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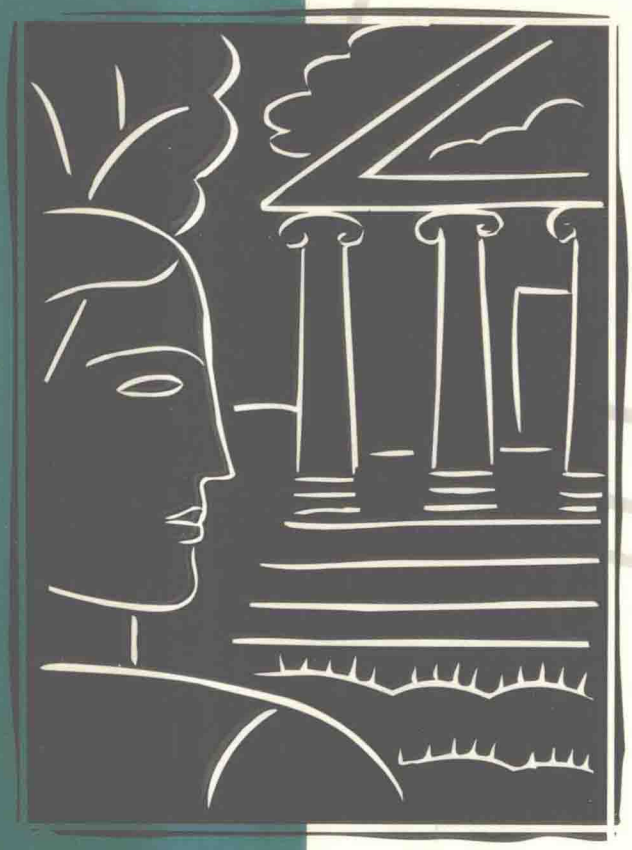

American Government and Politics: POS 105 Reader

Edited by Timothy L. Ruddy
Illinois State University

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1 2 3 4 5 6 7 8 9 0 QSR QSR 0 9 8 7 6 5 4 3 2 1 0

ISBN 0-07-242927-5

Editor: Dee Renfrow
Production Editor: Sue Culbertson
Printer/Binder: Quebecor World

Acknowledgments

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"Majority Opinion," by William H. Rehnquist, from *Washington et al. V. Glucksberg et al.,* 117 S. Ct. 2258, 117 S. Ct. 2302, 1997 U.S. LEXIS 4039, 138 L. Ed. 2d 772 (1997). References, some notes, and some case citations omitted.

"Majority Opinion," by Stephen Reinhardt, from *Dying v. State of Washington,* 96 C.D.O.S. 1507 (1996).

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Reading 1

Has the American Political System Succeeded?

YES: Irving Kristol, from "On the Character of the American Political Order," in Robert L. Utley, Jr., ed., *The Promise of American Politics: Principles and Practice After Two Hundred Years* (University Press of America, 1989)

NO: Daniel Lazare, from *The Frozen Republic: How the Constitution Is Paralyzing Democracy* (Harcourt Brace, 1996)

ISSUE SUMMARY

YES: Writer Irving Kristol argues that America possesses a rich combination of ingredients that give it strength, resilience, and character.

NO: Freelance writer Daniel Lazare contends that America has become paralyzed in a constitutional straitjacket and that it needs radical reform.

"Some men," Thomas Jefferson wrote in 1816, "look at constitutions with sanctimonious reverence, and deem them like the ark of the Covenant, too sacred to be touched." Jefferson made it clear that he was no such person. In his view, "each generation is as independent as the one preceding, as that was of all which had gone before." Jefferson, therefore, put little stock in tradition or continuity, and even less in the Founding Fathers.

Ironically, Jefferson himself has become a sanctified figure, with his own marble memorial near the Capitol and countless tributes quoting his words as if they were scriptural. Indeed, in the popular mind Jefferson is often associated with the Constitution—a document that he played no role in drafting and about which he had some serious reservations.

American political folklore is full of these ironies. America's heroes and their ideas get yanked out of their historical settings and are thrown together into what appears to be a timeless realm of good feelings. Here are Jefferson and Lincoln sitting together, though the former kept slaves and the latter emancipated them. Over there Alexander Hamilton is talking to Teddy Roosevelt, whom the historical Hamilton probably would have regarded as a traitor to his class. Andrew Jackson seems to get along fine with Franklin Roosevelt, though the former hated centralized government and the latter expanded it further than anyone could have dreamed. It is the "Hall of the Presidents" in Disney World, except that the cordial, gesturing statues are not just presidents but also many others who have won their place in the

heavenly hall: Malcolm X and Martin Luther King, Jr., Abigail Adams and Eleanor Roosevelt, and Robert LaFollette and Robert Kennedy, for example.

Implicit—sometimes even explicit—in all this is the belief that America has a unique and coherent tradition, an "American way of life" that has carried the American people through a turbulent history and continues to guide them toward whatever lies ahead. It is a creed that celebrates "American exceptionalism," its special heritage; this belief does not rule out change, but it insists that changes are to be made by reaching back into the past and finding new wisdom there. Highest honors are usually reserved for the Founding Fathers, the men who set it going in the first place by their wise craftsmanship. Such talk would have embarrassed Jefferson, but it continues to touch deep chords whenever Americans gather to hear political speech.

The early years of the twentieth century marked a high point of national celebration; in 1909 the American writer Herbert Croly noted that "the faith of Americans in their own country is religious, if not in its intensity, at any rate in its almost absolute and universal authority." Yet a few years later, in 1913, historian Charles A. Beard published *An Economic Interpretation of the Constitution* (Free Press), which, far from portraying the founders as selfless, far-seeing patriots, depicted them as rather venal men bent upon protecting their own mercantile, investment, and manufacturing interests. For decades Beard's book was a favorite among debunkers of the Constitution and American exceptionalism. This current of dissent remained underground during much of the century, but in recent times, particularly since the Vietnam war, it has resurfaced. The last 30 years have seen numerous expressions of discontent with America and its heritage, from revisionist history to flag burning. In 1987 even a Supreme Court justice voiced some of these sentiments. Thurgood Marshall, the first African American to sit on the high court, suggested that the Framers of the Constitution drew up a document based upon "oudated notions of liberty, justice, and equality." In Marshall's view, the Constitution has been saved from obsolescence only by its amendments, particularly those that had been added since the Civil War. The founders themselves, he thought, deserve little credit for wisdom or foresight.

In the following selections, Irving Kristol upholds the "celebratory" view. America, he believes, possesses a rich mixture of ingredients that make it a successful polity, for which considerable credit should go to its founders. Opposing that view is Daniel Lazare, who suggests that the Constitution is no more suitable to present times than the horse-drawn vehicles that carried the Founding Fathers to Philadelphia in 1787.

YES

Irving Kristol

ON THE CHARACTER OF THE AMERICAN POLITICAL ORDER

It is an interesting, if rather peculiar, fact about writings on the American political tradition that they are mainly what I would call Manichaean. Manichaeanism was a heresy of the early Christian centuries which held that the world was divided between a good god and a bad god and that the history of the world was the history of their conflict. It was a dualistic vision of reality and human history. Such a dualistic vision seems to be dominant in most interpretations of the American political tradition. Indeed, almost from the beginning, we have perceived the American tradition in terms of aristocrats versus republicans, the people versus the oligarchy, republicanism versus democracy, progressives versus the "special interests." From reading these dualistic interpretations of American history and American politics one would think our history has been particularly bloody, tumultuous, and ambiguous. That is not the case.

Our history has been, by most reasonable, let us say historical, standards not particularly tumultuous; and the American people seem never to have been torn by conflicting interpretations of the American political tradition, though scholars may be. Even our very bloody Civil War had surprisingly little effect on the course of American history. If one were to write an American history textbook with the chapter on the Civil War dropped out, to be replaced by a single sentence to the effect that slavery was abolished by constitutional amendment in 1865, very little in subsequent chapters, as now written, would need revision. The Civil War had even less effect on the American political tradition, since there never really was a distinctively Southern political tradition, nor did the war give rise to one. A textbook on American intellectual history could safely ignore the Civil War, were it not for the fact that one feels it to be almost sacrilegious that so much suffering should be so barren of consequence. The Civil War was and is a most memorable event—but not any kind of turning point in American history.

My thesis, in a nutshell, is that the American people have always understood the American political tradition in an instinctive way, whereas scholarly interpretations inevitably tend to emphasize one aspect of this tradition at

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the expense of all others. When I say that I think the American people have an instinctive understanding of the American political tradition, I mean that it is, as it were, "in their bones." I mean that almost literally. If we transported two or three thousand Americans to Mars to establish an American colony there and then left them alone, what would they do? They would do exactly what the original settlers of the West and the South did. They would behave like Americans. The first thing they would do is build a school. The second thing they would do is build a church. The third thing they would do is go out and make money. And the fourth thing they would do is have elections and form political parties —and fight like hell. They would just clone the American political process out there on Mars. In fact, if you look at the history of the settling of the West, you find a group of people—not all of them, by the way, native-born Americans, but it did not seem to matter—who all behaved in pretty much the same way, who established more or less identical villages which then became more or less identical cities.

So the question I wish to address is: what is the American political tradition as it is in practice, apart from all the theoretical arguments about it? Of course these arguments are very valuable. I really do not want to sound philistine; it is very important to study those arguments. But what I want to do is look at the American political tradition as it exists within American attitudes, within the American mind, within American habits of behavior, within, to put it in a cliché, "the American way of life." This is a cliché that has a lot of meaning, one which sums up all of the very different elements that go into making the American political tradition, as this tradition is apprehended by the American people. It is an extraordinarily mixed tradition. That is why it is possible for analysts to seize one aspect of it, for instance, the fact that it is capitalist, or that it is democratic, or that it is republican, and decide that is the basic aspect. Whereas the truth is that the American political tradition is simultaneously democratic, republican, capitalist, federal, and other things as well. It is, moreover, a political tradition whose roots are to be found in a Protestantized version of the Judeo-Christian tradition. I would like to take those elements of this mixture one by one, and see what they are.

"Democratic" is relatively simple. Ours is a political system and a political tradition that says that ultimately the will of the people will prevail. Ultimately, not instantly, because the will that is to prevail is presumed to incorporate the considered judgment of the people. Hence the separation of powers, the decentralization of authority, and the slow, cumbersome legislative process.

Moreover, because it is a democratic system, it is a system that prizes equality. But what does equality mean in the American political tradition? It means, to begin with, equality before the law. There is no question about that. It also means social equality; that is to say, a classless society, which we have. Many of us have studied sociology and have heard that we do not have a classless society. Sociology professors explain that we are really divided into four classes, seven classes, twenty-two classes, depending on what mode of analysis they use. But surely if we need a sociologist to tell us whether or not we live in a class society, then it is certain we do not live in a class society. People who live in class societies

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know how many classes there are, and know exactly where they are within any particular class. There is no secret about it; it is the most obvious and important thing in anyone's life. The simple fact is that American society today is, in any reasonable sense of the term, a society of social equality. This does not mean economic equality. Social equality, not economic equality, is what our version of democracy is about.

Here, again, we can be misled by some learned men. My favorite learned misleader is Thorstein Veblen. He was an enormously gifted man who probably wrote more nonsense about America than any other gifted man in our history. Veblen's best known nonsense, about "conspicuous consumption," is studied soberly in sociology courses. By now the term has passed into the language. But if there is any fact that is obvious about the United States, it is how little conspicuous consumption there really is. I can prove this. Observe any stranger, and guess his income, or how wealthy his family is, or what his social class is. The fact is, you cannot. Almost all students are wearing blue jeans. You cannot tell what their incomes or backgrounds are. As for adults, go out to the parking lot. Can you really tell how much money a person has from his automobile? Professors drive foreign automobiles, businessmen drive American automobiles, and that's about all there is to say. If you see a Cadillac driving down the street, a car ninety feet long, can you tell what kind of person is driving it? Is it a doctor? Is it a pimp? It could be anybody. The truth is that in our kind of democracy there are no social classes by any reasonable definition of that term.

Ours, however, is not simply a democratic political tradition, it is also a republican political tradition. The late Martin Diamond wrote an excellent textbook called *The Democratic Republic.* It is one of the few textbooks I know which takes seriously both of those terms in relation to the American political tradition. What does the word "republic" mean when you say we are a democratic republic? It means that although we are democratic, we have no faith in democracy. Democracy, in the American political tradition, is not, or at least ought not to be, a matter of faith. There are lots of books written called something like "The Democratic Faith." That is the wrong phrase. There is no reason to have faith in democracy, which is simply one form of political government. Faith should be reserved for higher things than any political system. One should not have faith in *any* political system.

One cannot assume that where the will of the people is supreme, the people will do the right things. The republican aspect of our political tradition is the way in which we refine the will of the people through the principle of representation. For instance, it was always assumed, and even is assumed today, that our representatives, though common men, in a sense are also more than common men. Walter Bagehot said of Sir Robert Peel that he was not a common man but a common man could have been cut out of him. That is the way we feel, or should feel, about our representatives. They ought to represent us, be in tune with us, understand us. But they ought to be a little better than we are. They ought to be a little more elevated than we are—because then they elevate us.

We are republicans in that we have a Constitution which curbs the will of the people, forces the people to rethink, forces the people's representatives to de-

bate and consider, and forces the people to be reasonable. In other words, in a democratic republic the republican element is to be perceived when the people put constraints upon themselves because the people do not have any kind of democratic faith. People understand that they are capable of doing foolish things, and people therefore want institutional checks upon their own will, upon their own ultimate power.

Now to consider the federal element of the American political tradition. This is a very important element in the tradition, though often overlooked and, these days, underemphasized. The federal system is important because it institutionalizes the diffusion of power. I do not think anyone who has not experienced centralized power in other nations can understand how diffused power actually is in the United States. I well recall way back in 1970, during the Cambodian business, when some of my students at New York University announced to me that they were going down to Washington to seize power. I said, "How are you going to seize power?" They said, "We're going to take the Pentagon, that's what we're going to do." "Well, let's say the government leaves you the Pentagon," I said, "what are you going to do there?" "Well, we're going to give orders," they said. And I said, "Who's going to listen?"

It had not occurred to them that you cannot seize power in this country, you cannot even locate it. Perhaps in France it is possible to seize power by taking Paris. Suppose we had a revolution in New York City, and on the NBC nightly news broadcast from New York, the rebels proudly announced that a new regime had been established in City Hall. What would happen? The ratings would fall. People would say, "Oh, New York, you know what sort of things go on in New York," and it would not make the faintest bit of difference. It is very important, therefore, to preserve our federal system, so as to make unlikely any undue concentration and usurpation of power.

But there is a much more important aspect to the federal system, namely, the educational aspect. Local government and participation in local institutions is the way in which people learn the most important of all political truths, which is that the world is full of other people. It is a very sad political truth, a very disillusioning political truth. But people who do not understand it are engaged in a kind of utopian politics that is ultimately doomed. That the world is full of other people means that you may have a good idea, but it will often turn out that other people, somehow or other, for reasons which are inexplicable, do not see how good your idea is. It happens, not only does it happen, it is inevitable that it happens. Teaching us to live with other people is the function of the federal structure of our democracy. This kind of self-education can only occur through participation in local institutions, and it does not really matter how small they are. You really do not learn politics until you have the misfortune to be elected to your local school board. *Then* you understand what politics is about. In my own experience—I'm a New Yorker, we don't have local school boards, and if we did I couldn't get elected—I had the misfortune some years ago to be elected to the board of my cooperative apartment house. It was really very interesting to attend the annual meeting of this co-op. The residents were upper-income people, some very prominent socialists among them, some very prominent lawyers,

some very wealthy stock brokers. At the annual house meeting the board knew that for the first hour the tenants would get up and denounce the landlord. At the end of the hour it would occur to them that *they* were the landlord and then we would get down to business. It took them about three years before they stopped denouncing us, their elected and unpaid trustees, as the landlord. It was an educational process. Anyone who gets involved in local self-government discovers that the world is full of other people, that there is no point in being dogmatic about what you think is right, that you must come to terms with this world, a world which is what it is and is never going to differ radically from what it is.

One other major virtue of the federal system, which we are only now beginning to appreciate, is that it diffuses some absolutely insoluble problems, so that they fester on a local rather than on a national level. In this sense, I think the decision of the Supreme Court legalizing abortion was a political disaster, never mind the morality of it. It was a disaster because it made abortion a national issue. Until that time abortion had been a state issue and if the states wished, they could always devolve the responsibility for that issue upon local communities (as was and is done with an issue like prohibition). Now, abortion is not an issue you can compromise about. It is one of those issues that is ultimately divisive. Therefore, you are better off diffusing the issue, making it a local issue, rather than importing it as a factor into national politics. As a result of the Supreme Court decision, we have imported a most divisive element into our national politics, one which cannot be compromised, and which we shall just have to live with.

It is deplorable that pornography also has now become nationalized as an issue, as a result of the courts' lack of wisdom. In my day, all the books that were banned in Boston were sold in New York. It was not such a bad system, people in both Boston and New York got what they really wanted and it didn't really matter all that much. Now the issue of pornography has become a matter of national significance, one on which national politicians are forced to make pronouncements, and this raises the question of national censorship. The best way to cope with the problems of pornography and censorship is to let local people solve it any way they want. Some will be permissive, some will not; some will have strict censorship, some will have lax censorship. That is all right. Indeed, that is just the way it is supposed to be. The whole point about federalism and decentralization is to see to it that such controversial issues do not distract national politics from its truly important concerns.

"Capitalist" is perhaps the most controversial of all the terms I have applied to our system. I do not see why it should be, since if anything is obvious, it is that we have been, certainly at least since the enactment of the Constitution, and in fact for many decades prior to that, a capitalist nation. A nation that believes that individual liberty is indissolubly linked to private property—that is what it means to be capitalist. We are a nation that believes that private property, and therefore a market economy (the two go together), are necessary, though not sufficient conditions for a political regime of liberty. Necessary but not sufficient. You can have private property and you can have a market economy in an authoritarian regime. Never in history, however, has there been what we would regard as

a free society, or a liberal society, or a regime of liberty that did not have private property and a largely market economy.

Capitalism is important not only because of the support it gives to liberty —it is *the* absolute precondition of liberty—but also because it promises and promotes economic growth. The ancient democracies of classical Greece were full of class strife; the *demos* versus the *aristoi*, the masses versus the oligarchy. If you do not have economic growth, all democracies fall into such class strife. It is economic growth that permits a democracy to avoid class struggles over the distribution of a pie of preestablished size. It does that by always creating a larger pie so that everyone benefits, however unequally, and you do not have to benefit at someone else's expense. You can acquire property without expropriating property....

Our system is democratic, republican, federal, and capitalist. And it is also a system that has a religious basis. Let me explain what I mean. A democratic system where the will of the people rules supreme, and a capitalist system which regards the pursuit of self-interest in the marketplace as legitimate, needs religion to supply certain crucial, missing elements.

Traditional religion is to liberal democratic capitalism as the Old Testament is to the New. Let me explain this puzzling remark. There was a big fight within the Christian church during the first three centuries of its history as to whether or not the Old Testament should be included in Holy Scripture. There were some major movements (subsequently defined as heresies; the Marcionite heresy most notably) that said: "No, let's not bring the Old Testament into Holy Scripture. We have a New Testament, why do we need the Old?" The church fathers, who were very wise men, said: "The New Testament, it's true, completes the Old; but there are things in the old which are not in the New, and which a church needs." The New Testament, after all, was not written with the establishment of the Christian church in mind—there is nothing about an established, authoritative Christian church in the New Testament. Therefore, the church fathers found they needed certain things in the Old Testament that are not in the New such as: the injunction to be fruitful and multiply, the pronouncement that God created the earth and saw it was good. In other words, the fathers needed certain theological premises to create an orthodoxy, to be able to tell its members that they can sanctify God in their daily lives, that they need not be hermits in the desert, they need not all become ascetic or aim at Christian perfection. These have all since been established as crucial affirmations of Christianity but, as it happens, are all to be found in the Old Testament, not in the New, since the people who wrote the New Testament took the Old Testament for granted.

It is not too much to say that the Judeo-Christian tradition, in its Protestantized form, is the Old Testament for liberal capitalism. It supplies things that liberal capitalism, liberal democratic capitalism, cannot itself supply; mainly what we call "values"—a moral code above all—and which the founders of capitalism simply took for granted. Precisely because a capitalist economy is one which does emphasize self-interest, it especially needs a very strong religious element in its culture in order to modify, complement and curb that self-interest.

Adam Smith wrote two books, *The Wealth of Nations* and a lesser known

book, *The Theory of Moral Sentiments. The Wealth of Nations* was about how people act in the marketplace. They act in the marketplace out of self-interest, and Adam Smith's great contribution was to show that these actions out of self-interest, nevertheless, in the longer term, served everyone's interest by promoting economic growth. In *The Theory of Moral Sentiments,* however, (a book which, incidentally, he never repudiated—he revised it after publishing *The Wealth of Nations,* but did not change it much) he said, "Fine, what happens when you have created wealth? What will wealthy people do?" He said that in the end, what wealthy people will do is try to earn the good opinion of their fellow citizens by acts of philanthropy, which is just what they are doing. Such acts of philanthropy, in this culture, come out of the Protestantized version of the Judeo-Christian moral tradition with which Adam Smith was familiar....

I want to reassert that without this religious culture, the capitalist economic system becomes rather disgusting. Making money is fun; but, on the other hand, no one ever said it is an ennobling activity, no one ever said it is a heroic activity. It is, at best, a prosaic activity. In a society where most people are involved in commercial activities, you especially need a culture suffused with religious traditions that tell you what you are making money for, that tell you how to conduct yourself when you are making money, and that, above all, answer certain absolutely crucial and inevitable questions about the meaning of life and the meaning of death. It is this religious element that is the final and necessary constituent of the American political tradition.

... There is no point, in my view, in departing radically from that tradition —to socialism, for instance. The most important political fact of the twentieth century has been the death of socialism as an alternative model of society, as an alternative political tradition. There are still socialists to be found, but not in socialist countries. There are no socialists in Eastern Europe, no socialists in the Soviet Union, but there are socialists in American universities, French universities, German universities. The fact is, socialism as a serious political possibility is dead. There are about sixty official socialist countries in the world and not one of them is a place where you and I would want to live. Not one of them is a place where even their own people particularly want to live. They would all immigrate to the United States if given the opportunity. So the socialist ideal is dead. It lives as an academic idea, but as a reality it has been tried, and it does not work. It does not work because it is based upon a utopian vision of human nature, of what human beings are capable of. Because it is utopian it ends up trying to create utopia through coercion, since it cannot be created in any other way. But you cannot create utopia through coercion either; all you do is create a bureaucratic terrorist state.

So there is no alternative but to work within the American tradition. That is the test for the next generation —somehow to renew this tradition, perhaps revitalize it, perhaps amend it, perhaps revise it. But the tradition as I have described it—democratic, capitalist, federal, republican, religious—that is the tradition within which we shall have to work.

NO

Daniel Lazare

THE FROZEN REPUBLIC: HOW THE CONSTITUTION IS PARALYZING DEMOCRACY

America is a religious society caught up in a painful contradiction. On one hand, its politics rest on faith in the Founding Fathers—a group of planters, merchants, and political thinkers who gathered in a stuffy tavern in Philadelphia in 1787—and the document they produced during the course of that summer, the Constitution. These are the be-all and end-all of the American system, the alpha and the omega. On the other hand, the faith isn't working. Problems are mushrooming, conflicts are multiplying, and society seems increasingly out of control. As a result, Americans find themselves in the curious position of celebrating the Constitution and Founders, who comprise America's base, yet cursing the system of politics they gave birth to. The more the roof leaks and the beams sag, the more fervent the odes to the original architects and builders seem to grow.

This is curious but not unprecedented. In one form or another, Americans have been simultaneously praising the Constitution and cursing the government since virtually the moment George Washington took office. What is different, however, is the degree. Constitution worship has never been more fervent, while dissatisfaction with constitutional politics has never been greater. Yet rather than attempting to work through the contradiction—rather than wondering, for instance, whether the fact that the house is falling down doesn't reflect poorly on those who set it up—the general tendency over the last two decades or so has been to blame anyone and everyone except the Founders. If the original conception is pure and perfect—and it is an article of faith in America's civic religion that it is—then the fault must lie with the subsequent generations who allowed it to be trampled in the dust. We have betrayed the legacy by permitting politicians, the media, special interests, minorities, etc., to have their way. Therefore, our duty as loyal subjects of the Constitution is to pick it up, dust it off, and somehow restore it to its original purity.

From Daniel Lazare, *The Frozen Republic: How the Constitution Is Paralyzing Democracy* (Harcourt Brace, 1996). Copyright © 1996 by Daniel Lazare. Reprinted by permission of Harcourt Brace & Company. Notes omitted.

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