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America’s Ambiguous Exceptionalism

Mark B. Rotenberg*

America’s preeminent role in the world today is on everyone’s mind. One cannot pick up a newspaper or watch TV without hearing of international crises that are supposed to have been triggered, or that must be resolved, by the United States. The United States is a hegemonic military power; it is the only nation that can credibly project its will by force anywhere on Earth. Its economy is a world powerhouse, notwithstanding it comprises only five percent of the world’s population. The economic output of the ten largest American metropolitan areas alone exceeds every nation on earth except Japan (and the United States itself). American ingenuity fuels an astonishing degree of technological innovation; over half of all patents issued worldwide go to American inventors. American businesses comprise four-fifths of the top fifteen most respected companies in the world.1 In culture, fashion and higher education, America’s impact seems vastly outsized as well, engendering pervasive acceptance, imitation, jealousy, and resistance.

Awareness of these phenomena has led to a resurgence of the idea that America is an exceptional nation. The theme of American exceptionalism has been with us since colonial times.2 But for the past several decades the notion that the United States was exceptional had lost considerable currency, particularly in academic circles. The Bush administration’s response

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2. Infra nn. 8–13 and accompanying text.
to the attacks of 9/11, however, has revived exceptionalism as a leading theme for American politicians, social commentators, and international critics alike. As Oxford historian Godfrey Hodgson recently wrote, “American exceptionalism did not end. It has returned, and with a vengeance.”

Claims about American exceptionalism abound in discussions about the character of United States politics, government, international relations, economy, religion, education, and culture. Discovering what makes the United States special, exemplary, or unique has been a historic preoccupation of countless American social scientists and foreign observers. The academic field of American Studies in many ways was rooted in—and still focuses on—the basic question of American distinctiveness. The breadth and ubiquity of such inquiries suggest not only great interest in the topic, but also the potential for considerable confusion.

This article will survey a number of diverse meanings of American exceptionalism, and evaluate some of the principal critiques that have been offered, questioning both the concept’s descriptive validity and its usefulness as an organizing term. The paper offers an understanding of American exceptionalism that takes account of these critiques, and suggests how and why the concept retains considerable utility. It will highlight five component characteristics of the concept that warrant particular attention, and conclude with some general observations on the enduring significance of America’s distinctive character.

I.

Alexis de Tocqueville is credited with coining the term “American exceptionalism”; his two-volume *Democracy in America* may fairly be


viewed as the first comprehensive study of the topic. He joined the words "American" and "exceptionalism" in French, but they have stuck together in English ever since. Tocqueville’s focus on America’s distinctiveness stemmed from his desire to understand how the United States had produced a stable democracy by the 1830s, while efforts to do so in his native France had failed. He observed that, with the partial exception of England, no country anywhere at that time had so fully developed the principles of popular sovereignty and equality, together with democratic political forms and decentralized political structures, comparable to those in America. Tocqueville’s perceptions of American difference were not limited to politics, however. His observations of Americans’ distinctive religious orientations, innumerable voluntary organizations, abundant economic opportunities, explicit rejection of inherited entitlements, and relative absence of social hierarchies and elitist mores, have served as the bedrock for virtually all subsequent analyses of America’s character. 6

It is often overlooked that Tocqueville, while he admired a great many things about America, did not construe exceptionalism to mean that the United States was a singularly wonderful nation, or had the finest govern-

6. For example, on religion in America: “Religious hatred does not exist in the United States, because religion is universally respected and no sect is dominant.” Alexis de Tocqueville, Democracy in America 202 (Arthur Goldhammer trans., The Lib. of Am. 2004).

In America, religion is a world apart in which the clergyman reigns but which he is careful never to leave. Within its confines he guides men’s minds. Beyond those limits, he leaves them to their own devices and abandons them to the independence and instability intrinsic to their nature and to the times. Id. at 508.

On voluntary organizations: “In American I came across types of associations which I confess I had no idea existed, and I frequently admired the boundless skill of Americans in setting large numbers of people a common goal and inducing them to strive toward that goal voluntarily.” Id. at 595.

On economic opportunity:

[N]early all the tastes and habits born of equality are naturally conducive to commerce and industry. Take a man who is active, enlightened, free, well-off, and full of desires. He is too poor to live in idleness but wealthy enough to feel in no immediate fear of need, and he is thinking about improving his lot . . . . Our man’s mind is made up: he will sell his field, leave his home, and take up some risky but lucrative occupation . . . . People of this sort abound in democratic societies, and as equality of their conditions becomes greater, their number increases. Id. at 644.

On rejection of inherited entitlements and social hierarchies:

Among democratic peoples, where there is no hereditary wealth, everyone works in order to live, or has worked, or was born to people who worked. . . . American servants do not feel degraded because they work, for everybody around them is working. . . . Some occupations are more arduous or more lucrative than others, but they are neither high or low. Id. at 642–43.

For Tocqueville’s influence on subsequent discussions of American character, see generally Lévy, supra n. 4; Michael Ledeen, Tocqueville on American Character (St. Martin’s Press 2000); Seymour Martin Lipset, The Indispensability of Political Parties, 11 J. Democracy 48, 48–49 (Jan. 2000) (discussing Tocqueville’s analysis of American politics, especially the tendency to form associations).
ment or society. A careful observer of America’s character, he thought he understood its darker side as well:

My premise is that many people will take it upon themselves to proclaim the new goods that equality promises to mankind but few will dare warn of the perils that it holds in the offing. I have therefore focused primarily on those perils, and being convinced that I had clearly made them out, I was not so cowardly as to hold my tongue about them.7

Of course, Tocqueville was not the first to suggest there was something special about the American experiment. The concept originated even before the first European settlers got off their boats. As they were about to disembark from the flagship Arbella at Plymouth Rock in 1630, John Winthrop famously exhorted his “community of saints” that “we shall be as a city upon a hill,” that theirs was a special destiny to found a new society bound by a covenant with God to be faithful to a set of higher ideals.8 Exhortations of this sort had a profound influence upon European settlers’ understanding of their lives in the New World, contrasting sharply with their experience of European societies ensnared in webs of perverse customs and decaying hierarchies. This conception of special mission, however, was not essentially self-congratulatory. To the contrary, it resonated with the highly contingent prophetic message of the Bible: the eyes of the Lord are upon you, for good or evil, and the stakes for you and the world are enormous.9

This founding typology—that of a people setting out deliberately to form a “new” polity in a “new” land based on shared basic principles of

7. Tocqueville, supra n. 6, at 480; see also Seymour Martin Lipset, American Exceptionalism 18 (W.W. Norton & Co. 1996) (“When Tocqueville or other[s] . . . have used the term ‘exceptional’ to describe the United States, they have not meant, as some critics of the concept assume, that America is better than other countries or has a superior culture. Rather, they have simply been suggesting that it is qualitatively different, that it is an outlier.”)
9. See e.g. Peter Bulkeley, Sermon, The Gospel Covenant, in Deborah L. Madsen, American Exceptionalism 19–20 (U. Press of Miss. 1998) (“We are as a city set upon a hill, in the open view of all the earth; the eyes of the world are upon us because we profess ourselves to be a people in covenant with God, and therefore not only the Lord our God, with whom we have made covenant, but heaven and earth, angels and men, that are witnesses of our profession, will cry shame upon us, if we walk contrary to the covenant which we have promised to walk in.”). Seventeenth-century conceptions of special mission were heavily drawn from the Hebrew Bible’s understanding of Israel’s unique status in God’s plan; indeed, such comparisons were frequently and explicitly made. While Israel had been singled out from among all the nations, that status imposed especially stringent moral obedience: “You only have I known of all the families of the earth; therefore, I will punish you for all your iniquities,” declares the Lord in the Book of Amos. Amos 3:2 (Jewish Publication Socy. translation). Israel’s entitlement even to basic security in its homeland is wholly dependent upon its strict adherence to the Law. See e.g. Deuteronomy 28; see generally Robert Bellah, Beyond Belief: Essays on Religion in a Post-Traditional World (Harper & Row 1970); Kenneth Wald, Religion and Politics in the United States (St. Martin’s Press 1987).
right and good—later found an Enlightenment expression during the period of the American Revolution. A widely read poem of the time proclaimed,

So shall our nation, formed on Virtue's plan,
Remain the guardian of the Rights of Man,
A vast republic, famed through every clime,
Without a king, to see the end of time.¹⁰

During this period Benjamin Franklin used the vocabulary of exceptionalism to present a secularized version of America's essential purpose, not a mission of believers on a religious errand into the wilderness, but a march of individuals seeking to create a new society purified by reason and common sense of the corruptions of European politics and a stratified class structure. Franklin recast the terms of success in America, reorienting them toward a culture of work, thrift, moral integrity, and fair-mindedness. He shared with the earlier Puritan visionaries, however, a firm conviction that America must be a model and a measure for the nations of the world, who would in turn subject it to stern judgment.¹¹

Seventeenth- and eighteenth-century expressions of exceptionalist thinking expressed both the hopefulness and burden of new possibilities: that in America individuals have an opportunity and an obligation to create for themselves something altogether more uplifting and rewarding. To borrow from Richard Hofstadter, America was not founded upon particular ideologies, it became one itself.¹² It is this conception that Tocqueville saw emerging on the ground in Jacksonian America: a self-reliant people, a product of many nationalities, possessed of abundant land, eager to take risks in pursuit of wealth and adventure, intolerant of inherited European hierarchies.¹³

This reading of American exceptionalism, of course, can easily slip into a more triumphalist claim, as Hodgson aptly describes it, that

¹⁰. Philip Frenau, On Mr. Paine's Rights of Man, in Madsen, supra n. 9, at 38.
¹². Lipset, supra n. 4, at 18.
¹³. As expressed by a leading mid-twentieth-century Jacksonian historian:

Exhilarated by the conviction that America was the pioneer in forging a new era for mankind, Americans in the Jacksonian period undertook a variety of experiments that were designed to broaden the area of freedom. They tested new religious faiths and philosophies . . . . Others undertook socialistic and communistic experiments . . . . Devoted humanitarian ministers ministered to the deaf, the blind, and the insane; . . . . secular education was widened and its quality improved; a temperance movement gathered headway. There were crusades for peace, for women's rights, and for the abolition of slavery. America was offering a challenge to the rest of the world, the challenge of a free society seeking a better way of life.

American society, and the United States as a political power, are inherently more virtuous than other nations, and especially more so than the corrupt societies of the Old World. A corollary . . . is that, as a consequence of the exceptional virtue of American political ideas and constitutional arrangements, it is the high duty of the United States to spread its virtues to as much of the rest of the world as possible. 14

This self-congratulatory understanding also has deep historical roots. Thomas Jefferson, in his 1781 *Notes on the State of Virginia*, described America as exceptional through a detailed description of its magnificent natural resources and agrarian life. America’s wondrous natural landscape would provide fertile ground upon which to grow an exceptional people. 15 By 1826, Jefferson had concluded not only that the grand experiment he and his founding generation started was succeeding, but that it was going to spread across the globe “to some parts sooner, to others later, but finally to all” the world. “[T]he unbounded exercise of reason and freedom of opinion,” he wrote just before his death, would convince all men that they were born not to be ruled by others, but to “assume [for themselves] the blessings [and] security of self-government.” 16

Particularly during the Gilded Age and after, these sentiments assumed an all-too-often jingoistic and racist tone, a tone discernable, for example, in a speech by President Theodore Roosevelt, in which he lavished praise upon the “white races” for bettering the lives of indigenous peoples in North America, South America, and India. 17 Roosevelt was particularly proud of America’s work in the Philippines; his praise reflected a mixture of democratic idealism and racial paternalism:

[W]e are endeavoring to educate and train the native races under our sovereignty in the Philippines. . . . [S]elf-government can never be bestowed by outsiders upon any people. It must be achieved by themselves. It means in this sense primarily self-control, self-restraint, and if those qualities do not exist—that is, if the people are unable to govern themselves—then, as there must

15. Of course Jefferson was not alone in this perception: America, in the minds of its attentive European observers of the eighteenth century, was exceptional because its healthy, young, hardworking population had won a revolutionary prize of an empty continent on which to settle its freeborn progeny. America was exceptional because the familiar predators of ordinary folk—the extorting tax collector, the overbearing nobleman, the persecuting priest, the extravagant ruler—had failed to make the voyage across the Atlantic. Natural abundance, inhabitants schooled in tolerance, historic exemption from Old World social evils—these were the materials with which the European reform imagination worked to create the exceptional United States. Joyce Appleby, *A Restless Past: History and the American Public* 93 (Rowman & Littlefield 2005).
be government somewhere, it has to come from outside. But we are constantly giving to the people of the Philippines an increasing share in, an increasing opportunity to learn by practice, the difficult art of self-government. . . . We are leading them forward steadily in the right direction. . . . I believe that I am speaking with historic accuracy and impartiality when I say that the American treatment of and attitude toward the Filipino people, in its combination of disinterested ethical purpose and sound common sense, marks a new and long stride forward, in advance of all steps that have hitherto been taken, along the path of wise and proper treatment of weaker by stronger races. ¹⁸

The justifications offered by President George W. Bush for the war in Iraq, as well as for his overall foreign policy in the Middle East, tap deeply into a different, but equally self-assured view of America's world mission. ¹⁹ At the swearing-in ceremony for his long-time protégé Karen Hughes to serve as under secretary of state for public diplomacy and public affairs, President Bush declared,

[S]preading the message of freedom requires an aggressive effort to share and communicate America's fundamental values. . . . Across the world, hearts and minds are opening to the message of human liberty as never before. . . . We must nurture freedom's progress. . . . [F]reedom is not America's gift to the world. . . . [F]reedom is the Almighty God's gift to every man, woman and child in this world. . . . America [must] seize this moment of opportunity by working with other nations and peoples to replace tyranny with tolerance, and overcome hatred with hope. Together, we're going to help millions achieve the non-negotiable demands

¹⁸. Id. For a description of the paternalist and imperialist attitudes toward the Philippines in the Roosevelt administration, see for example, Edmund Morris, Theodore Rex 101–02 (Random House 2001); see also Theodore Roosevelt, Expansion and Peace (1899), in The Writings of Theodore Roosevelt 27, 32 (William Harbaugh ed., Bobbs-Merrill 1967) ("Every expansion of civilization makes for peace. In other words, every expansion of a great civilized power means a victory for law, order, and righteousness.").

¹⁹. The Bush administration's use of military force in Afghanistan and Iraq and its unilateralist foreign policy tendencies have raised concerns in many quarters. Exceptionalist questions inevitably arise in this context. Yale Law School Dean Harold Koh, for example, has argued that the United States projects five troublesome aspects of exceptionalism in its current international relations: a schizophrenic sense of its exceptional power, homeland security measures that include a claim of preemptive self-defense, creation of extralegal zones (Guantanamo Bay) and extralegal persons (enemy combatants), militarily imposed democracy creation in Afghanistan and Iraq, and strategic unilateralism combined with tactical multilateralism. Koh believes these are features of "bad exceptionalism" because they inhibit America's ability to provide beneficial international leadership ("good exceptionalism"). Harold Hongju Koh, On American Exceptionalism, 55 Stan. L. Rev. 1479, 1497–1500 (2003). Koh expresses his ultimate hope for America's world mission thus: "As a nation conceived in liberty and dedicated to certain inalienable rights, the United States has strong primal impulses to respond to crisis not just with power alone, but with power coupled with principle. After September 11, our challenge . . . is not to condone double standards or to declare the human rights era over, but to use process to prod the country we love to follow the better angels of its national nature." Id. at 1527.
of human dignity so they can build a better life for their children, and so we can lay the foundation of peace for our children and grandchildren.\textsuperscript{20}

II.

Against these ideas of exceptionalism stand many critics; they may be described in three broad categories. First, there are those who freely concede that America possesses some special characteristics, but they do not believe these make the United States in any way exceptional. America is in many ways like all other societies, they assert; in other ways it is like only some other societies; and in still other ways it may be truly unique. But this can be said of every society, given that each is shaped by particular physical and environmental forces, and distinctive development patterns.\textsuperscript{21} Focusing on America’s distinctive features may be emotionally satisfying for Americans and serve nationalistic political purposes, but it does not prove that the United States is somehow an exemplary model for the world, or is exempt from decadence and decay like other historically predominant powers, or is uniquely able to chart its own historical course.\textsuperscript{22}

A second, harsher critique emphasizes America’s exceptionalism, but sees it principally in a negative light. The United States, in this view, is unique in its glaring political hypocrisy, proclaiming itself founded on principles of equality while perpetuating—indeed, expanding—slavery; in its enduring racism, domestic violence, and gaping economic inequalities; and in its imperialist foreign policy masked by rhetoric of expanding liberty and free markets.\textsuperscript{23} This political critique of American exceptionalism is usually

\begin{itemize}
  \item \textsuperscript{21} As Shafer notes, “the problem is that all societies, observed closely enough, are distinctive, while all societies, observed with sufficient distance, are simultaneously similar.” Shafer, \textit{Is America Different?}, supra \textit{n. 4}, at iv.
  \item \textsuperscript{22} See e.g. D. Bell, \textit{The Hegelian Secret: Civil Society and American Exceptionalism}, in Shafer, \textit{ supra \textit{n. 4}}, at 50–51; Rodgers, \textit{ supra \textit{n. 3}}, at 44 (“All nations are rich in differences. Their variations are extraordinarily complex and wide-ranging. But difference is a truism; in itself, it has never been the point in question.”).
  \item \textsuperscript{23} See e.g. Howard Zinn, \textit{The Power and the Glory: Myths of American Exceptionalism} (available at http://bostonreview.net/BR30.3/zinn.html) (“The idea of a city on a hill is heartwarming. . . . In reality, we have never been just a city on a hill. A few years after Governor Winthrop uttered his famous words, the people in the city on a hill moved out to massacre the Pequot Indians. . . . [T]his kind of massacre . . . occurs again and again as Americans march west to the Pacific and south to the Gulf of Mexico. . . . Expanding into another territory, occupying that territory, and dealing harshly with people who resist occupation has been a persistent fact of
\end{itemize}
accompanied by at least an implicit demand for action to remedy the nation’s many bad characteristics. 24 It is part of a multitude of national histories that view particular societies not as especially good, but especially troubled. 25

An increasing number of American historians recently have offered a third critique of exceptionalism, one that asserts that the concept simply has run out of steam intellectually, distorting rather than clarifying Americans’ experience. New historiography has erased traditional boundaries between “here” and “elsewhere,” they claim, making it impossible to maintain the categories of distinctiveness that are central to an exceptionalist narrative. Recent histories of the United States do increasingly challenge the idea of a nationally focused narrative, drawing attention away from the supposedly unique features of America, toward transnational phenomena and forces. 26

This refocusing of historiographic narratives stems from two sources. First, the transnational trends that seem so obvious in the contemporary world—globalization of trade, culture, employment, knowledge, etc. 27—now appear to be the most important features of the past as well. From this perspective, historians conclude that a nation’s distinctiveness is far less important than its interdependencies. Rather than highlight imagined exceptional characteristics about America, they believe it is more important to focus on “the features of present-day globalization [that] have been part of [American] history for over four centuries.” 28

At a more basic level, however, this revisionist impulse arises from a sense that the exceptionalist project has led to a fundamental distortion of reality. Princeton historian Daniel Rodgers, for example, writes:

American history from the first settlements to the present day. And this was often accompanied from very early on with a particular form of American exceptionalism: the idea that American expansion was divinely ordained.”); Julia Sweig, Friendly Fire: Loosing Friends and Making Enemies in the Anti-American Century (Pub. Affairs 2006) (arguing that egregious American foreign policy blunders are largely to blame for pervasive anti-Americanism).


25. As Daniel Rodgers has observed, there is a “family of exceptionalist narratives [that] functions as stories not of celebration but of regret. Here the distinctiveness of the exceptional nation’s history is its burden, its failure to catch hold of the general tendencies. Here one talks not about emancipation from the general rule, but about blockages, historical misalignments, deficits, and distortions.” Rodgers, supra n. 3, at 27.

26. As Rodgers states: “The melting pot, the frontier, and the timeless national political character of Americans are all powerfully embedded in the national consciousness and mythology. The symbolic repertoire of the Bush administration is saturated with their elements . . . . They seep everywhere into public talk, framing the language and imagery of popular American exceptionalism . . . . [E]ach of these claims of special national distinctiveness has been blurred by university-based historians[.]” Id. at 32; see also Rethinking American History in the Global Age (Thomas Bender ed., U. of Cal. Press 2002); Bridging the Atlantic: The Question of American Exceptionalism in Perspective (Ellisabeth Gläser & Herman Wellenreuther eds., Cambridge U. Press 2002).

27. See generally Thomas L. Friedman, The World is Flat: A Brief History of the Twenty-First Century (Farrar, Straus & Giroux 2005).

Postulating a universal rule, while holding one’s own nation exempt from it, is to slip by necessity into a rhetoric of caricature and exaggeration. It manufactures an artificially homogenous “we” bounded off, by the sharpest of imagined contrasts, from a universalized “they” in the world beyond. But the boundary turns out not really to be solid at all.  

There is a good deal of truth in these three groups of critiques. Surely it is true that the United States shares many characteristics with other nations. It is also true that these shared features are becoming more pronounced as globalization accelerates at an unprecedented rate. But this does not negate the singular manner in which the United States has developed and continues to behave in the world, or its unique influence on global trends. Focusing on the nature of America’s distinctive characteristics, what they are, how they originated, and how they affect the world, need not be accompanied by a claim that the United States is exempt from historical forces common to other societies, or is uniquely capable of determining its own fate.  

Similarly, a focus on American exceptionalism need not obscure those features of America’s past and present that paint any ugly picture, or suggest a need for reform. While much exceptionalist discourse has been oriented to demonstrating American virtue, it has from the very beginning also been accompanied by a deeply embedded strain of moral urgency and chastisement. Indeed, without an emphasis on exceptionalism, the reformist and radical critiques of American politics lose much of their force. American exceptionalism has never been synonymous with American triumphalism, nor has such a focus merely been satisfying for domestic political purposes, though it is surely that in some measure. 

Finally, no one can doubt that globalization has become a primary prism through which to evaluate historical developments, and it would be strange indeed if contemporary American historiography did not manifest this as well. An enormous volume of American history has been written recently from this post-exceptionalist perspective, most notably studies focusing on the “borderlands” of American geography and society, and American immigrants’ “diaspora” experiences. Yet, as with many new academic theories, there is a marked tendency here toward conceptual imperialism, an urge to see older historiographical structures as no longer viable at all and requiring subordination to the new theory.  

29. Id. at 29–30.  
30. See e.g. Andrew Kohut & Bruce Stokes, America Against the World 41–67 (Times Books 2006) (offering an abundance of survey data reflecting America’s enduring distinctiveness; the authors conclude that many of Tocqueville’s observations remain valid today).  
31. See supra n. 10 and accompanying text.  
32. Those who imagine that recent post-exceptionalist scholarship has completely superseded the post-World War II liberal consensus perspective should re-read Louis Hartz, the leading expositor of that orientation. See e.g. Louis Hartz, The Liberal Tradition in America (Harcourt,
While a transnational focus enriches our historical understanding of certain issues, it is readily apparent that it is not as helpful in answering other important questions, for example, how the United States emerged as the world’s hegemonic military power in our time; why it will likely continue to play that role in the foreseeable future; how the United States emerged as the world’s leading national economy and why it continues to produce vastly disproportionate technological innovation; why America continues to be by far the most religious of advanced western societies and why traditional religious ideas continue to serve as a principal means of individual self-understanding and national focus; and how the African American experience of slavery and racism has left such an indelible stain on the nation’s character. It simply cannot be denied that understanding the distinctiveness of American politics, its economy, religious traditions and struggle for racial equality, among other features, helps answer critically important questions that other conceptual lenses may obscure.

The next section illuminates five clusters of American characteristics: 33 ideals, political institutions, economy, religion, and the legacy of slavery and race discrimination. Voluminous empirical evidence and analyses describe the character and salience of these clusters, and it would be unproductive to rehearse it all here. Instead, the next section simply highlights the salience of these five clusters of characteristics, noting how they are distinctively American, especially when understood together. Their intersection provides a basic foundation for Americans to understand themselves, and for others to appreciate how and why the United States behaves the way it does in the world.

III.

Ideals. All societies are affected by particularly powerful foundational principles that focus and orient communal behavior. Such principles are deeply internalized within social structures and group psychology, and are often referenced explicitly by political and cultural leaders in order to motivate and justify group behavior. Because America was a new nation deliberately created by certain men at a particular time and place to achieve certain aims, its ideals are especially transparent and closely connected with the very status of American peoplehood. 34

Brace & World 1955) [hereinafter Liberal Tradition]; The Founding of New Societies (Harcourt, Brace & World 1964). They may be surprised by his nuanced articulation of America’s distinctiveness, as well as his critique of progressive historians’ refusal to engage in any serious “objective comparative analysis of the nation.” Liberal Tradition, supra n. 32, at 255.

33. The term is borrowed from Is America Different?, supra n. 4, at viii, which suggests four “peculiarly American approaches” to societal phenomena: populism, individualism, democratization, and market-making. Shafer emphasizes the “conjoint and reinforcing character” of these clusters in American history as being the essence of its exceptionalism. Id. at 259.

34. See generally Seymour Martin Lipset, The First New Nation: The United States in Historical and Comparative Perspective (W.W. Norton & Co. 1963).
The Declaration of Independence declares these ideals with ringing clarity. Seymour Martin Lipset has summarized this "American Creed" in five terms: "liberty, egalitarianism, individualism, populism, and laissez-faire." For Lipset, this Creed is a constitutive feature of being American: "In Europe, nationality is related to community, and thus one cannot become un-English or un-Swedish. Being an American, however, is an ideological commitment. It is not a matter of birth. Those who reject American values are un-American."

Of course, an inherent and potentially explosive tension exists within this set of American ideals, namely that between liberty and equality. In our day that tension appears pervasively in conflicts between so-called libertarians and liberals. But the tension was not apparent to Jefferson or those to whom his rhetoric held such visceral appeal. On the contrary, Jefferson was convinced that the political and economic freedom that America offered would gradually wash away arbitrary social differences separating individuals by class and upbringing.

We now know that it didn’t quite work that way. What is important for our purpose, however, is not so much whether liberty actually has promoted equality for most Americans, but rather the reality of these twin concepts as inseparable, widely shared ideals—principles that Americans consider to be joined together and appropriate upon which to establish their society. And not just their society. Most American presidents, especially twentieth-century presidents, have asserted America’s privilege and duty to defend these twin principles in one form or another as humankind’s universal birthright.

Political Institutions. Americans overwhelmingly take great pride in their constitutional heritage, but few understand its most basic characteristics. Popular elections are often thought to be the core of our democratic government, but they are by no means the most important feature of

35. See G. K. Chesterton, What I Saw in America 7 (Dodd, Mead & Co. 1922) ("America is the only nation in the world that is founded on a creed. That creed is set forth with dogmatic and even theological lucidity in the Declaration of Independence.") (quoted in Lipset, supra n. 7, at 31). Thomas Jefferson’s oracular articulation in the Declaration of America’s foundational ideals is perhaps his greatest legacy. "Jefferson," writes Joyce Appleby, "more than any other leader, had a vision of what America should stand for. . . . [His] great contribution was not intellectual—not the creation of a coherent and logical philosophy—but ideological—the fusing of emotionally charged convictions into a single discursive grid.” Appleby, supra n. 15, at 20–21.

36. Lipset, supra n. 7, at 19.
37. Id. at 31.
38. The debate over affirmative action in higher education is one obvious example. See e.g. Grutter v. Bollinger, 539 U.S. 306 (2003); Gratz v. Bollinger, 539 U.S. 244 (2003).
39. Appleby, supra n. 15, at 34.
40. See e.g. Koh, supra n. 19 and accompanying text.
41. See Aaron Wildavsky, Resolved, the Individualism and Egalitarianism Be Made Compatible in America: Political-Cultural Roots of Exceptionalism, in Is America Different?, supra n. 4, at 116. ("Everyone who studies American politics . . . comes away feeling that it is special in some significant way without quite being able to specify precisely what that is. Me too.").
America's distinctive political heritage, and do not guarantee a government hospitable to the ideals Americans associate with their own democracy. The Founders did not rely upon direct popular election as the means to control governmental power. Instead, they institutionalized separation of powers, checks and balances, strictly limited federal authority, and states' rights, as chief bulwarks against tyranny. As Madison wrote,

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will controul each other; at the same time that each will be controuled by itself.

Abuse of power would be precluded "by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places." Separation of powers and federalism were the essential features to assure liberty in the constitutional framework created by the Founders, and they remain today distinctive characteristics of American government. Few if any other nations rely to this degree upon such formal structural demarcations of authority to assure individual freedom.

Similarly, the judicially supervised, rights-based legal culture that Americans today rely upon as a primary tool to limit governmental author-

42. President George W. Bush has sought to make this point in describing his foreign policy goals: "[T]he United States of America supports democratic reform across the broader Middle East. Elections are vital, but they are only the beginning. Raising up a democracy requires the rule of law, and protection of minorities, and strong, accountable institutions that last longer than a single vote." George W. Bush, President Bush Delivers State of the Union Address, http://www.whitehouse.gov/news/releases/2006/01/20060131-10.html (Jan. 31, 2006); see George W. Bush, President Meets with Victims of Saddam Hussein, Discusses Progress, http://www.whitehouse.gov/news/releases/2006/01/20060118-1.html (Jan. 18, 2006).


44. Id. at 261. Madison and the founders certainly relied upon Montesquieu, Locke, and more generally upon seventeenth-century English radical political writers for their ideas about separation of powers. What is critical for our purpose, however, is how these earlier separation of powers ideas and theories of mixed government were transformed by the founding generation into a new conception that all government power, whatever its origin, was indistinguishable, potentially dangerous, and required diffusion, in addition to checks and balances. See Gordon Wood, The Creation of the American Republic 150–61, 446–53 (U. of N.C. Press 1969); see generally Forrest McDonald, Novus Ordo Seclorum: The Intellectual Origins of the Constitution (U. Press of Kan. 1985).

45. See e.g. John W. Kingdon, America the Unusual 7–10 (St. Martin's/Worth Pub. 1999) ("what is so distinctive about the United States is the combination of separation of powers with federalism. . . . There are legitimate differences of opinion about whether this extraordinary fragmentation is a good thing or not, . . . but factually, that is the state of affairs."); Seymour Martin Lipset, Continental Divide: The Values and Institutions of the United States and Canada (Routledge Press 1990); Vincent Ostrom, The Meaning of American Federalism: Constituting a Self-Governing Society, 250–55 (ICS Press 1991); see generally Margaret Derthick, Keeping the Compound Republic: Esseys on American Federalism (Brookings Inst. Press 2001).
ity was of negligible importance in the original scheme. The Founders at the Philadelphia Convention considered the federal government to possess only enumerated, limited, and separated powers, granted by the people and the several states for specific public purposes. Under this conception a bill of rights was, as Hamilton observed, "not only unnecessary in the proposed Constitution but would even be dangerous," implying perhaps that rights not guaranteed in the bill were not protected. Bills of rights, Hamilton said, "have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing, and as they retain everything they have no need of particular reservations."

Of course, anti-Federalist and other agitation quickly resulted in congressional passage of the Bill of Rights, which, as Jefferson and Madison emphasized, could be used by the judiciary as an additional check to protect the people's liberties. The check lay largely dormant for 150 years. But in the postwar period the United States Supreme Court vastly enlarged the scope and importance of federal constitutional rights, placing their judicial enforcement at the pinnacle of importance, beyond reach of conventional legislation and politics, and indeed, beyond anything imagined by the founding generation.

The distinctiveness of this development lies not only in the pervasiveness of constitutional rights consciousness in the United States, but in the equally pervasive, accepted American practice of challenging the validity of governmental activities principally through formal adjudication, not politics. The idea that political disputes in America inevitably transform into

46. See Wood, supra n. 44, at 536. ("A bill of rights had scarcely been discussed in the Philadelphia Convention. As [James] Wilson remarked, it had 'never struck the mind of any member,' until George Mason almost as an afterthought in the last days of the Convention brought the issue up, when it was defeated by every state.")

47. Alexander Hamilton, The Federalist No. 84, in The Federalist Papers, supra n. 43, at 436–37. Hamilton contrasted the need for reservations of rights in states where sovereignty rested with the king, with the creation of a government by the people in whom full sovereignty rested, and who delegated certain limited powers to the government "to secure the blessings of liberty to ourselves and our posterity..." Here, Hamilton wrote, "is a better recognition of popular rights than volumes of those aphorisms... in several of our State bills of rights, ... which would sound much better in a treatise of ethics than in a constitution of government." Id. at 437.

48. See Wood, supra n. 44, at 543.

49. See e.g. Eric Foner, The Story of American Freedom 302 (W. W. Norton & Co. 1998) (noting that the Supreme Court has not only "assumed the power to oversee the fairness of democratic procedures at the state and local level," but has "vastly expanded the substantive protection of the civil rights and civil liberties of all Americans...[and] discovered entirely new rights in response to the rapidly changing contours of American society."); Larry Kramer, The People Themselves 250 (Oxford U. Press 2004) ("when our Founding Fathers wrote no one had yet imagined anything even remotely like modern judicial supremacy.").

50. See e.g. Jody Pennington, 'Against Any Winds that Blow': American Exceptionalism, Multiculturalism, and Judicial Review, in Marks of Distinction, supra n. 3, at 257, 264.
legal ones goes back to Tocqueville. But the claim that the Bill of Rights can—and should—be used as a conventional political weapon, and that the courts are the primary field of battle for its use, is largely a twentieth-century creation of the Supreme Court. A striking feature of American constitutional history is that until the 1960s a vital tension existed between the judiciary’s role in determining fundamental principles of government, on the one hand, and democratic decision making expressed through elected officials, on the other. Since that time a broad consensus has emerged that judicial determinations of the fundamental meaning of the Constitution are final and binding on all other branches of government, and even on the people themselves.

By contrast, in Britain, judicial review of acts of Parliament is nowhere near as broad, and historically was widely rejected elsewhere in Europe as well. Both the English constitutional and continental civil law traditions view parliament as the only legitimate source of law. The recent rise of “constitutional courts” in Europe and the development of international human rights laws that are enforceable judicially, for example, in litigation

51. Tocqueville, supra n. 6, at 111–16. “There is virtually no political question in the United States that does not sooner or later resolve itself into a judicial question” Id. at 310. Tocqueville’s observation is widely accepted as a basic tenet of American government. See e.g. Ruth Gavison, Holmes’s Heritage: Living Greatly in the Law, 78 B.U. L. Rev. 843, 869 (1998) (Tocqueville’s conclusion represents “one of the defining marks of the American political community . . .”); but cf. Mark A. Graber, Resolving Political Questions into Judicial Questions: Tocqueville’s Thesis Revisited, 21 Const. Comment. 485 (2004).

52. See e.g. W. Va. St. Bd. of Educ. v. Barnette, 319 U.S. 624, 638 (1943) (“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.”); Cooper v. Aaron, 358 U.S. 1, 18 (1958) (“[Marbury v. Madison] declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system.”); see also U.S. v. Nixon, 418 U.S. 683 (1974); Baker v. Carr, 369 U.S. 186 (1962). Cooper’s retrojection of judicial supremacy back into Marbury is widely regarded as a self-serving anachronism: [The Marshall Court] strove to reconcile popular will and legal principle, not to make one either superior or subservient to the other. They had no intention of behaving as the Supreme Court ultimately would in Cooper v. Aaron. . . . Unlike the Justices in Cooper, Marshall and his colleagues did not declare themselves to be the ultimate arbiters of the nation’s constitutional policy choices, with power to bind coordinate branches of government to their judgments of constitutionality and thereby invalidate popularly supported legislative politics inconsistent with the constitutional values they favored.

William Nelson, Marbury v. Madison and the Establishment of Judicial Autonomy, 27 J. Sup. Ct. Hist. 240, 249 (2002); see also Kramer, supra n. 49, at 221 (describing the above-cited declaration in Cooper as “just bluster and puff,” and noting that “[t]he Justices in Cooper were not reporting a fact so much as trying to manufacture one . . .”).

53. As Kramer observes:

The acceptance of judicial authority is most apparent . . . in the all-but-complete disappearance of public challenges to the Justices’ supremacy over constitutional law. . . . Everyone nowadays seems willing to accept the Court’s word as final—and to do so, moreover, regardless of the issue, regardless of what the Justices say, and regardless of the Court’s political complexion. Opposition has become a matter of working to change either the Court’s mind or its composition.

Kramer, supra n. 49, at 228.
before the European Court of Human Rights, bear the unmistakable imprint of twentieth-century American constitutional experience.54

These features—separation of powers, checks and balances, federalism, and a judicially managed, individual rights legal structure—are overlaid with a unique abundance of popular voting opportunities designed to bring American government closer to the people. These include a distinctively American primary system used to select party candidates to stand for both federal and state general elections; widespread popular voting on legislative initiatives and referenda; and election of local and state prosecutors, judges, and thousands of other functionaries who in virtually every other country are selected by other government or party officials. America has far more elections than any other contemporary nation.55 Together with America's unique, enduring utilization of grand and petit juries in criminal and civil matters, these arrangements demonstrate an exceptional populist impulse. Gary Wills has aptly summarized this aspect of Americans' conception of government as "provincial, amateur, authentic, spontaneous, candid, homogeneous, traditional, popular, organic, rights-oriented, religious, voluntary, participatory, and rotational," in contrast with other nations' conception as "cosmopolitan, expert, authoritative, efficient, confidential, ... progressive, elite, mechanical, duties-oriented, secular, regulatory, and delegative ...."56

To sum up, there are at least three exceptional features of American political institutions: diffusion of governmental authority through a variety of formal structures; a rights-based legal culture defined and managed by the judiciary; and a profusion of popular voting opportunities. While each feature is distinctive in its own right, the interplay between them is also remarkable. To take one obvious example: Americans overwhelmingly oppose unelected judges making policy, or even making law, and they are deeply suspicious of policymakers off in Washington. Yet poll after poll over many years suggests widespread acceptance of the legitimacy of Supreme Court decisions.57 Even in the context of deciding the outcome of a presidential election, an overwhelming majority of Americans not only ac-


55. There are over a half million elected officials in the United States, roughly one for every 360 persons of voting age. It is estimated that over one million United States election contests take place every four years. Yet, while opportunities to vote proliferate in America, voter turnout is low relative to other countries. The reasons for this apparent anomaly are complex and varied. Lipset, supra n. 7, at 43-46.


57. See e.g. Kramer, supra n. 49, at 252 n. 11; see also Pennington, supra n. 50, at 266 ("Americans do not agree on the legitimacy of judicial review but they accept the power of the Court to exercise it.").
cepted the legitimacy of the Supreme Court determining whether Al Gore or George W. Bush should be president in 2001, but believed that the Supreme Court was the best institution to make that decision.58

Economy. American faith in the overall beneficence of a laissez-faire economic system has been buttressed by a number of historical factors. First, for most of American history there were vast stretches of "free land" in favorable climates that were relatively accessible to markets. A second factor was the relatively limited economic power of large landowners, at least after the Civil War, making possible a broad diffusion of economic opportunity for many. Third, large-scale immigration to the United States—stimulated in part by these two factors—in turn produced an extraordinary rate of population growth. The United States continues to see itself—and continues to be seen by millions of would-be immigrants—as an economic frontier where opportunity beckons.59 Finally, the government has played only a limited role in regulating market capitalism. Even with the dramatic increase of Depression-era federal regulatory activity (and, to a lesser degree, state economic regulation), the American economy has been distinguished from other national economies by its degree of reliance on market competition and individual initiative.60

The result, as noted at the beginning of this article, has been exceptional economic performance. Throughout the twentieth century the United States led the world in both per capita real income and job creation.61 On

58. Jeffrey M. Jones, Public Willing to Accept Supreme Court as Final Arbiter of Election Dispute, http://poll.gallup.com/content/default.aspx?ci=2224&pg=1 (Dec. 12, 2000). Neither of the coordinate branches appears eager to circumscribe the Supreme Court’s assumption of ultimate power over constitutional principles. See Kramer, supra n. 49, at 252 ("the Court’s conduct must be quite provocative and very unpopular, usually over a sustained period, before it will produce actual legislative or executive countermeasures.").

59. As Senator Edward Kennedy put it in a speech delivered nearly forty years ago, America is "the land of opportunity. Our streets may not be paved with gold, but they are paved with the promise that men and women who live here—even strangers and newcomers—can rise as fast, as far as their skills will allow." Carl Hulse, Kennedy Immigration Tack Vexes Democratic Leaders, N.Y. Times A16 (Apr. 12, 2006) (quoting Senator Kennedy in a 1966 speech). Similar sentiments expressed by Republicans, including President George W. Bush and Senator John McCain, suggest a broad consensus favoring an immigration policy that accommodates working immigrants. Id.; George W. Bush, State of the Union Address (Washington, D.C., Jan. 31, 2006) (available at http://www.whitehouse.gov/news/releases/2006/01/20060131-10.html).

60. Seymour Martin Lipset summarized these developments as follows: The United States, almost from its start, has had an expanding economic system. The nineteenth-century American economy, as compared to the European ones, was characterized by more market freedom, more individual landownership, and a higher wage income structure—all sustained by a national classical liberal ideology. From the Revolution on, it was the laissez-faire country par excellence. Lipset, supra n. 7, at 54.

61. Id. at 55–60. Since 1985, the American economy has created over 35 million new jobs. See U.S. Dept. Lab., Bureau Lab. Statistics, http://www.bls.gov/webapps/legacy/cpsatab6.htm; select Total, 16 Years Over/Seasonally Adjusted, search 1985 to 2006 (last accessed May 3, 2006) (from 106,302,000 jobs in January 1985 to 143,074,000 jobs in January 2006). American labor productivity increases have outstripped European and Japanese competitors. See e.g. U.S. Dept. Lab., Bureau Lab. Statistics, Table 1.1. Output per Hour in Manufacturing, 15 Countries or Ar-
the other hand, there is ample evidence that the American economic model has failed to produce adequate results relative to many other western nations in critical areas—reducing poverty and income inequality, and providing universal healthcare at reasonable cost, among them.

The point, therefore, cannot be that the American economy has produced uniformly desirable outcomes or is uniquely capable of doing so. Rather, its exceptional performance over many generations has served to confirm the “fit” between a laissez-faire economic model emphasizing individual initiative, on the one hand, and most Americans’ expectations and experience of real economic improvement, on the other.

Another especially significant characteristic of Americans’ wealth accumulation is philanthropy. To an extent unequaled elsewhere, Americans are encouraged to not just create wealth, but to part with it voluntarily. This is rooted at least partly in Puritan ideals of frugality and industry that historically exerted such strong influence over American attitudes on financial matters, as well as in Americans’ longstanding attachment to volunteerism. No matter its source, the desire of many wealthy Americans to use their wealth to a significant extent for social causes is an important facet of American economic exceptionalism. The American philanthropic tradition that came to life in the days of Andrew Carnegie, who believed that the very wealthy should administer their estates as “a public trust during life,”


62. The United States has the highest proportion of people living in poverty among developed nations, and is one of the most unequal in income distribution. Lipset, supra n. 7, at 76.

63. There are 45 million Americans without health insurance. Steven Greenhouse, Labor Chief Urges Action on Health, N.Y. Times A17 (Jan. 19, 2006).

64. Arnon Gutfeld, in a clear-eyed, generally critical assessment, offered the following description of the “very special dynamics of the developing American economy”:

In spite of recessions, depressions, and cycles of retreat, the real income of American laborers steadily increased. They did not feel a need to rebel, to support revolution, or to step outside the accepted economic and political structure in order to achieve concrete gains, and they almost always opposed suggestions for radical change to the system. . . . [T]hey were staunch defenders of the Constitution, especially the protection of property.


66. Id. at 192; see also Merle Curti, American Philanthropy and the National Character, 10 Am. Q. 420, 422 (1958).


68. Acs & Phillips, supra n. 65, at 193 (referring to Andrew Carnegie, The Gospel of Wealth (F.C. Hagen & Co. 1889)).
continues to thrive: Bill and Melinda Gates have provided over $22 billion to fund world health initiatives through their foundation. 69 America’s greatest universities and libraries exist today largely as the realized dreams of its wealthiest citizens. Americans’ tolerance—active encouragement, really—of allowing vast wealth to remain under the control of thousands of private boards and individuals with a myriad of diverse charitable objectives is another measure of American society’s peculiar preference for diffused, private decision making and against centralized, governmental planning tools to achieve communal objectives.

Religion. Since Edmund Burke and Tocqueville, innumerable volumes have been written about America’s special religious character and its relationship to entrepreneurial capitalism, democratic norms, and egalitarian, individualistic, and populist values. The habit of Americans to form voluntary associations of all kinds has long included religious affiliations—America was the first country in which one’s own religious identity became a matter of individual, voluntary association. Unlike Europe, where separation of church from state was motivated by anticlerical sentiment, in the United States such separation was motivated simply by the need to keep government neutral among many competing sects. Far from manifesting any deep-seated hostility to religious devotion, in America religious freedom meant just that—freedom to be religious, but on one’s own terms, not the government’s.

And Americans are religious, indeed. Recent survey data seem to confirm Tocqueville’s early nineteenth-century assessment that “there is no country in the world where . . . religion retains a greater influence over the souls of men than in America.” At a minimum, this appears to be true in comparison with other economically advanced societies. 70

But it is the peculiar form which religiosity assumes in America that is more significant than its breadth. In America the terms of one’s religion are derived more commonly from one’s conscience, not from the state or a church hierarchy. Early Protestant dissenting traditions left an indelible impression on American religious outlooks, “call[ing] on Americans to be moralistic, to follow their conscience with an unequivocal emphasis not to be found in countries whose predominant denominations have evolved from state churches.” 71 Opinion polls suggest that Americans have a pronounced tendency toward utopian moralism, toward institutionalizing virtue and legislating against wickedness. “Americans,” says Lipset, “tend to view social

69. Id. at 199.
70. Lipset, supra n. 7, at 62–63. According to Kohut and Stokes, “nowhere is the unique global positioning of America more apparent or important than with respect to religion. . . . Polls show huge transatlantic gaps in religious behaviors and attitudes. Compared to Europeans, Americans express more faith in God, attend church more often, pray more often. They are closer to Muslims than to Europeans with respect to observance and commitment, as well as attitudes of personal morality . . . .” Kohut & Stokes, supra n. 30, at 62.
71. Lipset, supra n. 7, at 63.
and political dramas as morality plays, as battles between God and the Devil, so that compromise is virtually unthinkable."\textsuperscript{72}

Of course, these attitudes have a profound impact on American foreign policy, a subject with which Americans generally lack detailed familiarity, and therefore respond to based on beliefs and principles, rather than on pragmatic considerations. This moralism is particularly pronounced on questions of war and peace. Large numbers of Americans opposed the War of 1812, the Mexican War, the Civil War, World War I, the Korean War and, of course, the war in Vietnam, based on moral principles. Those who supported these conflicts correspondingly viewed them as moral crusades that had to be fought to the bitter end, if need be.\textsuperscript{73}

\textit{Slavery and Race Discrimination}. No other socioeconomic phenomena have had the impact on America’s laws, values, and attitudes as the enslavement of African Americans and the racism that fueled the “peculiar institution,” and transcends it to this day. The enduring impact on African Americans of this history, and white America’s struggle to address it, have formed the most painful component of American exceptionalism. As Michael Ignatieff observes:

It’s impossible to untangle the contradictions of American freedom without thinking about Jefferson and the spiritual abyss that separates his pronouncement that “all men are created equal” from the reality of the human beings he owned, slept with and never imagined as fellow citizens. American freedom aspires to be universal, but it has always been exceptional because America is the only modern democratic experiment that began in slavery.\textsuperscript{74}

Perhaps the only salutary result of this tragic legacy of slavery and discrimination is the impetus it created over many years for its own transcendence. As Ignatieff puts it,

Without the slave-owning Jefferson, no Martin Luther King Jr. and the dream of white and black citizens together reaching the Promised Land. Jefferson’s words have had the same explosive

\textsuperscript{72} Id.; see also Kohut & Stokes, supra n. 30, at 105–06 (most Americans think it is necessary to believe in God in order to be a moral person).

\textsuperscript{73} Lipset, supra n. 7, at 63. A different sort of dichotomy exists today. While 70% of Americans believe it is a good thing that American ideas and practices are spreading around the world, few feel that actively promoting democracy should be a national priority. Kohut & Stokes, supra n. 30, at 46–47.

\textsuperscript{74} Mark Ignatieff, Who Are Americans to Think That Freedom Is Theirs to Spread? N.Y. Times Mag. (June 26, 2005) (available at http://www.ksg.harvard.edu/ksgnews/Features/opeds/062605_ignatieff.htm). As Joyce Appleby notes, “the master passion of Jefferson’s revolutionary generation was not to build a multiracial society but rather to erect republics for white men.” Appleby, supra n. 15, at 34. Of course, Jefferson himself was acutely aware of the moral and political cesspool created by slavery, famously writing, “I tremble for my country when I reflect that God is just, and that his justice cannot sleep forever.” Thomas Jefferson, Notes on the State of Virginia 161 (William Peden ed., Norton 1982). A declared enemy of slavery, he was simultaneously deeply and personally implicated in all of its evil details, and did little if anything to dislodge its increasing stranglehold on the South.
force abroad. American men and women in two world wars died believing that they had fought to save the freedom of strangers. And they were not deceived.\textsuperscript{75}

Today school children across America have a better understanding of who Martin Luther King, Jr. was, and what he stood for, than they do Thomas Jefferson; indeed, King's dream speaks to them more clearly than Madison's or Adams's or Washington's.

It is no exaggeration to say that the nation's contemporary rights-based, judicially enforced legal culture stems directly from its tragic encounter with slavery and racism. The Civil War Amendments' expansive guarantees of due process and equal protection, their extrapolation to gender, disability, and economic discrimination, and the subordination of states' rights to federal authority, all derive from that encounter.\textsuperscript{76}

IV.

It is often said that Americans fail to understand other nations, societies, and cultures with whom we interact. The United States has not sufficiently emphasized the study of non-English languages in its schools, or the multitude of ways in which other peoples organize their political, economic, and religious communities.\textsuperscript{77} But if this is true, it is also true that others have made little or no effort to understand the United States on its own terms, with its own distinctive traits. Too often, efforts to analyze America's current behavior—domestic and international—are marred by gross misapprehensions and caricatures based on a lack of awareness of the United States' unique past and character.\textsuperscript{78} Even its professed "friends" find it tempting to believe they understand America because they read American

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\textsuperscript{75} Ignatieff, supra n. 74; see also Pennington, supra n. 50, at 272 ("The universality of the claim [of the Declaration of Independence] has made it possible for groups other than those who originally asserted it to make it their own.").

\textsuperscript{76} Anyone doubting that race continues to be a leitmotif of conflict in America need only observe how our national debates are framed over such disparate issues as educational policy, healthcare reform, and even response to natural disasters. See e.g. James Dao, In New Orleans, Smaller May Mean Whiter, 41 N.Y. Times (Jan. 22, 2006) ("[R]ace has become a subtext for just about every contentious decision the city faces: where to put FEMA trailers; which neighborhoods to rebuild; how the troubled school system should be reorganized; when elections should be held.").

\textsuperscript{77} The U.S. lags severely behind European countries in the promotion of multilingual education. See Christine Wallgren Vance, Preparing a Prosperous Future: Promoting Culture and Business Through Bilingual Education, 28 Bilingual Research J. 463, 464; see also Charles Kupchan, Speech, The End of the American Era: U.S. Foreign Policy and the Geopolitics of the Twenty-first Century, http://carnegiecouncil.org/viewMedia.php/prmTemplateID/9/prmID/R76 (Feb. 27, 2003) (articulating claim that recent American foreign policy positions characterized by isolationism and unilaterality derive in part from an attitude that America is strong enough to do as it pleases without having to understand other countries).

\textsuperscript{78} Cf. supra nn. 4--5 and accompanying text.
newspapers, watch American TV and movies, and consume American products.

The five clusters of American characteristics discussed above—ideals, political institutions, economy, religion, and the legacy of slavery and race discrimination—highlight key features of America's exceptionalism. To assert that the United States needs to be understood differently in these critical ways, and possesses these important exceptional characteristics, does not entail any kind of a priori claims unhinged from rigorous social science or empirical evidence. It is not mere triumphalism dressed up in academic robes. It is instead a claim that understanding these exceptional American traits is a very fruitful way to understand America itself, especially why it acts the way it now does in the world. And that is pretty important, not only for Americans, but for anyone concerned with how the twenty-first-century will develop.

More than that: American exceptionalism provides a special type of inspiration largely absent from secular society. Thomas Friedman recently wrote the following about America's distinctive global contribution:

America's role in the world, from its inception, has been to be the country that looks forward, not back . . . Europeans and others often love to make fun of American optimism and naïveté—our crazy notion that every problem has a solution, that tomorrow can be better than yesterday, that the future can always bury the past. But I have always believed that deep down the rest of the world envies that American optimism and naïveté, it needs it. It is one of the things that help keep the world spinning on its axis. If we go dark as a society, if we stop being the world's "dream factory," we will make the world not only a darker place but also a poorer place.79

America indeed has created a dream for export—it is the Founders' original dream, and, as expressed in the Declaration of Independence, it became America's exceptional creed: that governments derive their just powers from the consent of the governed, and from no other source; that governments are instituted in order to secure individual rights of life, liberty, and the pursuit of happiness; and that all persons are created equal, thereby entitling them to equal protection of these rights under law. For well over two hundred years, this creed has inspired billions of people. It stands today as a preeminent political ideal following the decay and collapse of other imperial and totalitarian political claims emanating from Germany, Japan, the Soviet Union, France, and England. Americans believe that this creed has universal, timeless appeal. Perhaps that is a self-delusion. Perhaps a radical Islamist or other challenge will eventually overcome

79. Friedman, supra n. 27, at 450.
it. But if it is a delusion, it is a peculiarly enduring American one, and it is one worth preserving.\textsuperscript{80}

\textsuperscript{80} See Ignatieff, supra n. 74. As Dean Harold Koh observes, “human rights problems may arise as often when the United States does not exercise its exceptional leadership in human rights, as when it does. If critics of American exceptionalism too often repeat ‘America is the problem, American is the problem,’ they will overlook the occasions where America is not the problem, it is the solution, and if America is not the solution, there will simply be no solution.” Koh, supra n. 20, at 1489.