe those whose controlling moral purpose is personal self-fulfillment. But even this narcissistic goal, popular since the '60s, cannot do without the virtues it refuses to recognize. As Wilson puts it, "Self-fulfillment presupposes that you have a self worth fulfilling."

The ethics of virtue has its problems too. Sometimes virtues clash, as justice and compassion often do. Choices must be made, one good placed above another. Judgments must be made, too, on the behavior of others in society, even if it rubs the tarnish off their self-esteem. No ethical system is perfect, which is why religion persists, with its ethic of forgiveness. But the rising national debate over character brings at least this much: a public rethinking of the kind of people we really want to be.

With SUSAN MILLER in New York



#### PRUDENCE

Practical wisdom and the ability to make the right choice in specific situations



#### JUSTICE

Fairness, honesty, lawfulness and the ability to keep one's promises

Traditional though they may be, the four virtues are not written on stone tablets. In "After Virtue," the most widely read American book on moral philosophy of the previous decade, MacIntyre points out that different societies emphasize different virtues—and often add new ones. Loyalty, for example, was a highly desired virtue in the clannish world of Homeric Greece as well as feudal Europe. Obedience to God's commands was central to ancient Israel. Christianity added three theological virtues—faith, hope and chari-

tice. "We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts," he wrote. Children, Aristotle observed, learn virtue by following rules of good behavior, hearing stories of virtuous people—like those in Bill Bennett's book—and imitating virtuous models: parents, friends and worthy public figures. A child born to bad parents or a citizen of a corrupt society, he concluded, had little chance of becoming a virtuous adult.

In short, an ethics of virtue cannot be learned alone. Nor can it be taught from

## AP GOVERNMENT

### GUIDELINES FOR REVIEWS INSTRUCTIONS FOR WRITTEN REPORTS

#### LENGTH AND GENERAL FORMAT

Reviews may vary in length depending on the nature, content and length of the article. Generally, one page (typed, double spaced) would be expected. A neatly handwritten report in ink is acceptable, but this should take more space. Write on only one side of a page. At the top of your review, place your name, cite the author, full title, and date.

#### SOURCES FOR A REPORT

The reading material for reviews can be from various sources that supplement the textbook. In the main, the articles for reviews are in the readings books edited by Peter Woll and Allan Cigler/Burdett Loomis. The teacher may also provide photocopies of pertinent articles.

#### WHILE YOU READ

Take notes (mental or written) on what impresses you as you read an article. Take note of both favorable and unfavorable impressions. Look for material that confirms or challenges your previously held views or conventional views of politics or history. By the time you finish, you should be asking "What is my reaction to this account?" It would be very trivial to simply think or say "The article is interesting."

#### PREPARING THE REVIEW

There are three basic functions of a written review: (1) To describe content; (2) To evaluate the article; (3) To offer subjective reflections on the article. A good review is not a recitation of content word for word. Regurgitation of that type requires no special mental skill. The review should be informative, analytical and critical. It is not advisable to separate content from criticism; they should be interwoven.

#### QUESTIONS TO CONSIDER IN A REVIEW

1. What was the author's purpose in preparing the work? How well did the author accomplish this purpose?
2. Is the article convincing? Is it comprehensive? Does it neglect important phases of the topic?
3. Does the author appear biased?
4. What intellectual questions has the author raised in your mind?
5. What seems to be unique aspects of the account?
6. Is the writing style popular or scholarly?
7. Is the article well documented? Are sources primary or secondary?

Only part of this list will likely apply to any particular reading. These are not offered as a checklist to cover in a review, but rather as possible starting points for reflection on what you have read.

#### FINAL NOTE

You should attempt to be fair in your review. Criticisms should not be made in vague and general statements; they should be grounded in specific evidence from the content of the work. A short quote and/or page notes are often appropriate. Prepare your review to answer well the questions you raise.



## Do We Want Push-Button Democracy?

The choice between representative and direct democracy is a profound one. Today many Americans are dissatisfied with representative government, which, they argue, acts too slowly, serves only special interests, and is unresponsive to majority opinion. During the 1992 presidential campaign, independent candidate Ross Perot promised to bring televised town hall-style meetings to the nation. Viewers would listen to experts debate an issue and then “vote” via toll-free telephone services capable of processing tens of thousands of calls per minute. Although he came in third in the 1992 election behind Bill Clinton and George Bush, Perot received 19.2 million votes, or 19 percent of all votes cast. (See Chapter 8 for details on the 1992 election.)

This type of “push-button” democracy is rapidly becoming technologically feasible, but is it desirable? Is government by electronic plebiscite preferable to government by deliberative institutions? Do you believe that most citizens have the time, information, interest, and expertise to make reasonable choices among competing policy positions? Or do you suspect that even highly educated people can be manipulated by demagogic leaders who play on their fears and prejudices?

How you respond to such questions ought not to depend on how you feel

about any particular public figure, whether you like watching television, or how much you enjoy playing with computers. Rather, your answer ought to depend primarily on what you believe about the arguments for and against representative government versus direct democracy. For example, it is true that representative democracy often proceeds slowly and prevents sweeping changes in government policy. But it is also true that a government that is capable of doing great good quickly is just as capable of doing great harm quickly.

Representative democracy is often plagued by special interests, but it is by no means clear that direct democracy would solve rather than exacerbate this problem. For example, in California in 1990 about \$125 million was spent to influence voters on initiatives (laws and amendments proposed by citizens with a required number of signatures on a petition and then decided by popular vote). That is more than was spent in 1990 by all special interests to lobby California legislators on all legislation (over one thousand bills).

Majority opinion figures in the enactment of many government policies, but few Americans would want the protection of their civil rights or civil liberties to hinge on a majority vote—the right to a



When people vote on referenda, the “special interests” are *us*.

fair trial, the freedoms of speech, press, and religion, or the right to vote itself.

As we will discuss in Chapter 2, the Framers of the United States Constitution believed strongly that government should mediate, not mirror, popular views, and that elected officials should represent, not register, majority sentiments. They favored representative democracy as a way of minimizing the chances that power would be abused either by a tyrannical popular majority or by self-serving office holders.

important policies are set by a loose coalition of three groups—corporate leaders, top military officers, and a handful of key political leaders. Different people have different versions of the “power elite” theory. Some would add to the triumvirate listed by Mills the leaders of the major communications media; others

would add major labor leaders or the heads of various special-interest groups. The essential argument is the same, however: government is dominated by a few top leaders, most of whom are outside the government and enjoy great advantages in wealth, status, or organizational position. They act in concert, and

## Writing Practice

Follow your teacher's directions to construct thesis cards for the following essay questions.

1. To what extent does the concept of the "imperial presidency" help or hinder an understanding of how the presidency has developed since the Second World War? Use specific examples.
2. "Judicial review is *undemocratic*. It permits nonelected justice to decide what is constitutional and unconstitutional. It can frustrate the intentions of democratic government by overruling the actions of elected officials."

Defend or refute this statement by referring to the Supreme Court's decisions in *one* of the areas listed below.

- a. School integration
- b. School prayer
- c. Government regulation of business

3. "The (Founding) Fathers . . . were impelled by class motives . . . but they were also controlled . . . by a statesmanlike sense of moderation and a scrupulously republican philosophy."

Assess the merits of this statement with reference to *all* of the following: the politics of the Constitutional Convention in 1787, the specific provisions of the Constitution, and the general structure of the government established by the Constitution.

4. "The structure of Congress is so complex that it seems remarkable that legislation gets passed at all. Because of the bicameral division of Congress, bills have two sets of committee hurdles to clear. Moreover, recent reforms have decentralized power, so that the job of Congress is harder than ever."

Evaluate this observation by analyzing *all* of the following: the informal and formal organization of Congress, the leadership and committee systems, and the congressional legislative process.

5. To what extent does the United States federal bureaucracy stand above politics and administer impartially the laws enacted by Congress? In your answer be sure to discuss *both* of the following:
  - a. the relationship between the federal bureaucracy and organized interests
  - b. the role of the federal bureaucracy in shaping public policy
6. Evaluate the claim that there is "not a dime's worth of difference" between the contemporary Republican and Democratic parties. In your answer discuss the relationship between the domestic policy preferences of party members in Congress and the social bases of party support in the electorate.

TIPS ON HANDLING THE AP ESSAY

1. **READ** the exam question thoughtfully and analytically. Identify the topics/issues of the question. Delineate the facets of the question. What does the question ask you to do?

CHOOSE the question that you will answer very carefully. Choose the question that you are most competent to answer. Do not try to tackle a more difficult question because you think grading will be somehow more lenient.

Think carefully about the meaning of technical terms in a question. You may have to define some terms for a superior response.

Identify any time frame specified in a question. For instance, if a question about civil rights refers specifically to the period after World War II, do not review slavery and the Civil War.

Chronology can be important in an exam question, but remember that this is a political science exam and not one focusing on history.

If a question focuses on a century, change it to a date to avoid confusion. For example, the 19th century should be thought of and referred to as the 1800's; the 20th century as the 1900's.

Identify very carefully how many concerns from a list must be dealt with. If you are to consider two branches of government, do not waste time and effort on the third.

2. Balance incisive conceptual framework with specific examples to demonstrate competency. Direct support for the central thesis of the response is more important than the quantity of information. Two to three specific, focused, relevant examples are better than a "laundry list" of situations, cases and names. There is a need for reasonable discussion of an example to demonstrate to the Reader that the writer is truly competent and not just dropping information about the topic.
3. Follow the rubrics for grading an AP Government essay that assume a particular framework:

**A STRONG, CLEARLY STATED THESIS** that responds to the question;

**ANALYSIS** supporting the thesis thoroughly and embracing the question's dimensions and specific facets;

(Analysis should demonstrate a sophistication reflecting awareness of both sides of the case - recognize evidence which contradicts the thesis.)

**SUMMARY** of the case supporting the thesis.

(Be sure that the conclusion is consistent with the thesis.)

4. Use a formal essay form and vocabulary. Do not preach, moralize or editorialize. "Name dropping" of scholarly authors is **NOT** an advantage unless you can deftly state the gist of the author's stance/perspective. Use sophisticated political science terms only if you can demonstrate clear knowledge of the meaning of the terms. Avoid "cute" comments, but use humor if it fits and shows understanding.
5. Review the essay as you write. It is easy for contradictions and unexplained thoughts to creep into an essay. Be consistent with your thesis throughout; be doubly sure that your conclusion/summary is consistent with the thesis.

**AP GOVT.**

**Ludlum Exercise #2 Revised - Outlining an Essay**

Each of the following essay questions is based upon material in Chapters 1 and 4. The questions are not quite as sophisticated as later essay questions will become; the so-called linkages that interrelate different content areas are a bit weak. They are a good place to start however. Work with your group to produce a succinct outline that you transfer to an overhead sheet. Be sure to consult the handout "Format for Writing an AP Essay." Print and use all capital letters on the overhead. Leave one inch margins on the sides of the overhead sheet.

1. The traditional American view that self-interest explains political behavior is essentially correct.
2. The pluralist view is the strongest of the elitist explanations in explaining American politics.
3. The federal Constitution was an immediate success. It has been an unchallenged source of legitimacy for political authority since its start in 1787.
4. The American spirit of democracy demands equality of opportunity rather than equality of results.
5. The American belief in equality before the law has been a great help in the struggle for civil rights by the African American population.
6. Vietnam and Watergate have crushed the level of public trust in government to a point of crisis.

## WRITING CONCLUSIONS

1. The conclusion can be a summary of the main points made in the essay -- a reminder of the thesis and the arguments that the writer has used to support it. A summary conclusion is usually most suitable for long and complex essays -- often those for which it is also helpful to provide the outline introduction.
2. The conclusion can be an "upside-down funnel." That is, it can begin with a restatement of the thesis and then enlarge the idea with statements that become more and more general to show the setting which gives the idea significance.
3. For shorter essays, a separate conclusion is not always needed. It is possible to include in the last supporting paragraph an extended clincher sentence in which you echo the thesis sentence and/or make some sort of significant final statement.
4. Since concluding paragraphs often sound tacked on, make special attempts to link the conclusion to the paragraph that precedes it by repeating an appropriate key word or idea and by utilizing the other connecting devices discussed previously.

### Sample Conclusions

- I. When the evidence is all in, then, the arguments against hitchhiking are overpowering. People who do not heed them take a grave risk. Indeed, Thelma Gray and Lucy Taylor might be alive today if they had realized that the stranger's invitation to ride was in reality an invitation to tragedy.
- II. So much, then for humankind's superiority! It looks as if the animals have us beat on every aspect of health. When it comes to sleeping, eating, drinking, exercising, and maintaining activity throughout life, we might as well be mindless. Certainly we act as if we are.
- III. Young people who develop these qualities and who learn to be truly loyal to friends will never find themselves friendless. They will have learned the skill most important to the art of friendship.
- IV. Now the family is ready to start looking for that perfect puppy, the one who will bring pleasure to the entire household for many years. Good luck!
- V. Many of the fears of childhood are, perhaps, unavoidable. The world, after all, is a big and fearful place, and there is much the child can learn only from experiencing it. However, the destructive fear which sometimes accompanies the early experience of death can be avoided or, at least, minimized if parents are sufficiently alert to their child's emotional needs. Properly prepared by loving and sensitive parents, there is no reason why a child's first knowledge of death cannot be a constructive, psychologically maturing experience.



FORMAT FOR WRITING AN AP ESSAY

**GENERAL RULES**

1. Essays should consist of five Paragraphs (1 introduction, 3 body & 1 conclusion)
2. General length should be two typed or three handwritten pages.
3. Papers should be written in the third person.

**THE BASIC STEPS**

**1. ANALYZE THE QUESTION**

Without a clear understanding of the questions you cannot write an adequate answer.

Understand key terms: Assess, explain, compare, etc.

**2. DEVELOP THE THESIS**

A thesis is your position on the given topic.

The thesis MUST be in the opening paragraph. The reader must quickly know your position on the question.

**3. WRITE THE INTRODUCTION**

Restate (not recopy) the question.

State your thesis.

Indicate major points to be discussed in body paragraphs.

**4. WRITE THE BODY PARAGRAPHS**

Provide factual information to prove your thesis.

Organize factual information in a logical sequence

Separate and develop the facts in paragraphs

Recognize and refute arguments contrary to your thesis

**5. WRITE THE CONCLUSION**

Bring the reader back to the question and your thesis.

Do not introduce new evidence.

Check for consistency.

**NINE POINT GRADING SCALE FOR AP ESSAYS**

9-8. Strong analytical focus. Exhaustive breadth, responds to all elements asked in the question. Uses convincing evidence to support a thesis. In some cases, shows signs of original thinking and creativity.

7-6. Presents a thesis. Uses evidence in an organized fashion to support thesis. Adequate in breadth in responding to most of the important issues raised in the question.

5. States rudiments of a thesis. Cites facts appropriate to the development of the thesis but does not clearly link these to the thesis. Discusses some of the major issues. Incorrect factual illustrations and or faulty or incomplete logic may be encountered. Argument appears incomplete.

4. Demonstrates comprehension of pertinent concept and facts. Presents descriptive narrative with little reference to an organizing principle. Responds to some of the issues raised in the question. My contain some factual errors.

3. Weak or implausible thesis. Breadth of coverage and depth of information may be adequate but contains many factual errors. Information may not fit the thesis.

2. Weak thesis that is unsustainable in discussion. Offers few, if any, factual illustrations to support thesis. Includes irrelevant information.

1. Attempts to respond to question. However, fails to provide detail and breath of coverage.

0. No attempt to answer the question in any meaningful way.

# THE CONSTITUTION AND DEMOCRATIC THEORY

1

## Rewriting the Constitution: One Man's Journey to Lend Madison a Hand

### Old Words with a Contemporary Ring

The assignment seemed too vague and too broad: "write a paper about the governmental process." Gregory Watson followed most of his classmates and pursued a contemporary topic in his political science course at the University of Texas. In 1982, debate raged over the propriety and legality of Congress's decision to extend the time limit for state ratification of the Equal Rights Amendment. The ERA looked like an easy, if mundane, topic. Along the way, however, he got sidetracked. In the university library, a book published by the Government Printing Office caught his eye. It listed constitutional amendments sent to the states by Congress that did not receive approval from the necessary three quarters of the states. In the dustbin of history remained proposed amendments allowing slavery, prohibiting U.S. citizens from accepting titles of nobility, and outlawing child labor.<sup>1</sup> Gregory remembers focusing on an amendment proposed by James Madison in 1789, which jumped out at him "as something both timely and important." A few months earlier, Congress has passed a special tax provision to a bill on black lung benefits treating members of Congress as a special class and effectively giving them a pay increase. Public and media cynicism toward Congress had begun to grow. The proposed amendment simply stated: "No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened."

During the constitutional convention, Madison lost the battle over who should set the pay for members of Congress. He forcefully argued that to let Congress set its own pay "was an indecent thing and might, in time prove a dangerous one."<sup>2</sup> With the decision that Congress, not the individual states, would both set the amount and the way it would pay its members, Madison took another tack. In the first Congress, he introduced an amendment as part of the package that would eventually become the Bill of



Gregory "Joey" Watson.

Rights. He argued that "there is a seeming impropriety in leaving any set of men without control to put their hand in the public coffers, to take out money to put in their pockets; there is seeming indecorum in such power." In his day, congressional pay amounted to less than \$1,000 per year, but clearly the seeds of public scorn for lawmakers who raise their own salaries had been sown. The proposed amendment, disallowing members from granting themselves midterm pay raises, passed easily in Congress. It was then sent to the states for ratification and languished for almost two hundred years. Six states approved it immediately, far short of the eleven then needed for ratification. As new states were admitted to the union, the number of ratifications required grew. In 1873 Ohio added its support after Congress raised its pay. Frustrated by a congressional pay raise a century later, Wyoming signed in 1978. By the time Watson made his discovery, thirty more states would be required in order to reach the necessary thirty-eight for a three-fourths approval.

The issue of Madison's amendment raised two questions: Was it still a good idea? Was the potential for ratification still alive after all these years? When Watson started his research, members of Congress made over \$76,000 per year and regularly pushed for more. In the next decade their salary increased to over \$129,000. The public became increasingly cynical about the process, and members of Congress feared retribution. Between the 1960s and the 1990s Congress relied on a succession of methods to in-

crease its members' pay. Most fair-minded observers agree that at congressional pay levels had fallen far behind increases in the cost of living and failed to take into account the unique financial demands on members of Congress who often must establish two households, one in Washington and one back in the district. Initially, Congress gave up voting directly on pay increases and attempted to avoid public retribution by relying on an independent pay commission whose recommendations would be approved unless Congress or the president objected. When this failed to work, Congress imposed a revised system that further removed members' fingerprints by granting automatic cost-of-living adjustments in pay. Each revision of the process was an attempt to avoid blame for feathering one's own nest. Members in office regularly accepted pay increases enacted during their term. Only a few members rejected the increases—most with a flourish of self-congratulation and public relations. Eventually the House bit the bullet and proposed a significant increase to make up for past inaction. The Senate, however, held back out of fear of public reaction, and for a number of years House members' salary was higher than senators'. The Senate finally faced the issue, tying its pay raise to a prohibition on accepting honoraria for public speeches.<sup>3</sup> The sequence of congressional machinations over pay served to keep the issue in the public eye. Watson could see that Madison's amendment was still a good idea.

Untangling the legal question of whether the amendment remained a live issue led Watson to analyze Supreme Court decisions and found that precedents led in different directions. In the 1921 *Dillon v. Gloss* (256 U.S. 368) case, the Court considered the time limit of seven years placed on Congress in regard to the Eighteenth Amendment, which prohibited the sale of alcohol nationwide. The Court accepted the limit as legitimate, indicating that the Constitution did not suggest "that an amendment once proposed is to be open for ratification for all time."<sup>4</sup> Eighteen years later in *Coleman v. Miller* (307 U.S. 433) the Court took a different stance on the issue, arguing that a child labor amendment proposed in 1924 was still open for ratification. They asserted that since the Constitution did not provide nor require clear time limits, the timing of ratification was a political issue best left to congressional discretion.<sup>5</sup> Siding with the more recent decision, Watson argued that the Madison amendment remained a live issue. He turned in his paper, satisfied that he had fulfilled the requirements and had raised some important issues about the political process.

### A Grade Surprise

When the paper was returned, Watson was in for a shock. Not only was he not rewarded for his efforts and creativity but he was chastised. The teaching assistant made it clear that Watson's paper strayed far from the norm

set by his class, who focused on contemporary issues. Watson appealed to the course instructor with no success. He remembers her "throwing it back at me and ruling there would be no change in the grade, arguing that the assertions were unrealistic."

Sharon Waite, the instructor of the course, dredges up somewhat different memories. The name Gregory Watson fails to register on her radar screen and the incident with his paper evokes no recollection. She does remember the challenge of teaching classes of over three hundred students and assigning papers despite the advice of her colleagues to stick with multiple-choice exams. She also remembers the difficult task of riding herd "on a United Nations group of teaching assistants and attempting to maintain reasonable fairness in their grading." Course meetings with teaching assistants over grades were rife with conflict and required significant negotiation skills.

Although embarrassed about Gregory Watson's grade, Sharon Waite was "delighted to hear about his subsequent efforts" and took some pride in having established a situation that "ignited such a spark in a student." Frustrated with the life of an untenured instructor forced to teach large sections allowing very little interaction with students, she shifted her career by earning another graduate degree in human resource development. She now serves as business manager for her family's grapefruit and onion farm in Mission, Texas, where she remains active in the politics of agriculture.

The experience of strenuous effort unrewarded soured Gregory Watson on his educational pursuit but sparked a journey that changed both the process and the document Watson was writing. He quit school and determined to make the assertions in his paper about the value and potential success of the congressional pay amendment come true.

### Write If You Find Work

With little more than some spare time and a typewriter, Gregory Watson went to work. He knew that the key to ratification lay in the state legislatures, but he had little idea of where to start. He even found it difficult to determine which states had passed the amendment in the last two hundred years.

Needing allies, he wrote to several members of Congress from states that had not ratified the amendment. He focused on members whose records supported legislation to limit congressional pay increases. He asked them a simple question, "Who in your state legislature might be willing to sponsor a bill to ratify the amendment?" One of the first respondents was Senator William Cohen of Maine, who passed Watson's letter on to a state senator, Melvin Shute. In 1983 Maine became the first of the new round of states to ratify the amendment. Watson next wrote to the majority and minority leaders in each state legislature. Colorado House majority leader

Ron Strahle suggested he "give it to Don Mielke to carry within a few months, Colorado joined the list of supporting states.

By 1984, Watson was battling 100 percent, but "the process was just going too slow." At one state a year, victory was a long way off. Watson decided to crank up his efforts by writing letters to all state legislators in states that had not ratified the amendment. Lacking a computer, Watson stayed up until all hours of the night cranking out letters. He describes the effort as "practically my life's work at this time, taking up all my spare time and making the question of a social life academic."<sup>6</sup>

Through his day job as a staff member in the Texas state legislature, Watson knew that form letters seldom make much impact on legislators. He thus attempted to create personalized letters mentioning the legislator and his district in the text. Slowly, the effort began to pay off. In numerous legislatures, it was possible to find "one or more ambitious members who wanted to use support of the amendment as a feather in their cap." He included a revised version of his paper as a rationale and offered to help interested legislators draft the necessary resolutions.

In most legislatures the opposition arose from inertia more than substantive or procedural complaints. In some cases a token opposition arose, arguing that the date for ratification had passed decades ago. Supporting resolutions were seldom voted down but died in committee. No organized opposition arose in any state. Watson concluded that whatever opposition emerged remained "very, very secretive, so secretive in fact that in some cases the sponsors themselves are unable to pinpoint exactly where it's coming from." He felt strongly that "it's probably someone from the congressional delegation in each of these states who has said, 'Don't you dare pass that.'"

No one had been keeping "score" over the last two hundred years of ratification activities. His list with its detailed information on resolutions and dates became the official record. Despite his tenacious commitment to setting the record straight, monitoring low profile activity in fifty states eluded him. He learned about Wyoming's ratification by chance, six years later.

Watson's efforts stand out as low tech and inexpensive, but not costless. He estimates spending over \$6,000 for stamps, stationery, and photocopying. Even though no one offered to help pay for the effort, Watson would have refused help anyway: "I wanted to do it on my own and I'll be damned if anyone else is going to get the credit."

### A Constitutional Stitch in Time

As is often the case in politics, time was on Gregory Watson's side. Public esteem for Congress fell rapidly during the 1980s (see fig. 1.1), accelerated by a series of scandals. Members and former members found them-

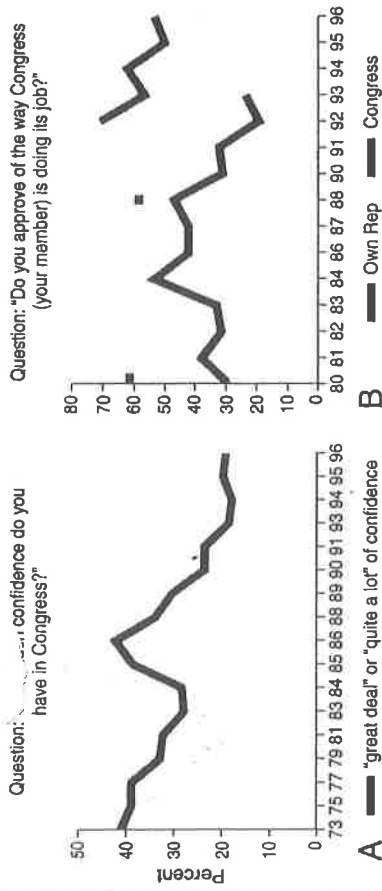


Figure 1.1 Based on national polls asking, "Please tell me how much confidence you, yourself, have in Congress—a great deal, quite a lot, some, or very little." Source: Gallup Poll Monthly 313 (October 1991): 37, and the ROLL file of the LEXIS-NEXIS database.

selves charged with bribery (the Keating Five and Koreagate cases), sexual misconduct (Reps. Howe, Hayes, Studts, and Frank), and inappropriate official behavior (bouncing checks at the House credit union). Speaker of the House Jim Wright (D-Tex.) and key party leader Tony Coelho (D-Calif.) faced forced resignations. On the institutional level, the public became increasingly frustrated with growing legislative branch appropriations and legislative inaction characterized as "gridlock." Although Congress has never enjoyed great popularity with the public, the existence of hard polling data, extensive media attention, and members' own willingness to accept the depth of public enmity made this period stand out as unique.<sup>8</sup>

Concern over both the amount and the process of congressional pay raises was consistent with this disillusionment. Polling data indicated that over 80 percent of respondents opposed a pay raise, and over 70 percent felt that they would be less likely to vote for a representative who backed such an increase.<sup>9</sup>

If Congress as an institution was perceived as not working well and many of its most visible members were acting inappropriately, why not hit them where it hurts—in their pocketbooks? During the height of his battle Watson was quick to point out that "the American people are fed up with the sneaky, tricky and deceptive ways that Congress increases salaries. . . . No one trusts the members to make their own pay raise reforms."<sup>10</sup>

As the number of states ratifying the amendment grew, others began to show interest in Gregory Watson's efforts. As John Kennedy once said, "Victory has a thousand fathers and failure is an orphan." Watson willingly shared credit when warranted but exhibited single-minded tenacity about dishonest attempts to grasp the spotlight. He found that a good idea seemed to inspire "a lot of dishonesty and political plagiarism." About the time Watson reached the halfway point, consumer activist Ralph Nader put his prestige and the support of his organization, Congress Watch, behind the effort. Watson appreciated the support of this "Johnny-come lately" but not its attempt to claim credit: "When I think of all the nights I've stayed up until three or four o'clock in the morning typing letters and licking stamps, it just absolutely outrages me that some other person would come in like some white knight in shining armor and snatch it away; it's very insulting."<sup>11</sup>

Watson reserves much of his frustration for Representative John Boehner (R-Ohio). Boehner spearheaded a drive to make the amendment the "class project" of the freshman House members elected in 1990. Political scientists have long recognized that credible credit claiming stands out as a major key to political success. It is not so much what you actually do in Congress but what you can claim credit for that determines your political fate.<sup>12</sup> Press reports of Boehner going on the House floor to congratulate his freshman colleagues for creating the climate necessary for the approval of the amendment ignited Watson's fury. Boehner "was running around the country telling people he was the one that got the last three states to pass it and that was not factual. John Boehner had nothing to do with it."<sup>13</sup>

State legislators in the final states to ratify give most of the credit to Watson. Michigan state senator John F. Kelly (D-Grosse Pointe) firmly asserts, "There is no question that [Watson] deserves credit for keeping the issue alive. His persistence paid off. The beauty of our system is that every individual counts, if they want to."<sup>14</sup> Senator Kelly's assistant, Joe Howe, provided additional insight on how Watson moved the process along. "It was because of Gregory Watson's efforts that it passed. At one point, the measure was stuck in a legislative subcommittee, and we wouldn't have realized it except that Mr. Watson called and reminded us that we needed only one more state for ratification."<sup>15</sup>

The disagreement over Boehner's role illustrates the difference between visibility and effort. As an elected official with access to the national media, Boehner "probably attracts more press attention than Gregory."<sup>16</sup> His role involved attaching himself to an issue Watson cultivated for years. There is no way to definitively determine whether Boehner's comments on the House floor or his supportive resolution even reached the ears of the

state legislators involved. Clearly his support did not undermine Watson's activities. Boehner does not deny Watson's efforts but sees his own role as crucial to revitalizing the effort in the final stages. Based on his aggressive leadership among the emerging Republican majority, Boehner succeeded in his campaign for selection as House Republican Conference chairman in the 104th Congress, making him the fourth-ranking party leader only four years after entering the House. Watson still bristles at the mention of Boehner's name, referring to him as "that Boner guy."

### An Idea Whose Time Had Come

Much of Greg Watson's frustration disappeared on May 7, 1992, as the Michigan state legislature became the crucial thirty-eighth state to ratify Madison's amendment, 203 years since its inception and almost ten years to the day after Watson began his one-man crusade for ratification. He remembers it as "the happiest day in [his] thirty-year life."<sup>17</sup>

After living with the process intimately for over a decade, Watson had not become enamored with the process, viewing the ratification system as "sloppy, extremely unprofessional, and terribly haphazard."<sup>18</sup> He wonders if any other ratifications remain unreported.

With the thirty-eight verified ratifications, the pay raise amendment was out of Gregory Watson's hands, but it was still not home free. Constitutional scholars differed widely as to whether the delayed ratifications were legitimate. Some congressional leaders made similar arguments. Given public opinion and legal arguments, Don W. Wilson, archivist of the United States, cut the debate short by certifying the requirements for ratification met. Wilson's decision quieted opponents both inside and outside of Congress. Within six months, the amendment emerged as the basis of court decisions questioning congressional cost-of-living adjustments.<sup>19</sup>

The experience changed Gregory Watson. His tenacity and orientation to detail make him the kind of person you would rather have as an ally than an opponent. He remains an angry young man. One of his legislative goals as a state legislative staff member includes changing Texas law to require state schools to expunge previous grades when a student retakes the course. His C in American government still grates on him. He also expends considerable effort to maintain his rightful percentage of the Twenty-Seventh amendment.

Gregory D. Watson takes pride in the fact that "one person can still make a difference in the United States of America, even today in the era of megabucks politics. If they are stubborn, if they know how to nag and pester, they too can make a difference. While the meek may inherit the earth, they do not pass legislation."<sup>20</sup>

John Locke  
 SECOND TREATISE,  
 OF CIVIL GOVERNMENT

OF THE STATE OF NATURE

To understand political power aright, and derive it from its original, we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the laws of Nature, without asking leave or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty. . . .

But though this be a state of liberty, yet it is not a state of license; though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he had not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions. . . . And, being furnished with like faculties, sharing all in one community of Nature, there cannot be supposed any such subordination among us that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Every one as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he as much as he can to preserve the rest of mankind, and not unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of life, the liberty, health, limb, or goods of another.

And that all men may be restrained from invading others' rights, and from doing hurt to one another, and the law of Nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of Nature is in that

state put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation. For the law of Nature would, as all other laws that concern men in this world, be in vain if there were nobody that in the state of Nature had a power to execute that law, and thereby preserve the innocent and restrain offenders; and if any one in the state of Nature may punish another for any evil he has done, every one may do so. For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

And thus, in the state of Nature, one man comes by a power over another, but yet no absolute or arbitrary power to use a criminal, when he has got him in his hands, according to the passionate heats or boundless extravagancy of his own will, but only to retribute him so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint. . . .

Every offence that can be committed in the state of Nature may, in the state of Nature, be also punished equally, and as far forth, as it may, in a commonwealth. For—though it would be beside my present purpose to enter here into the particulars of the law of Nature, or its measures of punishment, yet it is certain there is such a law, and that too as intelligible and plain to a rational creature and a studier of that law as the positive laws of commonwealths, nay, possibly plainer; as much as reason is easier to be understood than the fancies and intricate contrivances of men, following contrary and hidden interests put into words. . . .

## OF THE ENDS OF POLITICAL SOCIETY AND GOVERNMENT

If man in the state of Nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties, and estates, which I call by the general name—property.

The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of Nature there are many things wanting.

Firstly, there wants an established, settled, known law, received and allowed

measure to decide all controversies between them. For though the law of Nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Secondly, in the state of Nature there wants a known and indifferent judge, with authority to determine all differences according to the established law. For every one in that state being both judge and executioner of the law of Nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat in their own cases, as well as negligence and unconcernedness, make them too remiss in other men's.

Thirdly, in the state of Nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offended will seldom fail where they are able by force to make good their injustice. Such resistance many times makes the punishment dangerous, and frequently destructive to those who attempt it.

Thus mankind, notwithstanding all the privileges of the state of Nature, being but in an ill condition while they remain in it are quickly driven into society. Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such rules as the community, or those authorised by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power as well as of the governments and societies themselves.

For in the state of Nature to omit the liberty he has of innocent delights, a man has two powers. The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the law of Nature; by which law, common to them all, he and all the rest of mankind are one community, make up one society distinct from all other creatures, and were it not for the corruption and viciousness of degenerate men, there would be no need for any other, no necessity that men should separate from this great and natural community, and associate into lesser combinations. The other power a man has in the state of Nature is the power to punish the crimes committed against that law. Both these he gives up when he joins in a private, if I may so call it, or particular political society, and incorporates into any commonwealth separate from the rest of mankind.

The first power—viz., of doing whatsoever he thought fit for the preservation of himself and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of Nature.

Secondly, the power of punishing he wholly gives up, and engages his natural force, which he might before employ in the execution of the law of Nature, to his



own single authority, as he thought fit, to assist the executive power of the society as the law thereof shall require. For being now in a new state, wherein he is to enjoy many conveniences from the labor, assistance, and society of others in the same community, as well as protection from its whole strength, he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require, which is not only necessary but just, since the other members of the society do the like.

But though men when they enter into society give up the equality, liberty, and executive power they had in the state of Nature into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend farther than the common against those three defects above mentioned that made the state of Nature so unsafe and uneasy. And so, whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees, by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end but the peace, safety, and public good of the people. . . .

## OF THE EXTENT OF THE LEGISLATIVE POWER

The great end of men's entering into society being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society, the first and fundamental positive law of all commonwealths is the establishing of the legislative power, as the first and fundamental natural law, which is to govern even the legislative itself, is the preservation of the society and (as far as will consist with the public good) of every person in it. This legislative is not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community have once placed it. Nor can any edict of anybody else, in what form soever conceived, or by what power soever backed, have the force and obligation of a law which has not its sanction from that legislative which the public has chosen and appointed it; for without this the law could not have that which is absolutely necessary to its being a law, the consent of the society, over whom nobody can have a power to make laws but by their own consent and by authority received from them. . . .

These are the bounds which the trust that is put in them by the society and the law of God and Nature have set to the legislative power of every commonwealth, in all forms of government. First: They are to govern by promulgated

and poor, for the favorite at Court and the countryman at plough. Secondly: These laws also ought to be designed for no other end ultimately but the good of the people. Thirdly: They must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies. And this properly concerns only such governments where the legislative is always in being, or at least where the people have not reserved any part of the legislative to deputies, to be from time to time chosen by themselves. Fourthly: Legislative neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have. . . .

## OF THE DISSOLUTION OF GOVERNMENT

The constitution of the legislative [authority] is the first and fundamental act of society, whereby provision is made for the continuation of their union under the direction of persons and bonds of laws, made by persons authorised thereunto, by the consent and appointment of the people, without which no one man, or number of men, amongst them can have authority of making laws that shall be binding to the rest. When any one, or more, shall take upon them to make laws whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey; by which means they come again to be out of subjection, and may constitute to themselves a new legislative, as they think best, being in full liberty to resist the force of those who, without authority, would impose anything upon them. . . .

Whosoever uses force without right—as every one does in society who does it without law—puts himself into a state of war with those against whom he so uses it, and in that state all former ties are cancelled, all other rights cease, and every one has a right to defend himself, and to resist the aggressor. . . .

Here it is like the common question will be made: Who shall be judge whether the prince or legislative act contrary to their trust? This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply, The people shall be judge; for who shall be judge whether his trustee or deputy acts well and according to the trust reposed in him, but he who deposes him and must, by having deputed him, have still a power to discard him when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of millions is concerned and also where the evil, if not prevented, is greater, and the redress very difficult, dear, and dangerous? . . .

To conclude. The power that every individual gave the society when he entered into it can never revert to the individuals again, as long as the society lasts, but will always remain in the community; because without this there can be no community—no commonwealth, which is contrary to the original agreement; so also when the society hath placed the legislative in any assembly of men, to continue in them and their successors, with direction and authority for providing

Constitution was essentially a democratic process involving the reconciliation of a variety of state, political, and economic interests, Roche writes that "the Philadelphia Convention was not a College of Cardinals or a council of Platonic guardians working in a manipulative, predemocratic framework; it was a *nationalist* reform caucus that had to operate with great delicacy and skill in a political cosmos full of enemies to achieve one definitive goal—popular approbation." Roche recognizes that the framers, collectively, were an elite, but he is careful to point out that they were a political elite dedicated for the most part to establishing an effective and at the same time controlled national government that would be able to overcome the weaknesses of the Articles of Confederation. The framers were not, says Roche, a cohesive elite dedicated to a particular set of political or economic assumptions beyond the simple need to create a national government that would be capable of reconciling disparate state interests. The Constitution was "a vivid demonstration of effective democratic political action, and of the forging of a national elite which literally persuaded its countrymen to hoist themselves by their own bootstraps."

## 2

John P. Roche

## THE FOUNDING FATHERS: A REFORM CAUCUS IN ACTION

Over the last century and a half, the work of the Constitutional Convention and the motives of the Founding Fathers have been analyzed under a number of different ideological auspices. To one generation of historians, the hand of God was moving in the assembly; under a later dispensation, a dialectic (at various levels of philosophical sophistication) replaced the Deity: "relationships of production" moved into the niche previously reserved for Love of Country. Thus in counterpart to the *zeitgeist*, the framers have undergone miraculous metamorphoses: at one time acclaimed as liberals and bold social engineers, today they appear in the guise of sound Burkean conservatives, men who in our time would subscribe to *Fortune*, look to Walter Lippmann for political theory, and chuckle patronizingly at the

From John P. Roche, "The Founding Fathers: A Reform Caucus in Act." *American Political Science Review*, December 1961. Reprinted by permission.

ment lasts; because, having provided a legislative with power to continue for ever, they have given up their political power to the legislative, and cannot resume it. But if they have set limits to the duration of their legislative, and made this supreme power in any person or assembly only temporary; or else when, by the miscarriages of those in authority, it is forfeited; upon the forfeiture of their rulers, or at the determination of the time set, it reverts to the society, and the people have a right to act as supreme, and continue the legislative in themselves or place it in a new form, or new hands, as they think good.

❖ The influence of John Locke goes far beyond his impact on the thinking of the founding fathers of the United States, such as Thomas Jefferson. Some scholars (among them, Louis Hartz, *The Liberal Tradition in America*) have interpreted the American political tradition in terms of the pervasive attachment to the ideas and values set forth in the writings of Locke. There is little question that American political life has been uniquely characterized by widespread adherence to the fundamental principles about the relations among people, society, and government expressed in Locke's writings.

It is not just that we have representative government, with institutions similar in structure and function to those of the constitutional democracy described in Locke's *Second Treatise*, but that through the years we have probably maintained, more than any other society, a widespread agreement about the fundamental human values cherished by Locke. His emphasis upon the sanctity of private property has been paramount in the American political tradition from the very beginning. Moreover, Locke's views on the nature of man are shared by most Americans. All our governmental institutions, processes, and traditions rest upon principles such as the primacy of the individual, man's inborn ability to exercise reason in order to discern truth and higher principles of order and justice, and a political and social equality among people in which no person shall count for more than another in determining the actions of government and their application. We may not have always practiced these ideals, but we have been *theoretically* committed to them.

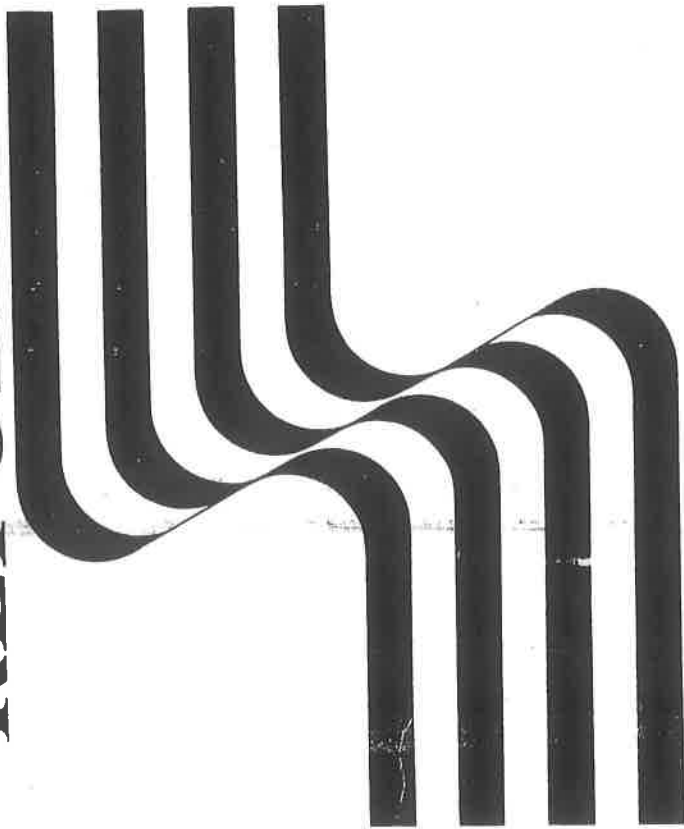
### Framing the Constitution: Elitist or Democratic Process?

A remarkable fact about the United States government is that it has operated for two hundred years on the basis of a written Constitution. Does this suggest unusual sagacity on the part of the Founding Fathers, or exceptional luck? What was involved in framing the Constitution?

In the following selection John P. Roche suggests that the framing of the

The Founding of the

# DEMOCRATIC REPUBLIC



Martin Diamond

## Chapter 1

### INTRODUCTION

*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.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . .*

—THE DECLARATION OF INDEPENDENCE<sup>1</sup>

*To secure the public good and private rights against the danger of [an overbearing majority], and at the same time to preserve the spirit and form of popular government is then the great object to which our inquiries are directed.*

—THE FEDERALIST<sup>2</sup>

The Declaration of Independence did more than declare the thirteen colonies independent of Great Britain. Indeed that was done on July 2 by a simple resolution of the Continental Congress. But we rightly celebrate July 4 and not July 2 as our national holiday because, while actions sometimes speak louder than words, words usually give to actions their political meaning and consequence. The continuing importance of the Declaration lies in the principles by which it justified independence. That is, the Declaration grounded separation from Britain upon principles of government held to be valid for all men at all times. These principles became the credo of the American political order—but only after a remarkable transformation that culminated in the Constitution.

We must thus see the Declaration in its relationship to the Constitution. Together they shape the nature of the American political order. In turn, one's understanding of the relationship between these two fundamental documents shapes one's understanding of the



represents. The Declaration is thought to proclaim a democratic regime in which government functions by consent of the governed in such a way as to secure a free society. But in fact the Declaration does not do that at all. The popular understanding has read democracy into the Declaration; we have come to see the Declaration through the transforming lens of two centuries of successful democratic government.

Let us look at the Declaration closely to see what it actually says. The Declaration holds four truths to be "self evident"—that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that governments, whose proper end is to secure these rights, may only be instituted by the consent of those to be governed, and that, when government becomes destructive of these rights, and that, when government becomes destructive of these rights, the people have the further right to alter or abolish and reinstitute their government.

### A Republic

Of these four truths, the middle two (when transformed) form the center of the American credo. The last is, strictly speaking, not a governing principle, but rather is the right of revolution. The first—that all men are created equal—is the primal truth, the one from which the other three are derived. Following from the primal truth of human equality, the two central ones concern the end of government and its institution. The end of government is to secure to equal men the rights to life, liberty, and the pursuit of happiness; legitimate governments may be instituted only by the consent of those to be governed.

Unalienable rights and consent of the governed, these are indeed the central principles of the American credo. But by consent of the governed the Declaration did not mean what it has come to mean in the credo. We have transformed the Declaration by reading consent of the governed as rule by majorities, that is, democratic government. But the Declaration does not say that consent is the means by which government is to be operated; rather, consent is necessary only to institute the government, that is, to establish it. The people need not, however, establish a government which operates by means

of their consent. Rather, they may organize it on "such principles" as they choose, and they may choose "any form of government" they deem appropriate to secure their rights. That is, the Declaration was not urging a particular form of government, but rather was following John Locke's social contract theory which taught the right of the people to establish any form of government they chose.

And by any form of government the Declaration includes democratic or aristocratic or monarchic government. That is why the Declaration has to accuse the British king of a "long train of abuses." Tom Paine, for example, believed George III unfit to rule simply because he was a king, and kingly rule was illegitimate. On the contrary, the Declaration holds George III "unfit to be the ruler of a free people" not because he was a king, but because he was a tyrannical king. Rather than securing to the Americans their rights, his rule had become "destructive of these ends"; therefore, and only therefore, the colonists were entitled to rebel.

Thus the Declaration, although it is now seen as the very embodiment of the democratic spirit, was in fact neutral with regard to the democratic form of government. (As we shall see, it was the Constitution that embodied the democratic principle, and thus transformed our understanding of the Declaration.) Although the new nation "was conceived in liberty, and dedicated to the proposition that all men are created equal," the Declaration only required that government be of the people and for the people, but not by the people. Ironically, then, the Declaration offers no guidance for constituting or preserving democratic government. Accordingly, Thomas Jefferson, the chief author of the Declaration, could agree when James Madison made precisely this point to him.

The true doctrines of liberty, as exemplified in our Political System, should be inculcated on those who are to sustain and may administer it. . . . [But it is not] easy to find standard books that will be both guides and guards for that purpose. Sydney and Locke are admirably calculated to impress on young minds the right of nations to establish their own governments, and to inspire a love of free ones, but afford no aid in guarding our Republican charters against constructive

violations. The Declaration of Independence, tho rich in fundamental principles . . . falls really under a like observation. (emphasis added)<sup>6</sup>

In short, although the Declaration taught men their right to "establish their own governments" and inspired "a love of free ones," it did not prescribe the democratic form of government. As to that, strictly read, the Declaration says no more than this: If you choose the democratic form or mode of government, it should be constructed and operated so as to be a free government. But how to do that? The Declaration is silent. Accordingly, Madison stressed and Jefferson agreed that the Declaration afforded "no aid in guarding our Republican charters."<sup>7</sup>

#### The Declaration: Credo and Problem

Even when read as it has come to be understood—as the credo of a free democratic system—the Declaration affords little aid in constructing and operating such a system. Even if we assume "consent of the governed" means government by consenting majorities, and that "unalienable rights" means that democratic government may do only certain things and those only in certain ways, we notice that the Declaration poses a problem which it does not itself solve. Namely, the Declaration's two principles thus construed—democratic majority rule and liberty—are not automatically harmonious. Indeed they can be sharply opposed. Witness their problematical relationship, for example, in Jefferson's First Inaugural Address. He spoke of the "sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable." Consent of the governed has become majority rule; and by reasonable Jefferson refers to the realm of unalienable rights. Jefferson rightly implies that the two principles may conflict in practice. What if the majority consents to unreasonable or tyrannical things, or indeed demands them? What if men, on the majority rule principle, vote away the liberty (of minorities, or even their own) which is the other principle of the Declaration. Or what if, under the cloak of liberty, a conspiratorial or obstructive minority undermines the very possibility of majority? Reconciling

this potential conflict of democracy and liberty has always been a prime task of the American political order.

And what about the competence of government? How can a government, operating by majority rule and aiming at the preservation of liberty, be rendered adequate to the sheer task of governing? On that question, which has always troubled students of American government, now perhaps more than ever, the Declaration is of course silent. Whether it is strictly understood as neutral respecting democracy, or as it came to be democratically understood, the Declaration does not offer solutions to the problem of reconciling democracy, liberty, and the necessities of competent government.

Yet, after all, that was not its job. It sought to rally the colonists—and indeed the world—to the American struggle for independence by declaring the principles which animated the struggle. And that was enough. But the Declaration's unfinished business—reconciling the competing demands of democracy, liberty, and competent government—was precisely the task to which the Constitution was addressed.

#### THE DEMOCRATIC REPUBLIC

The Constitution transformed and completed the work of the Declaration. The Declaration could not become the American 'I believe' until it came to be read as the inspiring credo of a democratic political order, namely, the free and competent frame of government established by the Constitution.<sup>8</sup>

Few countries have a national political creed. Fewer have a formal constitution vitally related to that creed. It is no accident, therefore, that much American political debate and scholarship has focussed on the relationship between the Declaration and the Constitution; or to state the issue more precisely, on the relationship between democracy and the restraining tendencies of the Constitution. This relationship is at the center of the American political existence. Everything depends upon its proper understanding. As could be expected, there are conflicting views.

Most scholars during this century have not viewed the Constitution as a faithful attempt to solve the Declaration's problem. Rather, they believe that the Framers were so concerned with liberty—or, more bluntly, with the privileges of the wealthy—that they deliberately retreated from the democratic spirit of the Declaration. Or they regard the Constitution as embodying a pessimistic and obsolete eighteenth-century view of man as naturally depraved and prone to tyranny, and thus in need of a confining and limiting government. In either case, they see the Constitution as establishing governmental structures and processes deliberately calculated to frustrate the will of the majority.

This influential view of the 'undemocratic Constitution' may be seen in still another way. Modern conservatives and liberals alike often pit the informal *democratic* elements of the American political order against the formal constitutional *republican* elements. The democratic elements they both portray as resting upon clear-cut appeals to popular majorities, strong national government, and executive leadership to achieve "the general welfare." The republican elements they portray as resting upon deadlocking checks and balances, federalism, and limited government to secure "the blessings of liberty," especially for propertied minorities. Both conservatives and liberals thus portray a divided political system at war with itself, with the democratic forces gradually overcoming the stubborn republican restraints.<sup>9</sup>

This book, as its title indicates, rejects the view of the undemocratic Constitution, and consequently offers a different interpretation of the American political order, both as it was designed and as it functions today. We argue that the Constitution is not undemocratic and was not a retreat from democracy. Rather, it is a thoroughgoing effort to *constitute democracy*. We view the American system as seeking to reconcile the advantages of democracy with the sobering qualities of republicanism. Such reconciliation is the central fact. American political history is the experience of the successes and failures of that reconciliation. Similarly, the principles and processes of modern American government and politics are best

understood when the system is grasped in its essential quality, namely, as a democratic republic.

Or to state it another way: we argue that the American system still rests today upon a theory which informed its construction, a theory which seeks to render a democratic regime compatible with the protection of liberty and the requisites of competent government. To understand that theory and thus the principles which form the character of the American political order, we must begin by understanding how the men who designed that order saw the problem of democracy.

### Decent Even Though Democratic?

The most difficult thing to grasp is the Framers' cool acceptance of the democratic form of government. The modern tendency is to assume that if a system is not democratic it cannot be decent; the Framers, on the contrary, believed that if a system were democratic, it would be extraordinarily hard to make it decent. Jacobin enthusiasts cannot believe that men who so coolly discussed democracy's intrinsic defects could in fact have opted for democracy. Such enthusiasts see no intrinsic difficulties in democracy; in contrast with the Framers, they subscribe to the comforting doctrine that 'whatever is wrong with democracy can be cured by more democracy.' On the other hand, conservative anti-democrats cannot believe that men who so sensibly saw democracy's defects and dangers could possibly have accepted democracy. But they did, and both the coolness and the acceptance are the key to understanding the leading Framers. Consider James Madison:

To secure the public good and private rights against the danger of [an overbearing majority], and at the same time to preserve the spirit and the form of popular government is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored and be recommended to the esteem and adoption of mankind.<sup>10</sup>

No intelligent man, Madison is saying, had hitherto been able to espouse popular (i.e., democratic) government, because it had been incompatible with the public good and private rights. But now—and notice the remarkable claim—for the first time we have the knowledge and opportunity to make democracy decent. The Constitution establishes a government, faithful to the spirit and form of democracy, which nonetheless guards against its dangerous propensities.

### Democracy VS. Republicanism

As the dedication of this book to Madison indicates, we follow his understanding of the fundamental thrust of the American political system. Accordingly, throughout the book we study how the American system deals or fails to deal democratically with the problems of Liberty and competent government. It suffices here to summarize the Framers' reasoning regarding the defective tendencies of democracy, and how they thought their system would cope with them.

**Stability and Energy Versus Freedom and Democracy?** The problem of democracy was its dangerous propensities to folly, feebleness, and tyranny. Notice: not just tyranny, but folly and feebleness as well; not just tyrannical majorities, but ignorant and erratic majorities as well. Nothing could be more misleading than the familiar simplistic view that the Framers were solely concerned to protect liberty and hence were hostile to strong government. In the first place, the leading Framers knew that liberty could only be secured under a strong and stable government; and further they knew that strong government is necessary to cope with the problems societies face. Thus they had to solve the problem of majority rule on two fronts; their government had to generate human conduct that would lessen the likelihood of either democratic tyranny or democratic ineptitude.

In contrast to monarchy and aristocracy (or as we might now say, dictatorship or totalitarianism), democracy had never been able to achieve strong and stable government. The difficult task, therefore, was to combine "the requisite stability and energy in government,

with the inviolable attention due to liberty, and to the republican form." But stability and energy require institutions and processes that seem to go against the grain of liberty and popular government. A free democracy requires that power be dispersed in many hands and that public officers be subject to frequent change according to the will of the majority. But stability, on the contrary, requires that the same men hold power long enough to persist in a consistent set of policies; and energetic government requires execution, not by a multiplicity of officers, but by a single hand. Thus, concentration and duration of power are, at the same time, indispensable to competent government, and inimical to the requisites of democratic freedom.

As to the more familiar side of the Framers' thought—their concern with liberty—we may summarize their reasoning with a quotation from their contemporary, the English philosopher and statesman, Edmund Burke:

In a democracy the majority of the citizens is capable of exercising the most cruel oppressions upon the minority, whenever strong divisions prevail in that kind of polity, as often they must, and that oppression of the minority will extend to far greater numbers and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of a single sceptre. . . . Under a cruel prince they have the balmy compassion of mankind to assuage the smart of their wounds and they have the plaudits of the people to animate their generous constancy under their sufferings: but those who are subjected to wrong under multitudes are deprived of all external consolation; they seem deserted by mankind, overpowered by a conspiracy of their whole species.<sup>12</sup>

In short, majority rule is inescapable in the democratic form of government—and, at the same time, inherently capable of converting that government into an intolerable despotism.\*

The Framers thus had to create a system of institutions and procedures that would satisfy their complex aim: powerful and yet free government resting upon majority rule. They could not simply weaken or limit government to secure liberty, nor could they simply

modern American political system. Accordingly, the basic approach and themes of this book can be unfolded by tracing the theoretical transformation of the Declaration by the Constitution.

### The Declaration as the National 'I Believe'

It is commonplace to say that the Declaration of Independence is the national political credo. Nothing in that strikes the American ear as odd. It is so commonplace that we do not see how unique and significant it is to have a national credo. Consider the root of the word: Credo from the Latin for I believe. The principles of the Declaration are the national 'I believe'; to be an American, it is assumed, is to believe in those principles.

The creedal character imparted to American life by the Declaration is revealed in several uniquely American terms and usages. Consider the term Americanism; no other country has an expression quite like it. How can America be an ism?

When we examine the meaning of Americanism, we discover that Americanism is to the American not a tradition or a territory, not what France is to a Frenchman or England to an Englishman, but a doctrine—what socialism is to a socialist. . . . a highly attenuated, conceptualized . . . assent to a handful of final notions—democracy, liberty, opportunity.<sup>3</sup>

### AMERICANISM

The term Americanism thus reflects a unique phenomenon. Other countries have no single political doctrine, adherence to which is a kind of national obligation or heritage. Frenchmen, for example, are no less French in being clericalists, or monarchists, or republicans, or Gaullists, or communists, or fascists. But to be an American has meant somehow to accept the fundamental credo; deviation from it causes one to be regarded as un-American (another expression which has no analogue elsewhere).<sup>4</sup> The term Americanism expresses the conviction that American life is uniquely founded on a set of political principles, superior to those of the rival modern ideologies. And this Americanism consists in certain "final notions" regarding the relationship of "democracy, liberty, opportunity."

The term Americanization—widely used during the mass immigration period—points similarly to the creedal framework of American politics. Americanization meant more than the mere adoption by immigrants of American clothes, speech, and social habits; to become Americanized meant to acquire the political ideas peculiarly appropriate to America. Other countries that have had substantial immigration did not develop a concept or term like Americanization. The French did not Gallicize immigrant Algerians, nor do the English Anglicize their Commonwealth immigrants in the political sense of Americanization. French and English immigrants had, so to speak, to become acculturated; in America, immigrants had to be politicized.

Consider similarly the Pledge of Allegiance. National loyalty or allegiance means, typically, unqualified fidelity to a fatherland. Americans pledge their allegiance not to a fatherland but to a republic, a distinctive form of government; and their pledge is not unconditional, but rather is hedged round with a remarkable set of conditions. Americans promise to be loyal only to the republic for which the flag stands. As it were, the deal is off if America abandons the republican form. Indeed loyalty is promised only to an indivisible republic, a post-Civil War slap at southern secessionism. Further, allegiance is pledged only so long as the republic, under God, seeks to deliver liberty and justice for all. In short, patriotism—from the Greek for fathers, meaning love of one's forebears and unqualified loyalty to them—in the American case means love of the Founding Fathers and loyalty to their political principles.

American life thus regards itself as founded on a set of political principles—one can almost say, a set of doctrines. Rare is the country which to the same degree lives upon its past so explicitly, and with as much agreement on principles descended from that past.<sup>5</sup> But what precisely are those principles?

### The Declaration: A Democratic Document?

Democracy and Liberty: That fairly well sums up the popular—and, for that matter, much scholarly—opinion of what the Declaration

1. What do we believe in?

What does patriotism mean?  
loyalty



render it so powerful as to destroy liberty, nor could they evade the final authority of the majority. They built their regime upon a theory that taught a way to tame and temper democracy. Whether that regime is adequate today may well be challenged. But those who challenge the regime are well advised to grasp first the theory upon which the regime rests.

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#### NOTES

<sup>1</sup> The full text of the Declaration is reproduced in the Appendix, as is the text of the Constitution.

<sup>2</sup> *Federalist* 10. This and all subsequent references are to *The Federalist*, with an introduction by Clinton Rossiter (New York: New American Library Mentor Books, 1961). The student will find valuable the "Index of Ideas" prepared by Rossiter.

<sup>3</sup> Leon Samson, *Toward a United Front: A Philosophy for American Workers* (New York: Farrar & Rinehart, Inc., 1933), p. 16.

## NINE POINT GRADING SCALE FOR AP ESSAYS

9-8. STRONG ANALYTICAL FOCUS. EXHAUSTIVE BREADTH, RESPONDS TO ALL ELEMENTS ASKED IN THE QUESTION. USES CONVINCING EVIDENCE TO SUPPORT A THESIS. IN SOME CASES, SHOWS SIGNS OF ORIGINAL THINKING AND CREATIVITY.

7-6. PRESENTS A THESIS. USES EVIDENCE IN AN ORGANIZED FASHION TO SUPPORT THESIS. ADEQUATE IN BREADTH IN RESPONDING TO MOST OF THE IMPORTANT ISSUES RAISED IN THE QUESTION.

5. STATES RUDIMENTS OF A THESIS. CITES FACTS APPROPRIATE TO THE DEVELOPMENT OF THE THESIS BUT DOES NOT CLEARLY LINK THESE TO THE THESIS. DISCUSSES SOME OF THE MAJOR ISSUES. INCORRECT FACTUAL ILLUSTRATIONS AND OR FAULTY OR INCOMPLETE LOGIC MAY BE ENCOUNTERED. ARGUMENT APPEARS INCOMPLETE.

4. DEMONSTRATES COMPREHENSION OF PERTINENT CONCEPT AND FACTS. PRESENTS DESCRIPTIVE NARRATIVE WITH LITTLE REFERENCE TO AN ORGANIZING PRINCIPLE. RESPONDS TO SOME OF THE ISSUES RAISED IN THE QUESTION. MY CONTAIN SOME FACTUAL ERRORS.

3. WEAK OR IMPLAUSIBLE THESIS. BREADTH OF COVERAGE AND DEPTH OF INFORMATION MAY BE ADEQUATE BUT CONTAINS MANY FACTUAL ERRORS. INFORMATION MAY NOT FIT THE THESIS.

2. WEAK THESIS THAT IS UNSUSTAINED IN DISCUSSION. OFFERS FEW, IF ANY, FACTUAL ILLUSTRATIONS TO SUPPORT THESIS. INCLUDES IRRELEVANT INFORMATION.

1. ATTEMPTS TO RESPOND TO QUESTION. HOWEVER, FAILS TO PROVIDE DETAIL AND BREATH OF COVERAGE.

0. NO ATTEMPT TO ANSWER THE QUESTION IN ANY MEANINGFUL WAY.

**AP American Government  
Political Philosophers**

**Thomas Hobbes 1588-1679 (English)**

**John Locke 1632-1704 (English)**

**Montesquieu 1689-1755 (French)**

- A)
- B)
- C)

**Voltaire 1694-1778 (French)**

**Rousseau 1712-1778 (French)**

**Jefferson 1743-1826 (American)**