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# ATTAINING ROGERS SMITH'S CIVIC IDEALS

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## INTRODUCTION

Rogers Smith's recent work<sup>1</sup> represents a new start in the academic liberal community. Rejecting the tendency to "begin inquiry by constructing highly abstract principles, scenarios or hypothetical conditions,"<sup>2</sup> he engages in a historically grounded normative enterprise.<sup>3</sup> Perhaps most welcome is his attention to tradition. By recognizing the important role inherited ideas play as sources of certainty, comfort, and identity, Smith provides a sophisticated explanation for our failure to realize liberal values. His arguments for liberal reform therefore pack a welcome empirical punch.

But are Smith's recommendations for reform practical? An important part of his remedy for our liberal shortcomings is eliminating "mythic" descriptions of our national origins and purposes.<sup>4</sup> Smith argues that myths glorify our community as a unique and special place. He asserts that discriminatory and inequitable citizenship laws often arise when elites manipulate ascriptive identities related to this glorification.<sup>5</sup> He therefore proposes that we reject myths and their associated political identities as the grounds for justifying policies and replace them with a critical understanding of history, a tentative political identity, and justification through "reflective equilibrium."<sup>6</sup>

Can we justify reform and reject all the "mythic" texts Smith associates with dangerous forms of identity? I argue that if we define myth, as Smith seems to, as a bundle of collectively held texts that celebrate national history, describe a natural order, and invoke heroes,<sup>7</sup> his prescription fails to account fully for the situated political behavior he describes. If we constantly struggle to fulfill the promise of liberal ideals within the context of traditions,<sup>8</sup> we are compelled to employ social texts describing a natural order and invoking heroes alongside Smith's critical history. Smith is forced to choose between

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reform as a political project and his fear of the civic identity multiple texts might create.

### SMITH'S ARGUMENT

By challenging our understanding of American history and civic identity, Smith beckons us to embrace a skeptical, pragmatic stance.<sup>9</sup> Smith argues that our history, correctly understood, reveals a failure to live up to liberal ideals, exposes the reasons for our failures, and helps justify the need for continual reform. *Civic Ideals*, the core of his historical argument, demonstrates that U.S. citizenship laws have often been based illiberally on race, gender, and other ascriptive characteristics.<sup>10</sup> He locates the origin of those laws in celebratory myths and political needs and blames those myths and needs for our reluctance to reform.<sup>11</sup>

Smith's analysis is based on three fundamental premises. The first is that civic identity is artificial, because political communities are themselves artificial.<sup>12</sup> *Civic Ideals* begins by asserting liberals no longer accept that citizenship in a particular state "is sanctioned by divine will and rationally discoverable natural law."<sup>13</sup> We are left to understand how citizenship is constructed. Smith pursues this project by examining the historical evidence citizenship laws provide and the political and cultural texts that justify those laws. This examination, he argues, reveals that our nation's often incoherently mythical self-depiction has spilled over into the application of normative principles.<sup>14</sup> This finding allows Smith to address a basic quandary of American life—why we have historically embraced liberalism while time and again we have also accepted ascriptive and unequal conceptions of citizenship.<sup>15</sup>

The second premise holds that liberalism is not and logically cannot be the source of ascription. Smith solves the quandary posed by our illiberal heritage by arguing that partly liberal combinations account for and justify ascriptive citizenship laws.<sup>16</sup> Pointing to our mixed legacy of Enlightenment and Protestant thought, he argues that our political discourse draws upon "multiple traditions," including liberalism, republicanism, and various religious and racist traditions.<sup>17</sup> The latter three are the true sources of ascriptive accounts. Americans historically have conceptualized and justified illiberal citizenship laws, he asserts, by combining those sources of ascription with liberal concepts in celebratory but ultimately incoherent descriptions of our origins and destiny.<sup>18</sup>

The third premise dismisses claims that ascriptive conceptions were present only early in our history, or are really unimportant. Smith insists that ascriptive conceptions are present, and importantly so, throughout the history of the United States.<sup>19</sup> He rejects a purely cultural or narrowly historical explanation for the rise of ascriptive citizenship laws and other illiberal policies, and embraces one that is political, cultural, and still relevant. He argues that politicians and ordinary citizens are continually tempted away from pure liberalism toward its fundamentally incoherent combination with other, ascriptive traditions. Generalizing from his historical observations, he observes that elites are always attracted by the option of playing on the masses' identity-related hopes, fears, and appetites to ease the burdens of nation building and like to take advantage of the inevitable backlash against liberal reform established interests foment.<sup>20</sup> The masses are also to blame in Smith's description, for he argues they in turn are eager to reward those elites who provide them with comfortable, ascriptive accounts of their community and narrow, materially advantageous citizenship laws.<sup>21</sup>

Smith explains our vulnerability to the politics of ascriptive analysis by describing us as self-interested beings in search of existential meaning. He suggests that because liberalism recognizes the artificiality of human communities and political identities, it has difficulty providing the deeply satisfying political identity we require for nation building and that it struggles to justify the traumatic changes that often accompany liberal reform.<sup>22</sup> This difficulty leaves people open to the seductively ascriptive stories other traditions provide, especially when those stories enhance their self-worth while justifying policies that benefit particularistic interests. Due to their self-interested search for existential meaning, even citizens who embrace liberal values are vulnerable to politicians who manipulate political identity.<sup>23</sup>

Given this complex explanation for our failures to realize liberal principles, Smith asserts that constructing a civic identity is both necessary and dangerous.<sup>24</sup> While he affirms that ascriptive identities continue to jeopardize our liberal democratic goals, he rejects the views of Rawls, Dewey, and Taylor, arguing that their weak commitment to civic identity does not address its practical necessity.<sup>25</sup> He wishes us to discard earlier forms of civic identity, but not abandon the effort of tying citizens to our political community. He argues that if we do not build a normatively defensible civic identity, we leave ourselves open to ascriptive varieties. The key to a desirable civic identity is the rejection of *all* political myths. Smith maintains that ejecting ascriptive myths alone from texts describing our civic identity is insufficient. The celebratory tone of even liberal myths can lead to the incorporation of ascriptive

explanations of our success into our civic identification and thereby lead to the justification of illiberal policies.<sup>26</sup>

Smith's hostility to myth as a source of liberal civic identity is further bolstered by the conclusions he draws from his analysis of liberalism's philosophical foundations. Surveying liberalism's modern successes and failures, Smith attributes the latter in part to liberalism's inability to provide moral and existential certainty.<sup>27</sup> Pure liberalism fails politically, he argues, because liberals are clear headed. Recognizing the incoherence of combining appeals to consent with references to natural law or theology, they justify their principles on pragmatic grounds. Myths, in contrast, simplify life's complexities in satisfying, uncomplicated tales of our origins and destiny. They are attractive because they can provide certainty. Liberalism therefore loses out in justificatory battles built on the "vertical" process of foundational arguments.<sup>28</sup> He notes that the best liberals can do is "horizontally" justify liberal policies by searching for the reflective equilibrium Dewey and Quine champion. This is a pragmatic and reformist process whereby we "recurrently compare some of our inherited beliefs against others and against our perceived experiences of the world." We can only arrive at "preliminary, tentative and uncertain" judgments at any one time. So far Smith merely identifies moral uncertainty as a major problem and implies that we have no choice but to turn to reflective equilibrium. Yet he also seems to embrace reflective equilibrium as desirable. He does not want liberals to duck foundational contests over justification only because they lose. He ultimately wants them to embark on a process of critical reflection because he does not want them to squander their lucidity. Reflective equilibrium preserves the skeptical, pragmatic spirit Smith embraces, while foundational justification does not. Thus, insofar as myth celebrates certainty and favors foundationalism, it is at odds with Smith's allegiance to skeptical pragmatism as an important attribute of a desirable civic identity.<sup>29</sup>

Smith ultimately conceptualizes the problem of civic identity in terms of committing citizens to our liberal community without glorifying it as special, perfect, or the repository of certainty. He urges us not to construct citizenship by engaging in highly abstract philosophical discussions of the self.<sup>30</sup> Nor does he favor a cultural conceptualization. Both tempt us to see ourselves as unique or faultless. Instead, consonant with his skeptical pragmatism, he proposes we continually rethink American political history while reconceptualizing our community and our connection with it. Smith holds that we should embrace and highlight our nation's shortcomings as well as its triumphs. We should reject myths because they merely exalt us and white-wash our history. By rejecting myth, we can eliminate compulsion and cul-

tural identity and instead emphasize political voluntarism and liberal ideals. His model of civic attachment, which balances identity with the critical distance he craves, is membership in a political "party of America." That form of identity, he argues, is desirable because it is transparently artificial and voluntary and holds its membership together by a combination of a normative vision, a shared history, and pragmatic appeals to instrumental good.<sup>31</sup>

### *SMITH, "MYTH," AND JUSTIFYING LIBERAL REFORM*

Smith's concern with defining the correct form of civic identity and eliminating myth is pragmatic. He argues that incorrect forms of civic identity and the acceptance of myths complicate the project of justifying and tying people to liberalism and liberal reform. Liberalism's foundations are weak and therefore lose out to myths in the battle for certainty. Liberal reform threatens comfortable identities and established interests, thereby spurring defenses of the status quo and making ascriptive laws materially and psychologically attractive. It is fair to say that despite the considerable energy he spends outlining the task of justifying liberalism and liberal reform, he is not sanguine about liberal justification. He seems to pin most of his hopes on liberal accomplishments in the practical realms of political and administrative structures, economics, family and individual life, society, and economics.<sup>32</sup> The best justification, he implies, is the kind of tangible success that generally satisfies material interests and makes people existentially more comfortable with this life.

But given the fact that he does expend much energy in writing, the intellectual part of justification must also be important to him. The portion that justifies liberal reform emphasizes the skeptical aspect of his skeptical pragmatism and comes in the shape of critical history. In *Civic Ideals*, Smith appears to create his critical history by applying liberal values to the past in the process of reflective equilibrium. The result of that process is the tentative prescriptions outlined above (reject myths and conceptualize civic identity like party membership) and a critical social text that replaces myth as a historical interpretation and source of political identity.

Smith's critical history portrays the United States as a diverse group of people struggling to obtain a multiplicity of goals and applying a variety of principles. Some of these goals and principles were not uplifting. Instead of a celebratory text, Smith supplies a sobering narrative. Its aim is not self-congratulation, but a justification of reform that depicts life as a struggle to do

right. It reminds us that doing right requires continuous moral reflection and critique, rather than an automatic recourse to traditions or comforting stories that chronicle our triumphant journey to a Promised Land.<sup>33</sup> Smith also intends this history to draw people into a nonascriptive, skeptical civic identity. He argues a critical history, in conjunction with a set of shared goals and interests, is psychologically sufficient to this task. While shorn of glory, he argues that it can tie people to their community without contributing the visions of exceptionality and perfection that make ascriptive citizenship laws politically viable.<sup>34</sup>

In contrast to this critical text, Smith comments that myths “have great, perhaps indispensable value” as sources of identity but argues that they are too risky.<sup>35</sup> He offers several descriptions of myths in the course of dismissing them as undesirable. In his introduction to *Civic Ideals*, he cites the *American Heritage Thesaurus* to define myth as “a traditional story or tale dealing with ancestors, heroes, supernatural events, etc., that has no proven factual basis but attempts to explain beliefs, practices, or natural phenomena.”<sup>36</sup> In his “epilogue,” he elaborates by arguing that myth is an account of civic identity valorized by a celebratory rendering of civic history. This valorization comes in part from an attempt to locate the community in a “special place in a transcendent natural or divine moral order.” It also comes, he implies in discussing the adequacy of history to provide civic identity, from the attempt to “find and follow a golden past full of mythic heroes.”<sup>37</sup> His definition of myth seems to be a collection of social texts that establish a history of “national superiority,” invoke a natural or transcendent order, and appeal to a nation’s heroes.

While it seems clear that Smith rejects a celebratory history in favor of a critical historical account, does he in fact shun texts describing natural orders and our nation’s heroes and rely solely upon his critical history? Is it possible to do without those social texts when justifying political reform?

We can begin answering these questions by examining what Smith does by creating his critical history. By using liberal values to create historical judgments, he fashions a textual justification of ends or goals. As he illustrates throughout *Civic Ideals*, a historical interpretation assesses how well a community has met its objectives. Smith analyzes American achievements and failures through the evidence of citizenship laws and the normative filter of liberal values. If we examine American history, he asks, which events mark a fulfillment of liberal values, and which a failure to fulfill them?<sup>38</sup> In turn, Smith uses this text to justify judgments of current policies. The past serves as a normative as well as explanatory model by supplying lessons he

uses to accept or reject policies.<sup>39</sup> He seems committed to this text alone as a collective source of justification.

I argue to the contrary that people create and continually deploy, judge, and justify values and judgments by reference to multiple texts. As Smith argues with regard to political identity, they engage in these activities by giving an account of the human condition.<sup>40</sup> They attempt to describe human problems and solutions to those problems, as well as the ends they seek when they reflect on and use political values.<sup>41</sup> That is why Smith is able to find a connection between mythic identities and the moral content of citizenship laws. Given that recognition, we must ask whether utilizing liberal values and history alone to justify criticisms and to justify the need to criticize is practical. To use Quine's terms, isn't the field of beliefs Smith outlines too textually sparse and underdetermining to justify the adjustments he wishes to make to our traditional judgments?<sup>42</sup> For example, could we make headway in justifying Smith's opposition to denying welfare rights to legal residents merely by referring to historical lessons and liberal values? Isn't his critical history less determining than such a move implies?

Smith partly acknowledges this problem when discussing reflective equilibrium, arguing that the lack of strong foundations will always impair the critical process.<sup>43</sup> Applying liberal values and historical judgments in a process of "horizontal" justification allows us to do no more than reach tentative conclusions. But given his list of the texts constituting "myth," is it the absence of strong foundations that accounts for the impairment given his understanding of reflective equilibrium, or the paucity of texts he uses? Smith concedes that "we still need substantive arguments as to why the equilibrium we should reach is some version of liberalism," as well as arguments that encompass universal descriptions of human behavior to sort through conceptions of the good.<sup>44</sup> I maintain we also collectively require versions of the two "mythical" texts he rejects to justify the equilibrium he reaches and the judgments he makes.

In this regard, we may plausibly ask whether Smith's account in *Civic Ideals* and other writings is as innocent of the texts constituting "myth" as he asserts. I believe it is not. If Smith begins his project by reflecting critically on our principles and practices, including an assessment of how critically we have reflected, upon what sources does he draw to engage in critical judgment? To understand history critically and justify particular judgments, doesn't he require agreed-upon liberal texts discussing the source of human problems and the solutions to those problems, even if philosophical foundations are not available? And if not from those texts, from where does the justifica-



tion come for viewing history critically and engaging in reflective equilibrium?

### *SMITH, THE SELF, NATURAL ORDERS, AND HEROES*

#### *Smith's Account of the Self and Natural Order*

If I am correct, Smith is forced to supplement his historical text in order to fuel his reflective discussions. To critique policies and persuade others of the rightness of that critique in the light of historical observations, we reference texts that outline the basic problems humans face and the solutions to those problems. Accounts of the self and natural order describe human problems, while portrayals of heroes identify solutions. While Smith rejects natural orders and texts describing heroes, I argue he assumes them as he deploys an account of the self, critiques historical readings, and justifies reform.

#### *SMITH'S ACCOUNT OF THE SELF*

To come to grips with Smith's account of the self and the natural order it implicates, we return to his project. He critiques America's historical failure to implement truly liberal citizenship rights. To judge whether we have implemented rights correctly, Smith must understand what they are and what they must do. If we interrogate Smith's account for the origin of rights, we initially find them in his historical text as traditional practices. We inherited the concept of rights as a tool to protect individuals and their property from both private and public incursions.<sup>45</sup> But Smith does not accept our past understandings of rights. His stance is critical, not conservative. I think the critical conception he employs historically flows from his account of the self.

Smith historically applies his critical conception of rights by criticizing the treatment of groups who suffered from ascriptive citizenship laws. He either stresses legal constructions that deny particular kinds of people equal political standing as citizens, such as unequal access to courts, voting, and other privileges. Or he underscores the presence of economic and political structures that favor some groups and discriminate against others.<sup>46</sup> Rights, he implies, must protect us from legal inequities and from economic and political discrimination. Yet he also grants the legitimacy of citizenship laws, celebrates self-governance, accepts the concept of private property, and embraces a type of national identity, all of which contribute to the problems rights must combat.

We can make sense of both Smith's critical conception of rights and his complex view of acceptable activities by tracing them back to his general understanding of the origins of discrimination and inequity. That understanding draws on an account of the self as existentially anxious, self-interested, and morally ambiguous.<sup>47</sup>

Smith argues that we require rights to protect us from discriminatory policies and inequitable structures first of all because people sometimes adopt ascriptive conceptions of civic identity to give their lives significance. He concedes the need for civic identity as part of the acceptable human search for existential meaning, but underlines our penchant for civic myths that marginalize outsiders and opponents. While we may seek "civic peace" and "intellectual and spiritual progress" in our collective existential quest, often we do not, and we search instead for a sense of superiority based on nationality, race, or creed.<sup>48</sup> Smith argues that leaders often pursue power by manipulating these identities and may solidify their base by creating discriminatory laws and inequitable structures that satisfy the public's existential anxieties.<sup>49</sup>

Smith also believes we need rights to combat inequity and discrimination because he holds the Lockean view that interests cloud our understanding of justice. For Smith, the pursuit of interests is not evil, but it can lead to illiberal public policies. He accepts that all leaders must appeal to material interests, yet highlights their tendency to build support by favoring particularistic interests.<sup>50</sup> Generally speaking, he believes that people may create material prosperity and "achievements of human inventiveness and artistic creation" by pursuing their interests.<sup>51</sup> But he also believes they may cooperate with political leaders to maximize their interests illiberally, for example, by creating an inequitable distribution of wealth and power that secures the ascendancy of the "white, propertied, European-descended but largely native-born male gentry."<sup>52</sup>

Smith's morally ambiguous account of the self therefore characterizes us by our pursuit of self-interest and quest for existential meaning. Those activities are dangerous, yet important and inescapable. As essentially human pursuits, we must protect them. As sources of problems, we must protect ourselves against them. But Smith goes further. Rights can only form part of his solution to the problems interests and existential anxieties create. As we saw above, he argues that a liberal civic identity, however skeptical, is essential to reform, and he hopes the material improvements liberalism brings will appeal to citizens' interests and justify liberal policies and structures. His account of human ambiguity thereby does more than describe our indistinct character and reveal the sources of our problems. By identifying our quest for existential meaning and pursuit of self-interest as sources of necessary, prag-

matic solutions to the problems they create, it also implicates a natural order that defines and structures human possibilities.

*SMITH'S COMEDIC NATURAL ORDER*

This implication seems surprising because Smith rejects justification based on transcendent or natural orders.<sup>53</sup> One can throw some critical light on this rejection by turning to Hayden White's analysis of historical interpretation.<sup>54</sup> Borrowing from Northrop Frye's study of literary genres, White maintained that historical narratives inevitably encompass an account of the self and consequently a natural order. Using nineteenth-century historians as his subjects, White illustrated how their accounts of the self help structure their historical narratives. He argued that embedded comparisons of humans to Nature order historical understandings in ways that mirror the literary genres of comedy, tragedy, romance, and satire. Like the plots of literary genres, different kinds of natural order arise in historical narratives depending on the depiction of humans' relationship with Nature. For example, White suggests that radicals and conservatives depict humans ambivalently. The self is capable of "provisional" victories over, and a "partial" liberation from, Nature. As tragedies or comedies in Frye's scheme, radical and conservative histories portray humans as constantly struggling to overcome the consequences of their moral frailties, now succeeding, now failing. When tragedies, these histories emphasize the understanding of Nature that comes with the fall of the tragic hero and the need to develop perfect institutions based on that knowledge. When comedies, they emphasize the equality of humans with nature and an equal balance of flaws and virtues. This condition of equality includes the possibility of temporary "reconciliations" of conflicting forces that make triumphs over Nature possible.

Liberal and anarchist histories tend to adopt quite different natural orders, White asserts. He argues that because liberals view humans as "captives" of Nature, their histories have an affinity for satires by Frye's criteria. They emphasize irony, skepticism, and the need to contextualize analyses and prescriptions. Anarchist histories in turn view tragic, comedic, and satirical histories as all criminally skeptical of humanity's future. Anarchists depict human resources as powerful enough not only to solve particular problems but also to eliminate the source of problems and the need for institutions. As romances in Frye's scheme, their histories point to a transcendence, in which human nature changes and we complete our triumph over Nature.

If White is correct, every historical narrative implicates a natural order, through its account of the self, that links the narrative to a political position.

As we saw above, Smith employs a morally ambiguous account of the self that identifies human flaws that prevent transcendence, but which nonetheless are the basis of progress. I therefore argue he employs a comedic order, influenced by satire, that supports a liberal politics. While White argues that a comedic emplotment combined with an "organic mode of argument" has an "elective affinity" with conservatism and links liberalism with contextualist modes of argument and satirical implotments, his discussions of satirical comedies and "elective affinities" suggests that a mixture of comedy and satire combined with a contextual mode of argument would support a liberal position like Smith's.<sup>55</sup>

In assuming that humans have a relationship of equality with Nature, White's comedies identify a rough balance between human flaws and innate human resources. If Smith's account does presume a satirically comedic natural order, we will detect in his historical account two themes that flow from that balance. The first theme is the possibility of progress. For example, a comedy might hold that self-interest leads us away from morally justified positions. But it would also hold that particular manifestations of this problem could be solved by the systematic application of rationality to a long-range view of self-interest. While self-interest can triumph over morality and rationality, a comedy would assume that we can and must generate principles and political structures that successfully, though temporarily, address the problems self-interest creates.

This leads to the second comedic theme: the rejection of transcendence in favor of temporary reconciliations. Because comedies presuppose a balance between problems and innate resources, their position in favor of progress is tempered by the judgment that we cannot reach the ultimate source of problems. For instance, the theme of a historical account might be the efficacy of human efforts to rid society of existing injustices. If it is a comedy, it will also warn that we cannot eliminate the tendency to create unjust structures. Despite the room they leave for progress, comedies hold that we will always live in political and social environments that mirror the self's moral ambiguity. Transcending problems in general, as opposed to solving particular problems, entails changing human nature. This is impossible in a comedic world. All we can ever hope for are temporary triumphs over Nature.

The first indication that Smith does assume a comedic natural order lies in his criticism of Sandel's "encumbered self." Smith argues that Sandel's account of human agency is deficient when it comes to choosing among competing moral duties. It also lacks a normative basis for resisting immoral obligations to constitutive communities. He concludes that this view of the self is too complacent. It wants the fruitful empirical characterizations by which to account for America's failures and therefore does not locate the need for the

reform Smith deems both possible and crucial.<sup>56</sup> What is at the bottom of this critique? Smith does not criticize Sandel for espousing the wrong values, but for conceptualizing the self in such a way as to remove the ontological case for reform as both necessary and possible. Does Smith then point to the possibility of transcendence? He does describe people as capable of sorting through allegiances to communities with liberal principles as their guide, critically judging existing principles in light of historical knowledge, and recognizing obligations to humanity as whole.<sup>57</sup> But he also describes otherwise admirable individuals vigorously pursuing their interests at the expense of principle and happily excluding and demonizing "others."<sup>58</sup> This indicates a conception of the self that embodies a rough equality between human flaws and innate resources, predicating a comedic natural order.

Smith's historical analysis in *Civic Ideals* confirms this judgment. There we find comedy's twin themes: the possibility of progress and a strong skepticism of transcendence. Smith asserts that liberalism has stimulated progress in America, even if problems still remain. He acknowledges our capacity to remedy political injustices, pointing to our success in resolving many problems involving race and gender. Despite his scathing critique, he ends his book by affirming our accomplishments as the basis for a more fulfilling civic life. His purpose in writing a critical history is to spur reform.<sup>59</sup>

Yet this history also throws considerable doubt on our capacity ever to solve all our problems and fulfill liberal values. In explicit contrast to Tocqueville's story of our advance out of the dark days of feudalism, Smith's historical narrative in *Civic Ideals* portrays a series of confusions and contradictions attributable to civic identities and the pursuit of interests. In Smith's view, social and political progress is always mixed with reaction. He describes early liberal gains that were often later lost and laments how liberal progress on one front failed to spread to others. He portrays successful legal attempts to base citizenship on liberal democratic principles coinciding with cultural setbacks. He pairs off material progress in the sciences with the growth of scientific racism. He emphasizes that in the 1850s, African Americans had lost the citizenship rights they had earlier gained in some states. He couples the postwar amendments with the federal courts' refusal to implement them vigorously, and likewise notes that feminist achievements were unaccompanied by attacks on Jim Crow.<sup>60</sup> His purpose in rejecting Tocqueville's characterization of our history, it seems, is not only to justify reform but also to discount a future transcendence and to paint progress as a moving target.<sup>61</sup>

By characterizing our history, and our future, as a progressive story inevitably marred by failures and injustices, Smith unconsciously embraces a particular type of comedic natural order, a satirical, ironic one in which the bal-

ance between our human flaws and innate resources flows from their common origins. According to Smith, we can translate liberal principles into political structures by appealing to material interests and creating liberal civic identities. But as a critical history illustrates, our interests and existential anxieties also lead us away from those principles and tarnish our institutions. Thus, our ironic moral ambiguity requires that we remain skeptical and vigilant even as we pursue progress and that we adopt a contextual rather than organic method for analyzing and understanding the world.

Smith's critical style of justification is responsive to and dependent on this comedic natural order and its underlying account of the self, both of which are influenced by the contextualism and irony of satire. The resulting text embraces reform but rejects political transcendence. Smith most transparently obeys its logical imperative when he identifies and engages Sandel and Tocqueville as authors of rival civic ideals. By criticizing Sandel, he privileges progress by distinguishing between our principles, on the one hand, and our institutions and identities, on the other. He demands that we choose principles, and the hope and moral duties implicit in reform, over the situated life Sandel favors.<sup>62</sup> But by rejecting Tocqueville, he also dismisses the possibility of redemption through liberal practices. Smith's ambivalent assessment of our innate resources, and subsequently of our ability to apply principles without distorting them, tempers his hope. That ambivalence consequently grounds a skepticism of our practical moral understandings equal in strength to his commitment to reform.<sup>63</sup>

The subsequent civic ideal Smith commends to us in general, and with which he confronts all rivals, duly balances reform with skepticism. Reflective equilibrium supplies its civic philosophy, in the form of a moving balance of principle and pragmatic application. A detached conception of citizenship is its instrument of choice. Tempered by a pragmatically justified liberalism, that conception aims for temporary comedic reconciliations of the individual with her community. Its final component is the citizen's duty to remain skeptical both within and outside times of reconciliation.

A satirically comedic natural order and its accompanying account of the self therefore justify Smith's civic ideal. Collectively as a text they problematize the human condition, as does Locke's conception of the state of nature in his justification of limited government, and Spencer's depiction of human evolution in social structures in his justification of a *laissez-faire* state. Remove this text and Smith fails to supply persuasive reasons why his prescriptions are relevant to the questions his historical narrative raises.

Smith does not recognize that he employs this text. Nor does he detect his assumption that we also embrace it.<sup>64</sup> This lack of recognition is a testament to its power. In Smith's comedic view, in which humans are *by definition*

beings that struggle continuously to fulfill their moral duties, a historical interpretation based on the endless human struggle to fulfill our moral principles is incontestably true. Any other historical interpretation is part of a myth. Smith should argue that we must collectively deploy a comedic natural order and related accounts of the self in justifications. That he fails to do so does not falsify his underlying conclusion—that other accounts may justify ascriptive definitions of citizenship. But we must modify his prescription. We should not strive to eliminate all accounts of natural order. Rather we should reject purely romantic or tragic accounts and cautiously and consciously put forward comedic accounts influenced by satire. To hold otherwise is to pursue an impractical goal—justifying a critical posture in the absence of necessary social texts. Or it means being imprisoned in the belief that Smith adopts a transparently, incontestably true account of natural order, an assumption he falsifies by highlighting instances in which people embraced quite different accounts.

*Smith's Use of Texts Referencing  
Heroes and Villains*

Aside from accounts of the self and natural order, Smith deploys another “mythic” text—an outline of how we resolve problems. This is the realm of heroes.

Smith objects to a text of heroes because it blinds citizens to the faults and errors of the persons so described, thereby contributing to the romanticized history he rejects. That is why anti-heroes tend to outnumber the heroes in his account. Yet Smith is inevitably drawn to the rhetoric of personal example that even his anti-heroes provide negatively. While arguing against the notion that a history filled with accounts of “saints” is necessary to bind people to a community, Smith admits that people will identify heroes and villains in his historical narrative, thus conceding the rhetorical necessity of such arguments in social texts.<sup>65</sup> In *Civic Ideals*, it is clear that Samuel George Morton, John Calhoun, Henry Cabot Lodge, Charles Francis Adams, John R. Commons, and the others Smith describes as justifying or implementing ascriptive laws play their allotted roles of how *not* to be a citizen if one wants to attain a truly liberal democratic country. Meanwhile, George Washington, Thurgood Marshall, Martin Luther King, Jr., and Abraham Lincoln transparently play the hero in “America’s Contents and Discontents.”<sup>66</sup> They solve the problem of identity by *not* embracing and implementing ascriptive values.

These depictions of heroes and anti-heroes perform important collective functions in Smith’s argument. First, they bridge the distance between descriptions of general human problems and the success or failure to achieve

the ends of the community. Where accounts of the self and natural order point to the source of errors, the nature of human inadequacy, and the extent of human ignorance, shared accounts of heroes and anti-heroes provide information about solutions, sources of potency, and the nature of true knowledge. Thus, in his account of heroes, Smith provides a solution to the problem of our need for existential meaning in a model of citizenship that embraces a distanced, critical attitude toward state and history and eschews ascriptive analysis in all its forms.

Accounts of heroes and anti-heroes also bridge the distance between abstract prescriptions and practical behavior. As citizens, how do we know which policy positions to embrace or reject? By invoking figures that embodied or rejected the model of citizenship Smith endorses, he derives from them collective criteria, in the form of personal examples and articulated principles, which he uses to sort through current policies and justify his judgments. In referencing what the cast of characters in *Civic Ideals* did by using ascriptive accounts to nefarious political advantage, he can identify "ascriptive" policies and justify his opposition to them. Likewise by referencing how Abraham Lincoln or Martin Luther King, Jr. used liberal values to benefit humanity as a whole by rejecting the "public philosophy to be 'for ourselves only,'" he identifies progressive policies and justifies support for them. Why should we defend a federal safety net for the poor? Because Franklin Roosevelt did. Why should we oppose ascriptive restrictions on immigration? Because Henry Cabot Lodge supported them.

### *THE PRACTICAL NEED TO EMPLOY MULTIPLE TEXTS IN REFLECTIVE EQUILIBRIUM*

Thus, Smith uses precisely the kinds of collective texts he considers dangerous, and he does so out of the practical need to justify his position. In order to further illuminate the character of this need, I want to outline the role multiple texts play in justifying critiques of two kinds of policy. The first is an ascriptive policy justified by a mixture of liberal concepts with an ascriptive tradition. The second is an illiberal, possibly ascriptive, policy justified by liberal concepts and historical references.

#### *Liberal History and the Case of the Know-Nothings*

A large part of Smith's purpose in *Civic Ideals* is to defend liberal values from the charge that they generate ascriptive conceptions of citizenship. For



Smith, the explanation for America's contradictory history of realizing the ends of liberal democracy is not that the values are flawed but that humans are not up to the task. Thus, he provides "social psychological and political" explanations for our failures.<sup>67</sup> But while Smith concedes some liberal complicity with ascriptive perceptions of citizenship, I believe he goes too far in exculpating liberal history and classical liberal writings. The problems associated with liberal texts are not confined to self-interested bigots using Locke to justify pushing Native Americans off desirable real estate. They also encompass the *history* of liberalism and classical liberal commentaries on freedom, both of which have been used to support illiberal policies. If our aim is reform, we must justify a critical stance toward "liberal" history and disentangle liberal principles from ascriptive traditions. I argue the requisite critical stance requires collective texts that provide accounts of the self, natural order, and heroes.<sup>68</sup>

To illustrate, let us take the case of the nineteenth-century Know-Nothings. As Smith concedes through his references to Linda Colley's *Britons* and his acknowledgment of the continuing identification of liberal democracy with Protestantism, liberal democracy's history in early modern Britain and America was intimately caught up with religious identity.<sup>69</sup> And it is not at all clear, as Smith argues with regard to liberalism and patriarchy, that liberal freedom and religious identity were "intertwined but relatively autonomous systems of ideas and practices."<sup>70</sup> In fact, it seems that liberal ideas and practices and a conception of Protestant identity were tightly interconnected in both Great Britain and the United States from the time of Locke to the middle of the nineteenth century. It is no fluke that Milton, Locke, Dissenters, and Whigs exclude Catholics from the ranks of those allowed political toleration, even if they do so on illiberal grounds.<sup>71</sup>

The Know-Nothings of the 1840s and 1850s exploited this historical conceptualization to campaign against Catholics' rights to vote and hold public office. For example, Anna Ella Carroll argued in support of the Know-Nothing position that "every Romish priest and prelate in this land . . . swear[s] thus to cherish every influence that shall hasten the destruction of American liberty, and enable them to establish an Inquisition to burn the Protestant population, and then hold a jubilee."<sup>72</sup> Frederick Anspach argued that Jesuits were active in conspiring against American political institutions.<sup>73</sup> Thomas Whitney argued that Catholics were dire threats to "assail our Constitution and our laws, and make war against our institutions . . . [to] drag their religion into the public arena and declare their determination to make their church the ruling power." The measures taken against them were not taken out of a hostility to the Catholicism, but because the Catholic "avowed himself the political foe of our free institutions and he has assailed those institutions."<sup>74</sup>

In confronting the Know-Nothings, it is obvious that despite their attachment to the concept of freedom, appealing to liberal democratic principles alone is insufficient to justify opposition to their program. An anthropological identification of religious convictions with adherence to liberal principles has already taken place in their arguments, becoming part of their understanding of liberal democracy.<sup>75</sup> It is therefore clear that invoking a critical history of religious discrimination would be insufficient to justify a critique of their position. One attacks the branches, not the root of the argument, since judgments regarding particular events can differ fundamentally. People draw a variety of lessons from that history. Point to instances of Catholic suppression of Protestants as a reason why we should not suppress anyone, and the reply will be that Catholic governments suppress in the name of religious conformity. The proposed political disabilities differ. Their purpose is not religious conformity, but political defense. Point to Catholic disabilities over the years and argue that they are incompatible with the principles of political equality, and the reply will be that such examples only serve to validate the anti-Catholic position. As various Know-Nothing platforms assert, echoing earlier defenses of the British Test and Corporation Acts, commitment to the principles of freedom and democracy justify actions taken in their defense. If, they argue, ancestors enshrined in the liberal canon felt compelled to guard free institutions against the Catholic threat, going back to the Gunpowder Plot and the Glorious Revolution, then we are justified and indeed obliged to do the same.<sup>76</sup>

To justify a critique of this position, we need anthropological and biographical materials to supply substance and definition to our history and the liberal principles we embrace. We must counter the Know-Nothings' anthropology of religious fallibility and political omniscience and their Protestant-based natural order. We do so by creating texts that describe our political fallibility and our potential for reform.

We find such materials in Smith's own account of morally ambiguous humans who must commit themselves to progress and skepticism. Using Smith's view of the self, we can defend the proposition that humans are the same no matter their religious affiliations. Our existential anxiety and attachment to self-interest, not religious denomination, are the markers of our humanity. This makes Catholics and non-Catholics anthropologically equal in their capacity to embrace liberal democratic principles and in their illiberal susceptibilities. We can concede a connection between Protestantism and liberal democracy but describe it as a historical rather than anthropological contact.

We can go on to propose that the relevant problem we face in examining religious ascription is to continue understanding how to apply liberal values

despite the political structures we inherit, structures that sometimes contain prejudicial elements created by the contingencies of particular political events. Our world, we would emphasize, is a comedic place, not the Know-Nothings' romantic Protestant ideal. Liberal democracy did not spring up fully formed here, nor is it fully formed now. Despite the contributions of past liberal heroes, their work is neither complete nor definitive in terms of liberal doctrine and policy. Liberalism, we can argue, is an evolving philosophy. Its political structures likewise must evolve through sustained critical reflection.

We must also provide a counter set of heroes to provide examples of the solution to this problem. These may be people like George Washington, Thomas Jefferson, James Madison, and Isaac Backus, a Protestant minister instrumental in arguing against religious tests for state offices early in the nineteenth century.<sup>77</sup> They all rejected the historical treatment of Catholics and viewed the question of state and religion cautiously.

In this way, we can give a point to history different from the one Know-Nothings supply. Liberal history can become what Smith desires: a narrative of noble attempts and misguided failures, of people striving their best to live up to their principles, though now seen to have been blind to their faults in labeling competing religious denominations as congenitally hostile to freedom and democracy. But Smith's potential argument against the Know-Nothing position finds justification only when it is informed by texts incorporating accounts of the self, natural order, and a compelling set of heroes. Otherwise, his position bogs down on questions of how we interpret and judge history.

*Contemporary Advocates of  
Organized Prayer in Public Schools*

The second problem that illuminates the need to draw upon multiple social texts arises when politicians invoke liberal concepts and history to justify illiberal and ascriptive policies. How can we clarify the meaning of these concepts in ways Smith approves when history is the only social text we have available? The case here involves contemporary proponents of organized prayer in public schools. This is a practice Smith argues is contrary to liberal principles.<sup>78</sup> However, proponents quite often invoke liberal arguments to justify it and rarely invoke ascriptive stories.

Proponents of organized religion in public schools who use liberal arguments embrace two themes. One focuses on free expression. These arguments deploy the concepts of freedom and rights, maintaining that any move to curtail religion in schools entails an illiberal abrogation of individual autonomy.<sup>79</sup> An absolutist position on negative liberty and the Free Exercise

Clause governs this underlying understanding of religion's relationship with state and society. The second theme picks up on overtones of ascriptive jeopardy in the previous arguments. It borrows rhetoric from the victims of past ascriptive policies that highlights unequal treatment and hostility based on outward characteristics. If the previous theme stresses a threat to rights and freedom, here the emphasis is on the religious character of the people whose rights are allegedly violated. The primary concepts are therefore discrimination, intolerance, and coercion.<sup>80</sup>

Significantly, these references to liberal concepts and the First Amendment are often supplemented by references to history. Proponents point to the Declaration of Independence, early proclamations of days of fasting, government support for religious missions to Native Americans, the use of chaplains in legislatures and the armed forces, and the references to God in the Pledge of Allegiance, patriotic songs, and currency as historical practices that involved religion with the state.

It may be clear to critics that this understanding of liberal concepts is simple and incomplete and that the history invoked needs critical review. However, while a critical history is helpful in providing empirical examples of how these religious practices may marginalize people, the question is ultimately how we create that history and whether raw historical materials plus liberal values are sufficient texts upon which to rely.

I argue that a critical history only works if all the participants in the discussion agree on which historical events to view critically and which lessons to draw. In this case, to apply liberal values alone to those past situations in which religious minorities were psychologically pressured by organized religious practices does not suffice to create a persuasive justification for ending those practices in the eyes of proponents. Adherents of organized prayer in public places embrace rather than reject those practices. They justify reinstating organized public prayers on the grounds of unbroken tradition. They argue that our ancestors, in allowing such practices, correctly interpreted religious freedom. We should defer to those ancestral judgments. And rather than viewing seriously protests against those religious practices, some current proponents label them the product of a minority bent on removing the Christian majority's freedoms and rights.

To combat these arguments, we need to justify the judgment that such practices were not and are not compatible with liberal principles. We need texts that justify a critical account of our history itself.

In this case, we need an anthropology that stresses fallibility in understanding the connection of diversity with the many sides of freedom. Again drawing upon Smith, it might run like this. Humans try to follow liberal principles but are blinded by interests and existential anxieties. One way that

interests and anxieties blind people is by conflating their existential answers, and the interests that accompany those answers, with their conception of the community. People then justify using institutions to enforce their particular interests by claiming they are promoting the common interest.

One can use this gloss of Smith's comedic understanding of natural order to justify a critical stance toward past policies. If transcendence is impossible, we must understand that our interests and existential answers always tempt us to create institutions that marginalize some citizens. We therefore have a general responsibility to act as moral agents in our relationship to the community. Each citizen should view himself or herself as an equal part of a differentiated group. Each must continually strive not only to preserve equality and freedom for oneself, but for all in the form of truly liberal policies and institutions. This means each has a duty to recognize and combat the tendency to equate himself or herself with the community, as well as an obligation to criticize policies and institutions that attempt to standardize interests.

This account is useful because it explicitly situates in an account of the self and natural order the relevant political problem humans must overcome to realize liberal principles: their existential and interest-driven incapacity to recognize differences. Only by recognizing all differences will we allow each person, in Rawlsian terms, the maximum freedom compatible with the like freedom for all. We can extend this account into history by affirming that this project is endless. We cannot smugly point to history and assume that our ancestors recognized all relevant differences. To view history as a continual struggle to realize liberal principles justifies our assertion that our ancestors were wrong to conclude that denominational differences were irrelevant when it comes to practicing religion in public places.

We can then supplement these textual accounts of the self, natural order, and history with a discussion of people who have struggled to overcome the conflation of the situated self with communal identity. One such a hero might be James Madison. His "Memorial and Remonstrance," cited by several Supreme Court justices in cases involving the First Amendment establishment clause, reveals a man sensitive to the problems of religious conviction and political involvement with religious beliefs. We might also point to Stanley Matthews, a Presbyterian who in the 1870s courageously argued against the continued use of the King James Bible in Cincinnati's public schools.<sup>81</sup>

### CONCLUSION

I agree with Smith that his prescription of a tentative political identity and reflective equilibrium is less risky than Sandel's deference toward preexist-

ing community obligations, or a Tocquevillian celebration of American achievements. But Smith fails to recognize how his understandings of the self, natural order, history, and heroes structure the critical picture he paints of American history and civic identity. The observation that people crave certainty and definition in their lives, leading them to take up ascriptive accounts, should underline the conclusion that people employ a large range of collective texts in their critical reflection. Practically speaking, we cannot rely on a historical text alone for purposes of justification. To justify criticisms of history, policies, and institutions in a popular setting, and thus support reform, we must employ social texts that provide a broader account of the human condition. As Quine argues, criticism affects a *field* of beliefs. Even horizontal justification requires a rich variety of texts.<sup>82</sup>

There are of course problems with this position. One is creating flexible texts that remain true to the skeptical spirit Smith adopts. Indeed, it is difficult to determine whether a hard distinction between multiple social texts (which I argue are necessary) and philosophical foundations (of which Smith is dubious) is ultimately tenable. Part of the solution might lie in the tractably foundational, "weak ontologies" Stephen White describes. Such ontologies are fundamental yet contestable, provide a "sticky" account of the self, describe the self as aesthetic and affective as well as cognitive, and cultivate reflection by serving only to "prefigure practical insight or judgment, in the sense of providing broad cognitive and affective orientation."<sup>83</sup> Adopting such an account of the self would undercut the rigidity that Smith hints leads to ascriptive identities, while providing an account of human problems by which to interpret history.

A complementary approach entails thinking about all texts from the standpoint of literary genres. Since Frye conceptualizes comedy as a mixture of tragedy and romance, the flexibility and critical position we seek might be found by adjusting the mixture of each, along with satire, within our texts. When we incorporate romanticism as the constant search for progress, we obtain critical purchase by encouraging a restless inability to accept the status quo. Meanwhile, when we emphasize the tragic notion that humans are flawed and the ironic concept that the source of progress is our faults, we inform a critical stance toward all policies, including proposed reforms, and stress the continuing need to understand and confront human weaknesses.

This emphasis on unceasing criticism must also extend to our texts as sources of justification. While we know ourselves to be existentially anxious and self-interested, we also know that texts can never account for all our slippery moral ambiguities. We must be aware that particular textual mixtures of romance, tragedy, and satire might unconsciously soothe our anxieties with

ascriptive accounts and furtively and inequitably serve our interests. Our accounts of the self, natural order, critical history, and heroes may therefore justify unrecognized inequities and discrimination. To guard against this possibility, we continually must ask whether our desire for change textually understands the nature of present disabilities or merely justifies a quest for a constricted Promised Land. We should also query whether our critical spirit textually appreciates existing inequities or narrowly serves our own interests. Because we cannot portray ourselves in full, we must be textually cautious, recognizing that reform requires a critical attitude towards the very texts that justify criticism and reformation.

Further problems arise regarding the textual vehicles of justification. We do not want to replace one unitextual form, like Smith's critical history, with another based only on an account of an acceptable natural order or a relevant description of heroes. How do we then incorporate multiple texts into collective accounts that retain the critical and reflective character Smith prizes?

One solution is to beef up Smith's critical history by making explicit the multiple texts he employs. This would remove what he perceives as a virtue of his *Civic Ideals*. However, given that he does (in my view) provide these texts below the surface, making them explicit would serve merely to heighten the degree of critical reflection they would foster. Another possibility is to adopt the critical, allegorical history pioneered by George Orwell. Taking *Animal Farm* and *1984* as our models, we might critique policies and advocate change by displacing events and personalities into fictional settings. By freeing us from the confines of conventional political texts, such accounts might allow us to explore more deeply our moral ambiguities and to search more widely for unrecognized sources of marginalization and discrimination in our accounts of history, natural order, and heroes.<sup>84</sup>

Accounts of actors grappling with complex political problems might provide a third source of critical reflection. These accounts would take the form of philosophically explicit, historically situated, critical biography. Because they discursively emphasize solutions to problems, biographies possess a practical focus. Thus, they are less likely to stray into the speculative abstractions Smith disdains. To reflect our ironically comedic understanding of the world, we would not confine such accounts to readily identifiable heroes and villains but would also seek out morally ambiguous figures. Indeed, all our biographies should stress their subjects' moral ambiguities, even if we view those subjects as heroes. Isaac Backus is a good example. While he is a hero of stories about the elimination of religious tests, he believed teaching Protestant religious doctrines in public schools was morally justified and socially necessary. We should explore the complex lives of similar people to reflect on and debate the examples they provide.<sup>85</sup>

To sum up, I believe Smith's civic ideal of critically pursuing liberal democracy is more difficult to attain than even his sophisticated account allows. Even if we discard foundational justifications, we still must textually invest in our community in order to justify a sustained program of reform. If Smith's fear of strong political identities leads him to abandon the textually rich justifications he identifies with "myth," I argue he must ultimately choose between that fear and the critical project he advocates. But this choice should not surprise him. Can we expect transcendence of our social texts when as liberals we assert that transcendence is impossible?

### NOTES

1. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997) [hereafter *CI*]; "America's Contents and Discontents: Reflections on Michael Sandel's America," *Critical Review* 13, nos. 1-2 (1999): 73-96 [hereafter *SA*]; "Beyond Tocqueville, Myrdal and Hartz: The Multiple Traditions in America," *American Political Science Review* 87, no. 3 (September 1993) [hereafter *BTM*]; "Liberalism and Racism: The Problem of Analyzing Traditions," in *The Liberal Tradition in American Politics: Reassessing the Legacy of American Liberalism*, ed. David F. Ericson and Louisa Bertch Green (New York: Routledge, 1999) [hereafter *L&R*]; and "The Unfinished Tasks of Liberalism," in *Liberalism without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Schklar*, ed. Bernard Yack (Chicago: University of Chicago Press, 1996) [hereafter *UL*].

2. *SA*, 94.

3. In this Smith can be linked with those Kloppenberg has identified as embracing a contextualist, historical political theory, including Rorty, Holmes, Walzer, and Sandel. See James T. Kloppenberg, *The Virtues of Liberalism* (New York: Oxford University Press, 1998), 155-66.

4. *CI*, 504; *UL*, 254-55.

5. *UL*, 248.

6. *CI*, 488-504.

7. *CI*, 32-35. As discussed below, Smith does suggest that individuals should identify heroes and villains, but does not extend that view to the generation of collective texts.

8. *CI*, 16.

9. *CI*, 13-39.

10. *CI*, 14.

11. *CI*, 38-39.

12. *CI*, 13, 33, 491-94.

13. *CI*, 13.

14. *CI*, 30, 35.

15. *CI*, 14.

16. *CI*, 34-35, 470-71.

17. *L&R*, 22-25.

18. *CI*, 14-30.

19. *CI*, 14-30.

20. *CI*, 41, 471; *L&R*, 25.



21. *CI*, 37-38, 474, 499; *L&R*, 21-22; *UL*, 256.
22. *CI*, 37-39, 489; *L&R*, 21; *UL*, 255. See also *CI*, 473-88, for the inadequacies of various contemporary liberal theorists who attempt to provide a meaningful political identity for citizens of political communities.
23. See *CI*, 41, 471, 474; *UL*, 248; *BTM*, throughout.
24. *CI*, 11.
25. *CI*, 473-89.
26. *CI*, 490-91.
27. *UL*, 254-55; *CI*, 38.
28. *CI*, 289; *UL*, 259. The terms *vertical* and *horizontal* are mine.
29. *UL*, 254-55.
30. *SA*, 93.
31. *CI*, 491-98, 504-6; *SA*, 93-94.
32. *UL*, 259-60.
33. *CI*, 34, 504-6.
34. This is the basis for his discussion of the function of myth in both chapter 2 of *CI* and his epilogue.
35. *CI*, 34.
36. *CI*, 33.
37. *CI*, 497-500.
38. Note Smith's emphasis on the necessity of shared aims, particularly at *CI*, 500. I believe this is partly a function of his preoccupation with history.
39. This justificatory approach, used throughout *Civic Ideals*, is transparently signaled in the title of chapter 1: "The Hidden Lessons of American Citizenship Laws."
40. *CI*, 33.
41. For a general discussion of the role these discursive elements play in the formation of political values and in political arguments, see my *Tradition and the Rhetoric of Right: Popular Political Argument in the Aurobindo Movement* (Madison and London: Fairleigh Dickinson University Press, 1999).
42. See W.V.O. Quine, "Two Dogmas of Empiricism," in *From a Logical Point of View: Logico-Philosophical Essays* (New York: Torchbooks, 1961), 43-46.
43. *UL*, 255.
44. *UL*, 255.
45. For example, see *CI*, 135-36.
46. See Smith's discussion of citizenship rights at the end of each historical chapter, especially that of the "Gilded Age," *CI*, 408-9, and of the Lochner era, *CI*, 425.
47. See, for example, *CI*, 37, 72, 77, 101-2, 174-75; *SA*, 93. In *UL* he argues that liberal justification "must emphasize features of human experience that seem generally if not universally shared, enduring, and of fundamental importance to us" (p. 255).
48. See *CI*, 496, for Smith's discussion of the connection of national identity with liberalism and the features of "any defensible view of human flourishing."
49. *CI*, 6.
50. *CI*, 32-34.
51. For this conception of liberalism's account of the good, and its connection with self-interest, see *CI*, 500.
52. *CI*, 101.
53. It might be that Smith only advocates eliminating references to natural orders that privilege a particular nation, race, gender, religious persuasion, or descriptions of human nature that presuppose ascriptive definitions of citizenship. But he does not consistently support this posi-

tion in either *Civic Ideals* or "Sandel's America." In the former Smith condemns those who do employ such descriptions, but he also criticizes those who only put forward a general view of human nature or descriptions of natural orders that are not overtly racist or sexist, but were or might be used to further such ascriptive positions. In addition to arguing that Tocqueville's and Hartz's analyses of American history can contribute to an overly celebrative position, and thus could potentially result in political misuse, see also his discussion of Daniel Webster, Rufus Choate, Samuel Coleridge, Walter Scott, William Graham Sumner, Horace Kallen, and even W.E.B. Du Bois. Thus he maintains (*CI*, 504) that the first task of responsible political citizenship is "to debunk both ascriptive and liberal myths about America's past and present when these support unjust inequalities or simpler foster complacency in the face of them." And in "Sandel's America" he labels Sandel's view as risky even though Sandel does not provide an ascriptive account of human nature or of natural order.

54. Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: Johns Hopkins University Press, 1973), 9-29.

55. See *Metahistory*, 10, particularly where White argues that a mixture of comedy or tragedy with satire is a comment on the adequacy of that view. Here Locke's liberalism is a commentary on the inadequacy of a conservatively comedic worldview.

56. *SA*, 75-78.

57. *SA*, 94-95. These include George Washington, Abraham Lincoln, and Thurgood Marshall, as well as George Hoar and William Moore in *CI*, 359-60.

58. For example, see *CI*, 75 (Thomas Paine); 121-22 (John Jay); 192 (John Marshall); 353 (Reverend Strong).

59. *CI*, 506.

60. For example, see *CI*, 263-71, 371-84, 449-53; *BTM*, throughout; and *UL*, 248. Alan Gibson characterizes Smith in much the same way. See his "Ancients, Moderns and Americans: The Republican-Liberalism Debate Revisited," *History of Political Thought* 21, no. 2 (Summer 2000).

61. See particularly *CI*, 16-17 and 504-6.

62. *SA*, 75-78.

63. See *UL*, 254-55 (where he argues reflective equilibrium creates "an account of how we should live that we find satisfactory, at least for now"), and *CI*, 13-22, 505. Paul Carrese, "The Complexity, and Principles, of the American Founding: A Response to Alan Gibson," *History of Political Thought* 21, no. 4 (Winter 2000), emphasizes Smith's skepticism.

64. This refers to Smith's work currently in publication, particularly *Civic Ideals*. He has been kind enough to share with me work in progress that does, independently of my analysis, address many of the questions I raise here.

65. See *CI*, 505.

66. *SA*, 94-95. As noted above, some heroes do sneak into *CI*, particularly George Hoar and William Moore in Smith's discussion of Gilded Age debates, 359-60.

67. *CI*, 28.

68. This is different from the contention that essential elements of liberalism lead to inegalitarian or ascriptive conclusions. Laura Scalia, among others, has argued that parts of liberal discourse have been used to justify restricted citizenship rights. See Scalia, "Who Deserves Political Influence? How Liberal Ideals Helped Justify Mid Nineteenth-Century Exclusionary Policies," *American Journal of Political Science* 42, no. 2 (April 1998). See also Smith's discussion in *CI*, 27-30, and Jacqueline Stevens, "Beyond Tocqueville, Please!" *American Political Science Review* 89 (December 1995).

69. *CI*, 49.

70. *CI*, 29.

71. While intellectual historians of seventeenth- and eighteenth-century Britain and America differ over the emergence of liberalism and its relationship to civic republicanism, there can be no doubt about the almost universal antipathy towards Catholics displayed throughout this period. The principle that Catholics were intolerant and could not be trusted with Britain's "free" institutions was held by Church of England supporters and dissenters alike, and both Whig and Tory. The arguments Protestant dissenters made throughout the eighteenth century for relieving them of the strictures of the Test and Corporation Acts not only highlighted the concept of natural rights, which scholars like Gregory Molivas and Michael Zuckert emphasize; they also emphasized that the acts were correctly aimed at Catholics, that the dissenters had staunchly defended Protestant Succession, and that Protestant solidarity was needed in the face of Catholic aggression. In fact, of the Dissenters, Joseph Priestley and his followers seem to be lonely exceptions. For instance, see *An Argument on the Merits of the Test Act* (London: J. Roberts, 1717); *The Independent Whig: or A Defence of Primitive Christianity, and of our Ecclesiastical Establishment, Against the Exorbitant Claims and Encroachments of Fanatical and Disaffected Clergymen* (London: J. Peele, 1732); and *The Repeal of the Act against Occasional Conformity Consider'd. In a Letter to a Member of the Honourable House of Commons*, 2d ed. (London: Jack Clark, 1717). See also John Locke, *A Letter Concerning Toleration* (New York: Library of Liberal Arts/Bobs-Merrill, 1955), 50-52, and John Milton, *Areopagitica*, in *The Works of John Milton*, vol. IV (New York: Columbia University Press, 1931), 349-50.

72. Anna Ella Carroll, *The Great American Battle, or The Contest Between Christianity and Political Romanism* (New York: C. M. Saxton, 1859), 104.

73. *The Sons of the Sires: A History of the Rise, Progress, and Destiny of the American Party and Its Probable Influence on the Next Presidential Election* (Philadelphia: Lippincotte, Grambo and Co., 1855).

74. *A Defence of the American Polity as Opposed to the Encroachment of Foreign Influence and Especially to the Interference of the Papacy in the Political Interest and Affairs of the United States* (New York: De Witt and Davenport, 1856), 92, 104-14.

75. For several assertions of the inability of Catholics and Catholicism to embrace democracy and freedom, see Phinehas Cooke, *A Discourse, Delivered at Concord, before the Constituted Authorities of the State of New-Hampshire, on the Day of the Anniversary Election, June 2, 1825* (Concord: Jacob B. Moore, 1825), 13-14, and Rev. Wm. S. Potts, *Dangers of Jesuit Education: A Sermon, Preached at the Second Presbyterian Church, in Saint Louis, September 25th, 1845* (St. Louis, 1845), 20.

76. See Thomas Whitney, *A Defence of the American Polity as Opposed to the Encroachments of Foreign Influence and Especially to the Interference of the Papacy in the Political Interests and Affairs of the United States* (New York: De Witt and Davenport, 1856), 42-51.

77. For example, see Washington, "Letter to the Hebrew Congregation in Newport, RI, August 18, 1790," in *George Washington: Writings*, ed. John Rhodehamel (New York: Literary Classics of the United States, 1997), 766, and Thomas Jefferson, Query XVII, in *Notes on the State of Virginia in Thomas Jefferson: Writings*, ed. Merrill Peterson (New York: Literary Classics of the United States, 1984), 283-87.

78. See *CI*, 488.

79. See *Congressional Record*, Senate, June 24, 1992; House, February 13, 1997; and House, Extension of Remarks of Rep. Istook, June 5, 1998.

80. See *Congressional Record*, Senate, January 21, 1993; House, January 25, 1994; and House, May 12, 1998.

81. See his arguments as published in *The Bible in the Public Schools. Arguments in the Case of John D. Minor, et al. versus The Board of Education of the City of Cincinnati et al. Superior*

*Court of Cincinnati. With the Opinions and Decision of the Court* (Cincinnati: Robert Clarke & Co., 1870).

82. Indeed, observe that Kloppenberg, in endorsing an historical, contextualist political theory, also employs texts discussing the self, the ironic natural order of Neibuhr, and a list of heroes. Also note his injunction that "we should invoke the example of those in our tradition who have fought for the ideals of tolerance, generosity, and democracy." See Kloppenberg, *Liberal Virtues*, 163, 173, 176, 177-78.

83. See Stephen K. White, *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory* (Princeton, NJ: Princeton University Press, 2000), 8-12.

84. For Orwell's view of literature as a critical enterprise, see his "Literature and Totalitarianism," in *The Collected Essays, Journalism, and Letters of George Orwell*, ed. Sonia Orwell and Ian Angus, vol. 2 (New York: Harvest/HBJ, 1968) and "The Prevention of Literature," *ibid.*, vol. 4.

85. Smith hints at such a text in *CI*, 499.

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