Book Review. The Foundations of American Citizenship: Liberalism, the Constitution, and Civic Virtue

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rean ideas, "naturalized Christianity," and a "moral sense" theory of natural law, natural rights, and obligation. This combination produced a philosophical quandary that squinted toward an emerging subjective-rights theory held by Jefferson and proponents of slavery.

The last three essays deal much more with contemporary culture, each confirming in different ways the need for developing within the academy an adequately grounded philosophy of rights and justice. William A. Galston, a political theorist, is concerned with how the current debate over the meaning of rights has been shaped and what it offers or fails to offer in the present crisis of American liberalism. William H. Fisher III, professor of law at Harvard, reviews the field of American legal history to analyze how the Critical Legal Studies movement of recent decades has inherited the legacy of the Legal Realists of the 1920s and 1930s and what the development implies for the understanding of rights. Alan Ryan, a professor of politics at Princeton, ventures into the field of comparative cultural history and politics to contrast British and American attitudes toward bills of rights, judicial review, and the interplay of judicial and party politics.

No brief review can do justice to the richness of these essays. They open new paths of inquiry, make important contributions in some instances, and shed light on why the current controversies over the Bill of Rights hold a central place in American culture.

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In The Foundation of American Citizenship Richard C. Sinopoli has written two books bound between a single pair of covers. The first is a work of intellectual history. It argues that the political discourse of the founding period was pervasively liberal. The book's targets are republican revisionists such as J.G.A. Pocock (The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition [Princeton, N. J., 1975]), Lance Banning (The Jeffersonian Persuasion: Evolution of a Party Ideology [Ithaca, N. Y., 1978]), and Gordon Wood (The Creation of the American Republic, 1776-1787 [Chapel Hill, N. C., 1969]). The second book is a work of political philosophy. It argues that a republican theory of government would be inappropriate for modern America. This book's targets are "neorepublicans" and "strong democrats" such as Benjamin Barber (Strong Democracy: Participatory Politics for a New Age [Berkeley, Calif., 1984]) and Robert Bellah (Habits of the Heart: Individualism and Commitment in American Life [Berkeley, Calif., 1985]). As a whole, the volume is an important and interesting work of scholarship, but its dual approach weakens this sometimes challenging, sometimes complacent work.
In his historical chapters Sinopoli argues that the Antifederalists and the Federalists shared certain liberal “first principles” (pp. 131, 155). Not only Publius but also Cato, Brutus, and the Federal Farmer believed that a just government rests on a hypothetical social contract, instituted to allow all citizens to pursue their own vision of the good life without interference from others. Such a state promotes liberal justice by protecting the legal rights of all individuals, but it also creates “free rider” (pp. 95, 141) problems: heeding only the call of interest, individual citizens have an incentive to violate the rights of others in order to secure a short-term advantage. State coercion, if perfectly effective, might restrain free riding, but state coercion is never perfectly effective. Thus liberal states risk instability if citizens pursue only self-interest.

Accordingly, both Antifederalists and Federalists sought to promote civic virtue, which Sinopoli defines as willingness to abide by the laws of a just state even when prudent self-interest might recommend disobedience. But while both sides agreed about principles of justice and the need for civic virtue, they disagreed about the empirical conditions necessary to call forth civic virtue from the mass of citizens. In particular, drawing on but not citing David Hume, Publius maintained that habit would best promote unquestioning obedience. Citizens first become devoted to the state because they believe that it will protect their rights and advance their interests, but over time, “we grow to like whatever government we are under merely because it grows old” (p. 82). Citizens may come to feel habitual allegiance either to a small state or to a larger one, like the federal government proposed by the new Constitution. By contrast, drawing on Francis Hutcheson, the Antifederalists argued that feelings of benevolence toward neighbors and friends generated allegiance to the state. Significantly, those feelings could occur only in a small state in which most citizens shared at least a passing acquaintance.

In Sinopoli’s view, the fundamental disagreement between Antifederalists and Federalists was very small: it concerned the best mechanism—long time or small size—for generating civic virtue. Sinopoli does introduce one qualification to this general thesis: some of the Antifederalists endorsed what he calls “weak republicanism” (pp. 12, 146)—a preference for broad and active popular participation in the business of government. That participation was instrumental to liberal ends: it helped better to preserve the rights of citizens. But participation was also admirable in its own right because it provided an education in republican civic-spiritedness. This republicanism was so weak, however, that liberal values prevailed whenever the two came into conflict. The Antifederalists, for example, believed that roughly equal distribution of property was necessary for broad political participation, and they feared that the market would produce acute disparities in wealth. But so deeply wedded were they to the liberal capitalist system that they could not imagine redistributing property to secure political equality. Instead, they merely expressed regret that the material basis necessary for a republican state might fast be passing away.
Sinopoli’s historical thesis is clear and elegant, an important and useful new entry in the continuing controversy over republican revisionism. In recent years, ample evidence has come to light that neither a monolithic liberal orthodoxy nor a monolithic republican orthodoxy existed during the debates over the Constitution. One of the strengths of Sinopoli’s work is that he avoids such a simplistic rendering of the time. While his survey is not broad—among the Antifederalists, he considers only Cato, Brutus, and the Federal Farmer in a serious way—his treatment of primary sources is careful and insightful. He ultimately claims a pervasive liberal outlook for the time but nonetheless seeks fairly to recognize and account for the common use of republican ideas as well. His thesis deserves widespread consideration as a possible formulation of the multiple influences present during this yeasty, eternally confounding time. His study’s clarity and elegance may in time prove problematic because the period is so complex and variegated that perhaps no simple description can capture it. Even so, a clear and bold thesis such as this can advance understanding by focusing attention on one truth.

It is unfortunate that the elegance and relative balance of the historical account do not continue in the book’s purely philosophical portions. Sinopoli deserves credit for including an honest substantive assessment of the historical ideas he describes. He recognizes that much recent debate over the founding period conceals a present-oriented agenda: liberals wish to find a pedigree for liberal ideas, and republicans wish to find a pedigree for republican ideas. Often, however, that agenda remains hidden, and it is refreshing that Sinopoli shares with us his own liberal convictions. More uncommon still, he apparently makes his own views known in part precisely so that his reader may bear them in mind when reading his historical treatment.

Although honest, however, his response to the neorepublicans so thoroughly presumes a background of liberal orthodoxy that it may convince no one who is not already convinced before picking up the book. His essential critique of “strong democracy” is that it does not specify to what extent it will protect liberal rights; accordingly, it risks liberal injustice. But neorepublicanism is part of a large-scale intellectual enterprise—including various postmodernists, feminists, speech situation theorists, pragmatists, and others—that fundamentally questions the liberal construction of reality. As Sinopoli argues, neorepublicanism may not satisfy liberal criteria, but neorepublicanism seeks exactly to problematize those criteria. There are arguments against this deep republican critique, but Sinopoli does not make them. In that sense, his argument is not mistaken, but it is unresponsive and incomplete. One of the strengths of this book is its focused brevity, and it may seem unfair to ask for a thorough response to neorepublicanism in so short an essay. But the better authorial choice may be not to begin a response if one can not conclude it in the compass allowed oneself. It is a substantial achievement to cast bold new light on the intellectual history of the founding period, even without any philosophical assessment of the merits of the ideas involved.
Unhappily, the philosophical method of the latter pages also weakens, to some extent, the historical analysis of the stronger, earlier pages. Sinopoli is deeply steeped in the tradition of analytical philosophy, and even when approaching texts as historical artifacts, he reads them as analytical philosophy. Thus, in describing Antifederalism as a whole, he selects the “best” works to represent it, and by “best” he apparently means most articulate and self-conscious about principles, rather than most typical. He distinguishes between the republican “rhetoric” (p. 138) and the liberal substance of Antifederalist tracts, and he concludes that the latter is the real meaning. Similarly, he assumes that the most fundamental convictions are those that address the justification for the state, which he calls liberal “first principles” (pp. 136, 155), rather than those that concern the promotion of a virtuous political culture, which he describes as a secondary issue about motivation. Finally, he considers logical inconsistency a most damaging flaw in a political pamphlet.

All of these strategies are familiar techniques of philosophical engagement with the great works of the western tradition. Perhaps they are useful techniques for modern political philosophers in assessing the lasting value of Antifederalist writings. They are less suitable in attempts to characterize the intellectual climate of a time, unless the participants themselves approached their writing as analytical philosophy. In their own time and place, political pamphleteers may convey as much meaning by their rhetoric as by their substantive propositions. They may worry more deeply about the state of their political culture than the origin of the state. The least articulate politicians may have the most influence, and they are perfectly capable of having inconsistent thoughts. In all these ways, republicanism may have played a much larger role than Sinopoli’s philosophical style of interpretation could recognize.

To this reviewer, Sinopoli could have better packaged the two works in this one book as two works in two books. In the first, philosophical work, he would have had the space to develop more fully his response to neorepublicanism. In the second, historical work, he could have considered the multiple sorts of meanings—apart from analytical philosophical significance—that the pamphlets of the founding period may have had for their readership. As it stands, the single volume is a considerable contribution. It may be hoped that Sinopoli will continue to enrich the dialogue about the founding period in future works that develop the ideas in this perceptive and important essay.

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Editor Kathryn Zabelle Derounian-Stodola and thirteen other former students of Harrison T. Meserole’s have gathered a fine collection of