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Democracy, Freedom, and the Declaration of Independence

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The American Declaration of Independence and the nation it formally brought into existence in July 1776 changed the course of democracy in the West. Before the Declaration and the birth of the United States, democracy generally had a bad name. It was considered an unstable regime prone to descent into demagoguery and dictatorship. After the American founding, however, democracy came to be associated with the basic requirements of political justice. Crucial to the transformation of democracy's reputation was the distinctive alliance that the Declaration forged between democracy and the defining conviction of the modern tradition of freedom—of which the Declaration is a landmark document—that human beings are by nature free and equal.

That alliance gave birth to the regime known as liberal democracy. Today, we take the alliance for granted so much that Americans typically refer to their regime as a democracy, without modification. This simplification, however, obscures the tension between the protection of what the Declaration calls unalienable rights—the rights inherent in all human beings—and the rule of the majority. The use of the term “democracy” when liberal democracy is meant also cloaks the advantages to democracy that derive from its alliance with unalienable rights.

Over the nearly two and a half centuries, convictions about unalienable rights that gave birth to the nation but that do not belong to democracy's original and core meaning have tempered, stabilized, and elevated constitutional government in America. As the United States confronts alarming levels of discord, division, and dysfunction, it is instructive to

reconsider the nation's founding principles. It is also useful to examine influential misconceptions propounded by some intellectuals about the moral and political implications of those principles and seminal lessons—ancient and modern—about democracy and freedom. A better understanding of the assumptions, ideas, and aims that spurred the transformation of 13 British colonies into the world's freest, most prosperous, and most diverse great power contributes to the restoration of that unity in diversity that remains, as it was at the founding, essential to advancing the public interest. Indeed, study of the Declaration forms a central component of liberal education, the distinctive form of civic education that is central to preserving and improving liberal democracy in the United States.

Clarifying Terms

The “liberal” in liberal democracy—which derives from the Latin *liber*, meaning free—does not refer to the political left but rather the modern tradition of freedom. That tradition antedates the contemporary distinction between left and right and has largely determined the issues over which the left and right in America have contended. The modern tradition of freedom rests on the conviction that, notwithstanding the countless differences among human beings, all are equal in basic rights. It affirms that the chief task of politics is to secure those rights. This conviction is wide and deep enough to encompass the writings of John Locke, Thomas Jefferson, James Madison, Adam Smith, Edmund Burke, Alexis de Tocqueville, John Stuart Mill, Friedrich Hayek, and Raymond Aron. It captures opinions held in common by most Americans throughout the nation's history. And of late it has been targeted by critics on both the right and the left as the principal source of the nation's ills.

Whereas the “liberal” in liberal democracy identifies a moral standard and states the major purpose of politics, the “democracy” in liberal democracy denotes the ultimate source of power in the regime. The root

meaning of democracy (*demokratia*), which derives from classical Athens, is rule (*kratos*) by the people (*demos*). However, “the people” does not refer to every human being or even every individual who lives under the laws of the city or state. “The people” means the collectivity of citizens, but this neither specifies who is to be included among citizens nor prescribes to what ends or within what limits power is to be exercised.

Typically, the people equate their rule with rule of the majority. Giving expression to majority will, the people can make wise or foolish laws, and they can govern cruelly or decently. The people can establish a state religion, punish impiety, censor speech, and ostracize citizens without trial, or they can leave faith to individuals and communities, guarantee free speech, and prohibit expulsion, with or without trial. The people can provide generously through laws for the poor, the sick, the elderly, the young, and all those who cannot care for themselves; they can leave those responsibilities to citizens in their private capacities; or they can combine those approaches. The majority can rule directly by, say, gathering in the town hall or submitting all political questions to referendum on the internet. Or they can rule indirectly by delegating authority to representatives, who can be chosen by drawing lots, which reflects the egalitarian belief in equal competence, or they can be selected through elections, which rests on the aristocratic belief that citizens can and should pick the best among themselves to concentrate on governing. The people can adhere to a strict majoritarianism, according to which the preponderance of citizens has the final say, or they can restrict their discretion by entrenching various rules that limit the expression of popular will. The people can, as did classical Athens, exclude slaves, women, and anyone else they wish from political life, or they can include everybody. And, if they so desire, the people can establish a liberal democracy—that is, a democracy grounded in individual freedom and human equality that, to protect the human rights all citizens share, sets firm limits on the action a majority can take regardless of its size and the intensity of its opinion.

A liberal democracy that emphasizes the importance of the moral and civic virtues to the preservation of political liberty and the accomplishment

of the common good is also called a republic, although not all republics affirm that human beings are by nature free and equal.

The Declaration's Self-Evident Truths

With the Declaration of Independence, the United States became the first nation anywhere to establish itself based on the principle “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.” Government’s chief purpose, states the Declaration, is to secure these universal rights, which are inseparable from our humanity. To accomplish that purpose, citizens must construct a variety of political institutions. And they will need to enact and enforce a variety of positive laws and positive rights—laws and rights that are not inherent in human beings but that, when tailored to varied and changing circumstances, safeguard citizens’ universal rights.

These convictions—or, as the Declaration refers to them, “self-evident” truths—stem from the convergence of several distinctive traditions. Their British heritage, stretching back to the 1215 Magna Carta and embracing the common law, the writings of John Locke, and the 1689 Bill of Rights, oriented Americans’ political thinking around rights and the need to limit government power. The biblical teaching that all human beings are created in God’s image (and in that sense at least are equal in relation to God) impelled Americans to provide, in a language accessible to all human beings regardless of their religious beliefs, an account of what citizens were owed by government and others in virtue of their humanity. And the civic-republican school, which derived from classical Rome and stressed the responsibilities of citizenship, connected for America’s founding generation the enjoyment of freedom to the readiness of a public-spirited citizenry to defend it.

The Declaration identifies “the Laws of Nature and of Nature’s God” as the source of its universal moral principles but refrains from pressing the

argument. A political document intended to unite Americans and explain the justice of their break with Britain to other nations and peoples, the Declaration does not elaborate theoretical justifications in support of its grandest philosophical and theological claims. Indeed, by insisting that the truths on which the nation was founded were “self-evident,” the Declaration shifts attention away from philosophy and theology to the general belief in individual freedom and human equality that was widespread among Americans.

Although it does not mention the term “democracy,” the Declaration also affirms as self-evident the core democratic idea that the people rule. Governments, the Declaration asserts, acquire their “just powers from the consent of the governed.” At the same time, the Declaration says nothing about the structure of government, leaving the people to determine—based on their customs, traditions, specific circumstances, and judgments—the institutional arrangements, political and civil rights, and laws best suited to securing their unalienable rights. The people needn’t be directly involved in every government decision, but all exercises of government power must be traceable to their consent.

The democratic principle of rule of the people converges with the principles of modern freedom in the conviction that free and equal individuals can incur an obligation to obey a law only by consenting to it. The modern notion of consent has precursors in the biblical idea of covenant and classical ideas of political obligation. In numerous variations, modern moral, legal, and political thinkers contend that just restrictions on the freedom to choose those actions and laws best calculated to preserve oneself and promote one’s happiness depend on one having chosen, in one form or another, those restrictions. Constraints on freedom are chosen well when they enhance the conditions under which freedom is enjoyed.

How effectively, though, does the theory of consent translate into practice? Does it not overlook that our habits, our beliefs about right and wrong, and our moral and political judgments derive not from considered choice alone, or even primarily, but from cultural inheritance, unwritten

but widely shared norms, long-standing institutions, and common practices? What of those who lack the opportunity to consent forthrightly and explicitly to their nation's founding—that is, most people most of the time? And, whether in a self-sufficient city or in a continent-spanning nation-state, why should one who takes consent seriously obey laws that are disagreeable or downright contrary to the public interest?

The modern tradition of freedom emphasizes that consent may be not only express but also tacit. By living in a political order that secures individual rights—including the crucial right to leave—and benefiting from the laws' protection, one signals one's acceptance of laws to which one has not expressly consented. Specific laws with which one disagrees do not justify disobedience because the consent that matters for the purpose of political obligation is not to this or that law but to the constitutional framework for making, executing, and adjudicating laws. In other words, the consent that the modern tradition of freedom places at the center of political legitimacy is the agreement to comply with all the laws that emerge from the lawful operations of the constitutional process. That includes those one thinks will diminish prosperity and erode security and those that one is convinced will advance the public interest.

Consent is not a blank check. Within the boundaries of the constitutional framework, citizens are expected to oppose the laws they think disadvantageous through criticism, through peaceful protest, and, not least, through building majorities to enact better laws, implement just reforms, and renovate established institutions.

Consent, moreover, is limited by the purpose for which it is granted, which is the protection of basic rights and fundamental freedoms. Foolish government action and ill-conceived laws do not nullify consent. Impairment of rights through shortsighted legislation, clumsy or sluggish execution, or flawed judicial reasoning does not release those who live under the laws from the obligation to obey. It is only government's massive, systematic, and irreversible onslaught on citizens' unalienable rights, the protection of which is government's chief purpose, that nullifies the citizen's obligation to obey the laws.

The Declaration also regards it as self-evident that, when government destroys the conditions for securing basic rights and fundamental freedoms,

it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Such a right will seldom be exercised. “Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes,” the Declaration stresses.

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Tyrannical government dissolves the grounds for consenting to state authority; therefore, revolution, in such extreme and unusual circumstances, is not a violation of the citizen’s duty but an expression of it.

Three Influential Misconceptions

Some modern critics have promulgated three influential misconceptions connected to the self-evident truths affirmed by the Declaration of Independence. One, disdainful of the modern tradition of freedom, argues that universal rights and consent are a disastrous scam. A second diminishes the scope of majority decision-making in the name of democracy. A third, also in the name of democracy, enlarges and emboldens expressions of the popular will to the detriment of freedom. All three erode the balance of democracy and freedom woven into the Declaration.

Call the first misconception “the disdain-and-dismiss strategy.” It comes in right-wing and left-wing versions.

According to the right-wing version, the Declaration—like the entire modern tradition of freedom—is based on a false and pernicious understanding of human nature and reason. Rights, it is asserted, are an imaginary construct; universal claims are a mirage; and consent has no stopping point. The modern understanding of freedom, it is alleged, ultimately impels human beings to seek emancipation from all limitations and to lose themselves in greedy, heedless, and debasing pursuits. The self-destructive illusions built into the Declaration’s principles, conservative critics contend, blind those who live under their sway to these perennial truths about politics and society: Men and women are social beings; custom and tradition mold opinions about justice and happiness, promote the cultivation of virtue, sustain the family, and nourish community and faith; and a well-lived life requires dedication to the common good.

The left-wing version of the disdain-and-dismiss strategy agrees with the right-wing version that rights are a false and pernicious invention and universal claims are a mirage. But instead of seeing the Declaration’s principles as a vehicle for the chimerical quest for total freedom, progressive critics view them as a mechanism for perpetuating racism, sexism, and sweeping inequalities of power, wealth, and status. One variant of the left-wing critique argues that unalienable rights—particularly religious liberty and economic freedom—create domains largely set off from government supervision that permit individuals to preserve and reproduce biases that underwrite systemic oppression. A more aggressive variant contends that rights and consent are themselves instruments used by dominant racial or ethnic majorities to oppress minorities.

Both the right-wing and left-wing versions of the disdain-and-dismiss strategy blame the nation’s founding principles principally and often exclusively for what they most detest in America today. Both ignore, among other things, the link between the nation’s founding principles and the purposes they cherish. On the one hand, conservative critics disregard the close connection between unalienable rights and consent and the

limitations on government that protect families, communities, and faith. On the other hand, progressive critics overlook the force of unalienable rights and consent as a standing reproach to the injustices they denounce and as a crucial source of inspiration to reformers who have advanced the cause of equality to which progressive critics profess devotion.

The second misconception might be called “the Rousseauian gambit.” Receiving its classic expression in Rousseau’s account in *The Social Contract* of “the general will,” the Rousseauian gambit has been enthusiastically used over the past several decades by progressive professors of political theory and law. It radicalizes the notion of tacit consent by ascribing democratic supremacy to laws and public policy that intellectuals determine to be in the people’s best interest, regardless of the majority’s expressed preferences and not infrequently contrary to majority wishes. These professors purport to discern through a variety of thought experiments designed to model moral and political reason—an original position, an ideal speech situation, an imagined colloquy of reasonable people—what men and women would agree about specific questions of law and policy if only they had been properly educated and their judgment had not been corrupted by upbringing and social environment, selfishness and greed, ignorance and superstition, class interests, or bigoted opinions about race, ethnicity, and sexual and gender orientation.

The Rousseauian gambit accomplishes a breathtaking inversion. In the people’s name and for democracy’s sake, it shifts democratic legitimacy from choices made in the voting booth by actual majorities to choices made by professors in faculty seminars, academic conferences, and scholarly writings about the decisions ordinary men and women would make if they understood their true interests. The intellectuals’ insistence on preserving the term “democracy” for what amounts to rule by the highly educated and well credentialed attests to democracy’s prestige. It also reveals the extent to which the intellectuals presume to have overcome their own implicit biases, narrow interests, and desire for wealth, status, and power to understand the people’s interests better than do the people themselves.

The third misconception arising out of the Declaration's principles exhibits the "refounding fallacy." Energized by the supposition that if one founding is good, many foundings must be wonderful, it attributes to every generation the right and responsibility to refound the nation. It finds support in the Declaration's affirmation of the people's right and responsibility to replace tyrannical government with "new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." But proponents of the refounding fallacy fail to take seriously the high bar—an "absolute Despotism" that destroys the conditions for exercising basic rights and fundamental freedoms—that the Declaration sets for refounding. The presumption that in every era the people must reconsider not only the nation's basic form of government but also the character of social relations and institutions conflicts with the Declaration's teaching that foundings should be rare and exceptional events.

The refounding fallacy spawns additional confusions. It blurs the Declaration's crucial distinction between the enduring constitutional framework to which consent is given—including the conviction that human beings possess inherent rights and that government's primary purpose is to secure them—and ordinary law and policymaking, the legitimacy of which rests on their having emerged from the processes prescribed by the constitutional framework. It erodes commitment to and gratitude for the nation's formal establishment in 1776 and the Constitution's drafting, ratification, and implementation between 1787 and 1789. It truncates perspective by directing attention away from the study of America's founding principles and constitutional traditions and incentivizes short-term thinking by encouraging far-reaching change based on fleeting passions and interests. And it weakens civic cohesion by insisting that the nation is perpetually in need of revolutionary transformation.

These three fallacies are not mutually exclusive: They often arise together. The refounding fallacy combines with the disdain-and-dismiss strategy and the Rousseauian gambit to conceal the decisive role the Declaration of Independence played in inspiring those who have, across

the generations, undertaken pivotal reform of the nation. This fallacy devalues America's founding principles and institutions by espousing the regular creation of new ones. The Rousseauian gambit cheapens founding principles by arguing that they mandate eminently debatable and decidedly partisan policy alternatives. And the disdain-and-dismiss strategy vilifies them as the root cause of injustice and social pathology in America.

American history offers a different perspective. Time and again, eminent reformers have advanced the cause of individual freedom and equality under law by drawing on the Declaration. They did not rewrite or replace, much less revile, America's 1776 founding principles. They effectuated and vindicated them.

The clash between America's founding principles and the realities of American politics has been decided repeatedly in favor of the founding principles. Even as the institutionalization of slavery and the constitutional protection given to it betrayed the Declaration's affirmation of unalienable rights, that affirmation of rights inherent in all human beings issued a devastating indictment of slavery. The nation violated the promise of unalienable rights in many other ways: the exclusion of women from voting, the brutal treatment of Native Americans, the post-Civil War perpetuation of racial discrimination through Jim Crow, and other forms of discrimination based on race, ethnicity, and sex and gender. But each of these has been opposed and combated precisely in the name of the Declaration's principles.

Nevertheless, criticism of the nation's founding principles flies fast and furious. Many call into question the sincerity of the nation's founders. Others contend that the principles of freedom and equality served, and continue to serve, to disguise, legitimate, and perpetuate oppression. Such dark suspicions cannot be simply dismissed. Who can doubt that the founders' hearts were impure? Who can fail to recognize that in the United States—as in every democracy under the sun—high-minded principles have been invoked to cover up or rationalize cruelty and preserve a corrupt status quo?

Many founders—prominently including slave owner Thomas Jefferson, the Declaration’s principal drafter—acknowledged the searing contradiction between the affirmation of unalienable rights and the horrible reality of the state-sanctioned treatment of human beings as property:

The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. . . . I tremble for my country when I reflect that God is just, that His justice cannot sleep forever.¹

Contemplating slavery in America, Jefferson wrote: “Nothing is more certainly written in the book of fate than that these people are to be free.”²

Indeed, reformers throughout American history demanded freedom for those deprived of it by appealing to the unalienable rights in which the Declaration grounded American self-government. In 1848 at Seneca Falls, Elizabeth Cady Stanton adapted Jefferson’s phraseology to argue in the Declaration of Sentiments that women deserve the full panoply of rights promised by the Declaration of Independence. In 1852, freed slave Frederick Douglass in “What, to the Slave, Is the Fourth of July?” and, in 1854, abolitionist William Lloyd Garrison in “No Compromise with the Evil of Slavery” invoked the Declaration to demand the end to slavery and the full emancipation of black men and women. In 1863 in his address at Gettysburg, President Abraham Lincoln called on the nation, based on the Declaration’s principles, to midwife “a new birth of freedom.” In 1941, echoing the Declaration’s language, President Franklin Delano Roosevelt insisted in his Four Freedoms speech that in domestic affairs the United States was committed to equal human rights and in foreign affairs to the rights of nations that stem from human rights. And in 1963, from the steps of the Lincoln Memorial, Martin Luther King Jr. proclaimed in his “I Have a Dream” speech that ending racial discrimination requires a renewed dedication to the nation’s founding principles inscribed in the Declaration and institutionalized by the Constitution.

Six Enduring Lessons

Liberal democracy emerges from the blending of two related principles: Human beings are by nature free and equal, and just political power derives from the consent of the governed. The rights shared equally by all authorize the people's power while setting limits on its exercise. Within those limits, the people directly—or through their designated representatives—make laws, set priorities, allocate resources, and adopt a variety of measures to promote their security, prosperity, and general welfare. Freedom and democracy, however, neither supply all the inspiration, guidance, and judgment that yield responsible self-government nor specify the beliefs, practices, and institutions that foster virtue and prepare citizens to achieve happiness.

Fortunately, the history of political philosophy is rich with lessons pertinent to the well-being of liberal democracy in America. Some of those lessons derive from classical thinkers but apply to all democracies. Some spring from modern thinkers for whom the minimally adequate form of democracy is one that protects basic rights and fundamental freedoms.

The six lessons distilled here are not the only ones relevant to grappling with the perturbations and dislocations that roil America today, nor are the thinkers from whom they are gleaned alone in providing vital insights. But these thinkers offer particularly salient lessons at this moment. Even as it confronts internal fissures and aggressive authoritarian competitors beyond its borders, liberal democracy in America has grown confused about its constitutive elements, its governing purposes, and its necessary limitations. At the same time, it has lost sight of, or taken to fulminating against, the sources that sustain it. That something similar could be said about many other liberal democracies around the world underscores the urgency of reexamining enduring lessons about free and democratic self-government.

Thucydides furnishes the first lesson: Democracy's achievements are bound up with a common inheritance that shapes citizens' character and

unites the people. In *The Peloponnesian War*, the Greek historian attributes the defeat of democratic Athens by autocratic Sparta in their 27-year military conflict to the logic of geopolitics, Athenian hubris, unpredictable natural disasters, and the virtues of Spartan autocracy. Early in his account, Thucydides presents a funeral oration—an ancestral custom to honor fallen soldiers, console the bereaved, and fortify citizens for coming battles—delivered by the Athenian statesman Pericles. Emphasizing the virtues that set Athens apart, Pericles salutes but does not dwell on preceding generations' courage in preserving the city's freedom, acquiring Athens's empire, and passing it on to subsequent generations. Nor does he, despite the military context, linger on the present generation's military virtue. Rather, he elaborates the leading features of the Athenian regime and the most splendid of the citizens' nonmilitary virtues.

Favoring the many over the few, Athenian democracy regards all citizens as free and equal while respecting and awarding merit, according to Pericles. For fear of disgrace, Athenians obey the unwritten moral code, as well as the written. The city opens its doors to foreigners, and instead of the harsh discipline central to Spartan education, it relies on the good habits born of leisure. It instills the higher virtues while checking their associated vices: "We cultivate," states Pericles, "refinement without extravagance and knowledge without effeminacy." Ordinary citizens are "fair judges of public matters," while "in our enterprises we present the singular spectacle of daring and deliberation, each carried to its highest point, and both united in the same persons; although with the rest of mankind decision is the fruit of ignorance, hesitation of reflection."³ Notwithstanding Pericles's idealized picture of Athens, intended to fortify the people's resolve at a moment of grief and uncertainty, the larger point stands: Democratic citizens' security, prosperity, and flourishing rest on qualities of mind and character rooted in a shared way of life that is not produced by but rather undergirds the people's rule.

Plato provides the second lesson: Democracy encourages vices that destroy the people's rule. In Books VIII and IX of *The Republic*, Socrates examines the decline of regimes, from the best of them, in which

philosophers rule, to tyranny, the worst. Although admirable for the diversity of human types to which it is home, democracy is the second-worst kind of regime, giving birth to tyranny, according to Socrates. Democracy is marked, in his account, by the sweet freedom to do as one pleases. It treats citizens as equals regardless of their virtues, leaving each to gratify every passing desire, as if all were of the same moral worth. It empowers the multitude to act on their preference for flatterers over noble and courageous statesmen. And it upends traditional authority and erodes customary restraints. Fathers behave childishly, and sons strut proudly. Teachers fawn on students, and students mock teachers. In general, adults ingratiate themselves with the young, while the young take on grown-up airs. Rules governing relations between the sexes grow slack. Averse to authority of any sort, democratic citizens eventually shrug off the laws, both written and unwritten.

This “extreme of freedom,” maintains Socrates, ineluctably produces the extreme of slavery, which is tyranny. In the name of equality, the multitude undertakes to expropriate and redistribute the property of the rich few. Because the rich do not readily acquiesce, the people rally behind the strongest and most ruthless man, one who promises to use the most effective measures—prominently including violence, imprisonment, and worse—to make the city truly equal. This, however, results in a radical form of inequality as the people’s champion concludes that he must continually accumulate power to protect himself from those who resent his strength and ruthlessness. One does not have to accept every particular of Socrates’s account of democracy’s inevitable descent into tyranny (or the inevitability of the descent) to grasp the destabilizing vices that democracy fosters by eroding the distinction between freedom and license and encouraging the treatment of all wants, needs, and desires as equal.

Aristotle supplies the third lesson: To enjoy its benefits and contain its flaws, democracy must be combined with other just, if partial and incomplete, claims to rule to form a balanced mixed regime. In practice, as Aristotle argues in Book IV, Chapter 11 of *The Politics*, democracy amounts to rule of the largest segment of the people, who tend to be the less well-off.

Democracy, he maintains, should be merged with oligarchy, or rule of the few, who tend to be well-off. This produces a mixed regime that Aristotle calls “polity” and that he contends is the best system that is practically obtainable in most circumstances. Mixing of claims to rule, for Aristotle, is not merely a matter of expediency. Both the well-off few and the less well-off many exhibit characteristic virtues and vices. Owing to their larger accumulations of property, citizens who are well-off have a greater stake in the political community. The acquisition of wealth and the leisure that it brings, moreover, allow for the development of skills and knowledge essential to production, commerce, finance, diplomacy, and lawmaking. Meanwhile, the many who are less well-off draw on a substantially greater fund of perceptions and experience. They demonstrate in a variety of cases more reliable judgment than do the well-off few.

For both the few and the many, typical vices accompany the typical virtues. Owing to their lives of luxury, the well-off few “tend to become arrogant and base on a grand scale,” developing an aversion to being ruled and knowing only how to rule like masters. The many, disposed to be “malicious and base in petty ways,”⁴ cannot rule effectively because of their neediness and because they only know how to be ruled like slaves. Accordingly, Aristotle argues, the city is best off when it incorporates into the mix a substantial middle class, which is disposed to foster the virtues of the few and of the many while tempering the vices of both—in no small measure because it is likely to value stability and peace.

These first three lessons, drawn from the classical world, are particularly valuable to us now because they speak from an age that did not take the value of democracy for granted and so could perceive its flaws and limitations with more open eyes. They clearly inform the three lessons we draw from more modern observers.

Madison contributes the fourth lesson: A rights-protecting democracy must find means for counteracting democracy’s characteristic ailments that are consistent with the people’s sovereignty and the limits on government imposed by individual rights. In *Federalist* 10, Madison focuses on factions—groups of citizens motivated by passions or

interests contrary to the rights of individuals and groups or otherwise at odds with the public interest. History and theoretical reflection alike teach that “a pure democracy”—one in which the people rule directly, unlimited by any other moral principle or political claim—produces but cannot provide a remedy for factions: “A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual,” Madison writes. “Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.”⁵

The solution is not for government to tightly regulate action or impose uniformity of opinion, because those expedients destroy the very individual freedom that liberal democracy is established to protect. Instead, the people must create political institutions that respect the principles of freedom while cooling judgment, fostering deliberation, and incentivizing compromise.

One such institution that the Constitution incorporates is representation through elected officials. Accountable to the people, these public servants will have a personal interest in advancing the public interest through their ability to “refine and enlarge” citizens’ opinions. Another remedy to the dangers of majority factions in democracy is to increase their number by enlarging the size of the nation beyond the parameters of a city, parameters traditionally thought to represent democracy’s natural limits. Far from undermining America’s ability to enjoy the benefits of self-government, the size of the nation and the diversity of public opinion—political, religious, sectorial, and economic—would enable the American experiment in ordered liberty to establish a stable republic. The greater the number of factions, the less chance of any one of them accumulating enough power to impair the rights of individuals or imperil the public interest. Representation and extension of the size and diversity

of the nation provide remedies to liberal democracy's characteristic ailments that are consistent with liberal democracy's essential principles.

Tocqueville elaborates the fifth lesson: Political freedom furnishes a vital counterweight to the vices spawned by democracy, not least because of the opportunities it provides to exercise self-government outside formal political institutions. In the introduction to *Democracy in America*, Tocqueville argues that democracy is not merely rule of the people but also a form of life defined by an "equality of conditions" that permeates both politics and society. In politics, democracy "gives a certain direction to public spirit, a certain turn to the laws, new maxims to those who govern, and particular habits to the governed." Within society, "it creates opinions, gives birth to sentiments, suggests usages, and modifies everything it does not produce."⁶ While affirming democracy's justice, Tocqueville also sought to reduce its costs. The democratic spirit loosens morals; dissolves bonds of friendship, family, and citizenship; and steers attention from human greatness and transcendent goals to mundane activities and material goods. This narrowing of imagination, lowering of standards, and impoverishment of aspirations dispose individuals to obedience to a tutelary government. Such "gentle despotism" ensures—and confines the people's interests to—security and comfort.

Tocqueville found a remedy to democracy's deleterious tendencies in civil society—that wide domain between the individual and the state made possible by limited government—where much and, often, the best parts of life are lived. For example, by distinguishing church from state, the US Constitution empowers religious faith in America to restrain the impulses and the imagination to which democracy gives free rein. It allowed religious voices to speak from outside and, in some respects, above the political realm and so offer a distinct source of authority and insight. In addition, the "art of association," whereby Americans organized themselves into a multitude of groups and organizations—charitable, civic, cultural, educational, recreational, and more—enabled citizens to take responsibility for themselves and their families and communities. Through the public-spirited virtues it fostered, Americans'

proclivity to associate, argued Tocqueville, staved off “individualism,” a malady to which democracy disposed citizens. Individualism did not involve egoism but rather the retreat from civic duties into a small circle of friends and family. The problem was not with friends. Nor was it with the family, which, thanks largely to women—whose greater independence under democracy Tocqueville saw as beneficial and inevitable—provided the essential moral education in America. The problem was with friends and family as substitutes for civic engagement. All in all, Tocqueville teaches, liberty under law gives citizens within civil society opportunities to cultivate moral virtues and skills of citizenship that provide remedies to democracy’s disadvantages.

Mill offers the sixth lesson: Democracies grounded in respect for individual freedom require a robust conservative party and a robust progressive party. In *On Liberty*, Mill connects the need for a party of the right and a party of the left to the case for free speech. Our interest in free speech, he argues, stems in the first place from our interest in the truth. In moral and political matters, there is almost always something to be said on the other side of the question. Even wrong opinions either contain a neglected but important element of truth or offer a valuable provocation, the encounter with which strengthens appreciation of the true opinion. A crucial corollary is that free and democratic political orders depend on both “a party of order or stability, and a party of progress or reform.”⁷

In principle, a single, superior mind could contain the truths that are better grasped by conservatives and those best appreciated by progressives. In practice, however,

unless opinions favourable to democracy and to aristocracy, to property and to equality, to cooperation and to competition, to luxury and to abstinence, to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom and enforced and defended with equal talent and energy, there is no chance

of both elements obtaining their due; one scale is sure to go up, and the other down.⁸

Owing to human fallibility—not least the propensity to confuse partial truths and congenial falsehoods for the last word on hard questions—liberty of thought and discussion is essential:

Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners.⁹

Mill goes so far as to argue that, on the toughest and most important questions of morality and politics, society has an urgent interest in ensuring toleration of and a thorough hearing for the minority opinion.

These lessons of free and democratic self-government may not yield concrete measures to address the burning issues of the day. But they highlight crucial factors to consider in designing laws, fashioning policies, implementing government decisions exercising discretion, and adjudicating controversies in ways that are most likely to advance the public interest in a liberal democracy.

Education for Freedom and Democracy

We must revisit such lessons and grapple with the leading misconceptions about freedom and democracy because of the failures of civic education in the United States, not least its neglect of the Declaration of Independence and its inspiring legacy.

An astonishing percentage of Americans lack basic knowledge about the assumptions, operations, and achievements of American constitutional

government. The higher they rise in the educational world, the more likely are students to encounter historically illiterate depictions of America as a uniquely unjust political society. Few colleges and universities make a priority of ensuring that their undergraduate students acquire an appreciation of America's founding principles and the key historical moments in the development of the American constitutional tradition. This is in part because a dwindling number of professors remain in the academy whose training and inclinations enable them to teach (and recognize the importance of) the subject.

The proper aim of civic education in a liberal democracy is to form citizens fit for free and democratic self-government. Civic education in America, therefore, is liberal education. In the United States, liberal education should give pride of place to the Declaration of Independence, which sets forth the nation's founding principles; to the Constitution, which institutionalizes the principles of freedom; and to constitutional history, which records America's achievements and setbacks in giving legal and political expression to the principles of freedom and democracy. Liberal education in the United States should prominently feature economics, jurisprudence, and diplomacy and national defense because of their centrality to the nation's security and prosperity. It should explore America's inheritance—not least biblical and classical—because these traditions have nourished and shaped liberal democracy in America. It should teach the painful facts about racism in the United States and other forms of bigotry and injustice while examining the political heroism of the men and women who drove reform by calling the nation to honor its promise to secure for all its citizens the rights human beings share. It should consider alternative forms of government and other civilizations, the better to put America's accomplishments and transgressions in perspective. And it should feature literature, history, philosophy, and theology because they refine our understanding and invigorate our imaginations by illuminating the fundamentals of human nature and the endless complexities of the human condition.

Rightly understood and responsibly undertaken, liberal education in America not only transmits vital knowledge but also cultivates toleration of diverse opinions, curiosity and independence of thought, moderation of judgment, appreciation of the variety of ways of being human and of the many opportunities to promote the public interest, and gratitude for the freedom and prosperity to which all Americans are heirs. Such an education reflects the nation's founding principles as enduringly set forth in the Declaration of Independence and sustains liberal democracy in America.

Notes

1. Thomas Jefferson, *Notes on the State of Virginia: An Annotated Edition*, ed. Robert Pierce Forbes (1785; New Haven, CT: Yale University Press, 2022), 249–50.
2. Thomas Jefferson, *The Autobiography of Thomas Jefferson, 1743–1790* (New York: Knickerbocker Press, 1914), 77.
3. *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*, ed. Robert B. Strassler and trans. Richard Crawley (New York: Free Press, 1998), 253–54.
4. Aristotle, *Politics*, Book IV, chapter 11 (1295b4).
5. Alexander Hamilton et al., *The Federalist: The Famous Papers on the Principles of American Government*, ed. Benjamin F. Wright (New York: MetroBooks, 2002), 133.
6. Alexis de Tocqueville, *Democracy in America*, ed. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2002), 3.
7. John Stuart Mill, *On Liberty*, ed. Gertrude Himmelfarb (London: Penguin Books, 1988), 110–11.
8. Mill, *On Liberty*.
9. Mill, *On Liberty*.