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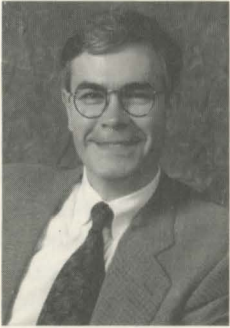
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## Civility and Citizenship in Washington's America and Ours

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*On November 12-16, 2000, Hillsdale College's Center for Constructive Alternatives held a seminar on "The Morality of Civility." Participants discussed the decline of manners and civility since the 1960s, and suggested ways that they might be revived. In the following presentation, Dr. Kesler addressed the connection of civility and citizenship as understood by George Washington and other Founding Fathers, against the backdrop of the uncivil controversy in the aftermath of the recent presidential election.*

Day. Perhaps this is because they understand the Constitution to "evolve" or change from year to year — or at least from election to election, depending on who wins. This changeability is what today's liberals mean when they say we have a "living Constitution." It does not represent constitutionalism in the older sense of the word. Nor, I would argue, is it a formula for good government, because it undermines the constitutional morality that is essential to the connection between citizenship and civility in democratic or popular governments.

**A**s we meet here to consider the connection between civility and citizenship, that connection seems to have become weakened, at least in certain select Florida counties. As shocking as some of the shenanigans in those counties might seem, perhaps they should not come as a complete surprise. After all, the same people who now seem to love Election Day to the point of wanting it to go on forever, have for years been markedly *unenthusiastic* about Constitution

### The Constitution as Teacher

**CONSIDER THE** moral problem faced by our Founding Fathers in the late eighteenth century. Looking back over the history of previous popular governments — which James Madison, for one, did extensively — they discovered a generic problem. This problem arises from the basic idea of democracy — the idea that the people ought to be the source of all law. The problem is this: If the people

are the source of the law, why should they respect it? Why should they not simply look on the law as a tool or a convenience with which to achieve their private ends? Most republics had failed precisely because they had not solved this moral conundrum. The people, being the source of the law, had failed to distinguish their rights from their desires, and had come to believe that whatever they wanted passionately enough was their right. This is the path down which democracies descend – the path of tyranny of the majority, which Madison presents in *The Federalist Papers* as the characteristic fault of republican regimes.

The genius of the American Constitution is shown in nothing more than in its ability to tutor the American people in a way to overcome this fault and make them law-abiding. Don't we all today look up to the Constitution as an authority for us, even though, technically speaking, its only legal and moral authority comes from the fact that it was ratified over 200 years ago by a generation that is dead and gone? Of course, as each state enters the Union, it must agree to abide by the Constitution. And whenever we amend the Constitution, we in a sense endorse it. But in fact, the American people have legislated themselves a Constitution only once, in 1787 and 1788, and since then we have looked on it as authoritative. Thus for Americans, the *oldest* law is the *highest* law. This is not a normal or an automatic outcome of popular government. Most of the time, republics and the people who move their politics tend to think that if they make a law "A" one day, and a law "B" that contradicts "A" the next day, the newer law supersedes the old. What is unusual about the Constitution is that this rule is completely reversed in respect of it. The oldest law is the most authoritative, and is indeed the only law that "the people" as such have ever passed. Other law is statute law, law made by representatives of the people. Thus every other law needs to be adjudged in light of the only law that is genuinely ours, the Constitution.

Creating this new category of law, the Constitution, which is created by "we the people" and yet ascends above us, was a great breakthrough in political science and a great achievement of the American Founders.

## The Importance of Washington

**THE THEORY** of the Constitution is contained in *The Federalist Papers*, but the moral authority which backs up this theory is George Washington – our first president, and the only president elected unanimously by the Electoral College. There is a real sense in which the prestige of the Constitution

depends on the fact that Washington stands behind it. Certainly he had an enormous amount to do with its original success. We can see how and why this is by considering the connection of civility and citizenship. The problem of this connection can be stated succinctly. Many countries have citizenship without the restraints of civility; nor is it unusual for non-fellow citizens to be civil. But how is it possible to combine civility and citizenship in healthy and mutually reinforcing ways?

To be "civil," in ordinary usage, means to be polite, respectful, decent. It is a quality implying, in particular, the restraint of anger directed toward others. In this sense, civility is not the same thing as warmth and indeed implies a certain coolness: civility helps to cool the too-hot passions of citizenship. When citizens are civil to one another despite their political disagreements, they reveal that these disagreements are less important than their resolution to remain fellow citizens. They agree on the fundamental political questions, even if they differ on secondary issues. Without this fundamental agreement, citizenship would be self-contradictory and finally self-destructive. The French Revolution remains the unforgettable modern example of citizenship's self-destruction in the absence of civility. Citizen Brissot, Citizen Danton, Citizen Robespierre – one by one they fell victim to ever more radical and exclusive definitions of the good citizen. Tyranny itself is this process of exclusion carried to its logical extreme.

Still, it would be a great mistake to believe that the opposite of tyranny is simply a concord of opinion. Political friendship can be based on better or worse opinions. The criteria for evaluating them must therefore be extrinsic to the opinions themselves. In other words, even as citizenship requires civility, so civility points beyond itself to permanent and objective moral standards – to the nature of "civil government" and, higher still, to the moral and theoretical concerns of what is rightly called civilization. Here the example of Washington is invaluable.

Civility in the first place is a matter of shaping young people's character. The tools of this art include precepts, examples, exhortation, and shame. It is not surprising, then, to find that one of the earliest writings of the young Washington, laboriously entered into his copybook, is a set of 110 "Rules of Civility and Decent Behavior in Company and Conversation." For the most part these are useful lessons for reducing any adolescent to a civilized state, e.g., "Shake not the head, feet, or legs; roll not the eyes; lift not one eyebrow higher than the other, wry not the mouth, and bedew no man's face with your spittle by [approaching too near] him [when] you speak." These rules are a playful (though serious)

reminder that civility consists first of all in good manners. “Every action done in company,” reads the first rule, “ought to be with some sign of respect to those that are present.”

Civility in this sense stands athwart the contemporary ethic of self-expression. Nevertheless, good manners aim not to crush but to form individual character. Washington’s list begins with what might be dismissed today as mere social conformity; but it ends, “Labor to keep alive in your breast that little spark of celestial fire called conscience.” Conformity to social custom is a part of good manners, but it is justified because it frees us to cultivate the distinctions that matter. Civility allows for, and at its best is, the fanning of that “spark of celestial fire” in man to produce a steady blaze of moral seriousness.

Washington’s civility is thus a species of honor or of concern with honor. Explaining to his wife why he had had to accept the command of the Continental Army, he wrote:

It was utterly out of my power to refuse this appointment, without exposing my character to such censures, as would have reflected dishonor upon myself, and given pain to my friends. This, I am sure, could not, and ought not, to be pleasing to you, and must have lessened me considerably in my own esteem.

Washington’s consciousness of his own honor, reflected in and reflecting the honorableness of his friends, provided the touchstone of his conduct. At the highest level, his civility was thus a form of magnanimity. As Aristotle explains, the magnanimous man accepts external honors as the highest tribute that can be paid him, but regards all such popular offerings as vastly inferior to his own sense of dignity and propriety.

One of the most instructive displays of Washington’s magnanimity was his response to Colonel Lewis Nicola’s letter, on May 22, 1782, proposing that Washington be made king. At this time the Continental Army was still assembled, and its soldiers were deeply aggrieved due to the fact that they had not been paid what Congress had promised them for their service. Washington might well have led this justly disgruntled army to Philadelphia to assume the role of king or dictator. Instead he replied to Nicola’s proposal as follows:

With a mixture of great surprise and astonishment I have read with attention the Sentiments you have submitted to my perusal.... I am much at a loss to conceive what part of my conduct could have given encouragement to an address which to me seems big with the greatest mischiefs that can befall my Country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable.... Let me con-

jure you then, if you have any regard for your Country, concern for yourself or posterity, or respect for me, to banish these thoughts from your Mind, and never communicate, as from yourself, or any one else, a sentiment of the like nature.

What is remarkable here is the letter’s tone: not outraged or accusatory, it was calculated to shame. And indeed, Nicola was so ashamed that he wrote three apologies in as many days.

In this short letter, Washington refused the honor of being king on the remarkable grounds that it was beneath him! Honor without principle would be infamy; true honor lay in performing just and noble deeds for their own sake, not for the sake of extrinsic rewards. And in the most fundamental sense, the letter’s tone was “civil”; it was not the voice of a commander upbraiding his inferior officer, but of one civilian to another. The foundation of civilian control of the military was the civility of the commanding general — his reasonable control of his militant passions.

Thus did Washington’s civility lay the basis and set the standard for republican citizenship in America. His virtues may be considered the final cause of the new regime, even as they played an indispensable role in its efficient causation — the victories won by the Continental Army. Be that as it may, the formal cause of the new order was something different. This was the great principle, proclaimed in the Declaration of Independence, “that all men are created equal.” It is a matter of some academic and political dispute today how this was understood at the time. Certainly, however, there should not be any dispute over how Washington understood it.

In his General Orders to the Army on March 1, 1778, Washington wrote that the fortitude of

the virtuous officers and soldiery of this Army...not only under the common hardships incident to a military life, but also under the additional sufferings to which the peculiar situation of these States have exposed them, clearly proves them worthy of the enviable privilege of contending for the rights of human nature, the Freedom and Independence of their Country.

In addition to Washington’s own honor, then, there is an honor due to human nature, which honor may be called the rights of man. It is an “enviable privilege” to contend for them because they are something special: they are based on what is special to man — his rank in Creation. Man’s possession of reason distinguishes him from the beasts, but his imperfect possession of reason — above all

the fact that his passions may cloud his reason – distinguishes him from the divine being, the kind of being whose rationality is perfect and unaffected by desire. As the in-between being, man’s dignity derives from his place in this ordered universe.

## Civility and Citizenship in the Founding

**WASHINGTON EXPRESSED** the whole purpose of the Revolution – in words that would be echoed, I might note, in the Hillsdale College Articles of Association – as follows: “The establishment of Civil and Religious Liberty was the Motive which induced me to the Field...” In the Christian West prior to the American founding, citizenship and civility were both endangered. Christianity, when established by temporal authorities, had the distressing if somewhat paradoxical tendency both to sap obedience to civil laws and to invite civil coercion in matters of faith. By virtue of the first tendency, citizenship became peculiarly problematic. By virtue of the second, civility became swamped by fanaticism and hypocrisy. Restoring the foundations of civility and citizenship under these conditions was the great accomplishment of the American founding. It did this in the name of civil and religious liberty, not explicitly of virtue, for the deepest cause of the civil war within the Christian West had really been the dispute over the meaning of virtue – not only between competing religions, but between the rational and revealed accounts of virtue, skeptical reason and faithful obedience. But this was a debate that had to be carried on at the highest intellectual and spiritual levels. It could not be conducted politically, and any attempt to do so was bound to be tyrannical. This had been the cause of the holocausts of the Old World. In America, people would have the liberty to carry on this transpolitical debate while cultivating the civic and religious friendship that was its precondition and product.

Two principles were required: a ground of citizenship and a ground for separating citizenship from church membership. Both were found in the doctrine of the rights of man. In the first place, the basis of political obligation was found in the consent of each individual, premised on the grounds of their natural freedom and equality. At the same time, religious liberty is secured by virtue of the limited nature of the social contract. “Civil government” and “civil liberties” are made possible by excluding questions of revealed truth from determination by political majorities. Majority rule and minority rights can be made consistent only on this basis. Limited government is thus essential

to the rule of law. But the justice of limited or moderate government for all times and places depends upon the limits of human knowledge, whether viewed in terms of Socratic ignorance or man’s inferiority to God. In light of these limits, the separation of church and state means that revelation is not forced to overrule the protests of human reason, nor reason compelled to pass judgment on the claims of revelation. The limits of human wisdom from every point of view thus affirm the justice of limited government and of citizenship governed by civility. Both are embodied in the Constitution of 1787.

## Civility and Citizenship Today

**THE PRINCIPLE** that binds our political parties together – as it binds American citizens together – is allegiance to the Constitution. And as I recently observed in *The Claremont Review of Books*, the disturbing thing about the election of 2000 was how thin that allegiance sometimes seemed. In the days after November 7, it was widely and repeatedly suggested that because the Vice President appeared to have won a plurality of the nationwide popular vote, he somehow must have won Florida’s popular vote, whether or not the election tally confirmed it. Furthermore, it was suggested that his national plurality meant that he somehow deserved Florida’s electoral votes and thus the presidency. Those proposing these arguments seemed to be saying that it was not how Americans actually voted but how they meant to – or should have – voted that counts. This is a theory that hitherto has been at home only in banana republics and the phony “people’s republics” of the Communist world. In any event, they never backed away from the notion that the moral high ground was held by the popular vote, not by the Electoral College. So it was not surprising to hear that Senator-elect Hillary Rodham Clinton promises as her first official act to support an amendment to abolish the Electoral College.

The Electoral College is a crucial part of the Framers’ machinery for combining democracy with constitutionalism and the rule of law. It ensures that the president will be chosen not by a plebiscitary majority but by a constitutional one, distributed by states and moderated by the need to accommodate a variety of interests and viewpoints. Without the Electoral College, our political party system would fragment, smaller and more extremist parties would proliferate, and election fraud would multiply enormously. To abolish the Electoral College would be to strike at the heart of the Constitution.

The constitutional majority is, in fact, the only majority that has ever governed the United States as a free country. We don’t determine which party

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controls the Senate or the House of Representatives by pointing to the raw national vote totals rung up by each party. We count the votes by state or by congressional district, and control of the House or Senate goes to whichever party has won more of the individual races. The same principle applies to the presidency. Whoever wins the majority of the electoral votes cast by the states is thereby elected President. This is not really a question of democracy. The principles of one man, one vote, majority-rule democracy apply scrupulously in every state. Rather the issue is democracy with federalism (the Electoral College) versus democracy without federalism (a national popular vote).

In any case, one prays that current events in Florida do not herald other attempts to break the customary, unwritten rules of our constitutional democracy. These habitual rules are fostered by the Constitution, and nourish it in turn. We undermine and weaken them at the peril of our country.

To conclude: the Founding Fathers were hopeful but not sanguine about the prospects of the American experiment in free government. In his famous Circular Letter of June 14, 1783, Washington wrote:

The foundation of our empire was not laid in the gloomy age of Ignorance and Superstition, but at an Epoch when the rights of mankind were better understood and more clearly defined, than at any former period; the researches of the human mind, after social happiness, have been carried to a great extent; the Treasures of knowledge, acquired through a long succession of years, by the labours of Philosophers, Sages and Legislatures, are laid open for our use, and their collected wisdom may be happily applied in the Establishment of our forms of Government; the free cultivation of Letters, the unbounded extension of Commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had a meliorating influence on mankind and increased the blessings of Society. At this auspicious period, the United States came into being as a Nation, and if their Citizens should not be completely free and happy, the fault will be entirely their own.

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The auspices could not have been more favorable, but the political lesson was that the freedom and happiness of the American people, and the destiny of the civilization they represent, depend on their conduct. As shown in their list of grievances against the British king in the Declaration of Independence, the Founders were well aware that "cruelty and perfidy scarcely paralleled in the most barbarous ages" could be committed by "the Head of a civilized nation" — were aware more generally that ages of science and commerce could be just as barbarous, in some respects more barbarous, than ages of "Ignorance and Superstition."

It was precisely such a threat from within that faced the United States less than 75 years later in the Civil War, when civility and citizenship were rent in two by the controversy over slavery. It was in the midst of this crisis that Abraham Lincoln, leaving

Springfield for the nation's capital, declared somberly that he went "with a task before me greater than that which rested upon Washington." In contemplating the future of American citizenship and civility, we ought to remember how he bore that task — and what he may have learned to help him bear it, as an avid student of the life of Washington, and of the constitutional morality Washington embodied and upheld. ▲





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