Introduction

The poet, editor, and diplomat James Russell Lowell famously described the American Constitution as "a machine that would go of itself." It is less often recalled that Lowell said this in an address preoccupied with the possibility of constitutional degeneration. Americans, Lowell worried, mistook their good fortune for merit and destiny, acting as if the Constitution would simply run itself, which "made us neglectful of our political duties."[1] Our luck, Lowell sought to remind us, would almost certainly run out. How, then, would we maintain America's "experiment of democracy" in less auspicious circumstances?[2] We would have to more carefully attend to maintaining the ideas and practices that undergird the American experiment. Carried forward in the minds of the people, such ideas would ensure the endurance of the republic. Indeed, Lowell described "a new condition of mind" as among the most important features in the development of American democracy.[3] Yet, despite Lowell's lesson against easy contentment, his poetic phrase – "a machine that would go of itself" – captures how the Constitution is often understood. Institutions set in motion by the founding generation require only a civic faith by subsequent generations. All the most difficult work was done long ago. Such a conception does not require "tending" to political culture and practices, a set of understandings and skills, to maintain the Constitution.[4]

[1] James Russell Lowell, "The Place of the Independent in Politics," in *Literary and Political Addresses* (Boston: Houghton, Mifflin, 1904), 252. Michael Kammen noted Lowell's insistence that the Constitution would not run itself in *A Machine That Would Go of Itself: The Constitution in American Culture* (New York: Vintage, 1986), 19.

[2] Lowell, "Place of the Independent in Politics," 259.

[3] Ibid., 250.

[4] Sheldon Wolin, *The Presence of the Past: Essays on the State and the Constitution* (Baltimore, MD: The Johns Hopkins University Press, 1989), 84–85.

John Dewey pointed to this as a fallacy of "classic Liberalism," which "lies in the notion that individuals have such a native or original endowment of rights, powers and wants that all that is required on the side of institutions and laws is to eliminate the obstructions they offer to the 'free' play of the natural equipment of individuals."[5] For Dewey, democracy required an attentive and educated citizenry. This also happened to be true for many early advocates of what Dewey dubbed "classic Liberalism" (including Lowell).[6] It was Montesquieu, after all, who insisted that in republican government, "the full power of education is needed." In democracies alone, "government is entrusted to each citizen." It was crucial, then, in contrast to other forms of government, that education inspire "political virtue" and a love of "the laws and the homeland" as well as a preference for the "public interest."[7]

Education is one part of maintaining a constitution; it helps forge the ideas and practices necessary to sustain the political order and seeks to pass on principles that allow the political community to reproduce itself across time.[8] Unlike in some constitutional democracies, education has occupied an uncertain place in the American scheme.[9] It is not formally mentioned or even acknowledged in the Constitution, which might suggest it was left to families, local communities, and the states (including state constitutions where education was taken up from the beginning). There is much to this perspective. And yet national education was not only contemplated by the founding generation, it was understood as part of creating and maintaining the American constitutional order.[10] In 1796, appearing in public for the last time as president, George Washington "proposed to the consideration of Congress, the expediency of establishing a National University." Washington went on to note the particular virtues of such an institution and highlighted the delicate and crucial link between education and republican government: "a primary object of such a National Institution should be, the education of our Youth in the science of *Government*. In a Republic, what species of knowledge can be equally

[5] Quoted in J. Judd Owen, *Religion and the Demise of Liberal Rationalism* (Chicago: University of Chicago Press, 2001), 18.

[6] Lowell, "Place of the Independent in Politics," 255. "A democracy makes certain duties incumbent on every citizen which under other forms of government are limited to a man or to a class of men."

[7] Montesquieu, *The Spirit of the Laws*, I.4.5.

[8] Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1999), 15, 19.

[9] Article 42 of the Constitution of Ireland (adopted 1937), for example, refers to the family as the "natural educator" but insists that the state, as "guardian of the common good," ensure that children receive a minimum moral, social, and intellectual education. Article 42 also commands the state to provide free primary education and supplement private education. In the South African Constitution, Chapter 2, Section 29 declares a right to an education and commands the state to take reasonable measures to make such a right meaningful.

[10] Features of what John Finn calls the Civic Constitution. Finn, *Peopling the Constitution* (Lawrence: University Press of Kansas, 2014), 1.

important? And what duty, more pressing on its Legislature, than to patronize a plan for communicating it to those, who are to be the future guardians of the liberties of the Country?"[11]

This was not the first time Washington formally proposed the establishment of a national university. Nor, even in death, would Washington relinquish the idea. In his first State of the Union address on January 8, 1790, he called on Congress to deliberate "the institution of a national University." A national university, Washington insisted, would not only teach those "who are entrusted with the public administration" but would teach "the people themselves to know and to value their rights."[12] In his last will and testament, Washington urged Americans to establish such an institution. Anxious about the future of the nation he had helped bring into being, Washington openly worried that American youths were being educated in a manner that did not readily serve the needs of the new republic. Going abroad, they might imbibe "principles unfriendly to Republican Government & to the true and genuine liberties of mankind." Remaining at home, they might too readily be attached to "State prejudices." Washington wished to see the spread of liberal and republican principles "through all parts of this rising Empire." He spoke of the need to foster union based on shared political principles and sentiments: "Looking anxiously forward to the accomplishment of so desirable an object as this is (in my estimation) my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a UNIVERSITY in a central part of the United States." Washington recalled for his fellow citizens the many virtues of such an institution. He then, as we say, put his money where mouth was. Washington gave his shares from the Potomac River Company, a substantial sum at the time, which he was given for his service in the Revolutionary War, "towards the endowment of a UNIVERSITY to be established within the limits of the District of Columbia, under the auspices of the General Government."[13]

As conceived by Washington, the national university might be understood as a supplement to the institutional structure brought forth in the Constitution. At the same time, Washington's concern that national sentiments and character would not be cared for in the absence of a national educative effort may suggest an alternate mode of maintaining the constitutional order that points beyond institutional maintenance to political culture and the mind-set of citizens. Such an understanding speaks to what the political theorist Sheldon Wolin refers to as "the politics of tending."[14] This requires the cultivation of a political culture with shared beliefs and understandings – things the institutional structure of the Constitution did not provide. Indeed, we might understand Washington's

[11] George Washington, *The Writings of George Washington*, ed. John Fitzpatrick (Washington, DC: Government Printing Office, 1931–44), 35:316, 317.
[12] Ibid., 30:493.
[13] Ibid., 37:280.
[14] Wolin, *Presence of the Past*, 84.

effort as an attempt to create a national identity and political culture that would solidify and sustain the Constitution. As a constitutive act, the Constitution may have called into being "We the People," yet the formal act of creating the written Constitution did not, on its own, create a national political culture and identity to match the Constitution.

The national university would help constitute the American mind in accord with the civic aspirations of the Constitution of 1787 and perpetuate this mind-set into the future. Following Walter Murphy, I suggest a distinction between the constitutional text and the constitutional order: the constitutional text and its ratification put the American constitutional project in motion, but parchment and ink would need "tending" to develop the practices, thoughts, principles, and traditions that would fill out and make up the American constitutional order.[15] In Hannah Arendt's terms, creating the Constitution was part of perpetuating the American Revolution.[16] The act of "constitution" refers to more than the creation of the rules of government embodied in the constitutional text; it is also an act of the people to further the principles and mind-set of the revolution by creating a particular kind of political community. Collapsing easy distinctions between constitutional "creation" and "maintenance," constituting the polity is an effort to *become* a certain kind of polity by bringing it into being.[17] The call for a national university had, in fact, been put forward prior to the Constitutional Convention with Benjamin Rush's plea for the Congress, under the Articles of Confederation, to establish a national university: "to conform the principles, morals, and manners of our citizens to our republican form of government, it is absolutely necessary that knowledge of every kind, should be disseminated through every part of the united states."[18] Rush put this in the context of carrying forward the *American Revolution*, which was not to be confused with the late Revolutionary War: "nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government; and to prepare the principles, morals, and manners of our citizens, for these forms of government, after they are established and brought to perfection."[19]

At the Constitutional Convention held some months later, James Madison moved that Congress be given the power to establish a national university,

[15] Walter F. Murphy, *Constitutional Democracy: Creating and Maintaining a Just Political Order* (Baltimore, MD: The Johns Hopkins University Press, 2007), 12–13. See also Finn, *Peopling the Constitution*, 36–37, and Beau Breslin, *From Words to Worlds: Exploring Constitutional Functionality* (Baltimore, MD: The Johns Hopkins University Press, 2009), 12.

[16] Hannah Arendt, *On Revolution* (New York: Penguin, 1965), 133.

[17] Murphy, *Constitutional Democracy*, 18.

[18] Benjamin Rush, "Address to the People of the United States," *American Museum*, Philadelphia, January 1787, in Colleen A. Sheehan and Gary L. McDowell, eds., *Friends of the Constitution* (Indianapolis, IN: Liberty Fund, 1998), 3.

[19] Ibid., 3.

and was seconded by James Wilson, but the proposal did not find its way into the final document for reasons that became the subject of much constitutional debate.[20] Nevertheless, the creation of a national university was supported by every president from Washington to John Quincy Adams – and would be put forward by later presidents such as Ulysses S. Grant, Rutherford B. Hayes, and James A. Garfield – and was frequently advocated by the nascent republic's educational thinkers.[21] The national university project would unite leading Jeffersonians and Federalists even while they disagreed on particulars.[22] We might think of this as a helpful reminder that "the differences between Jeffersonians and Hamiltonians, Federalists and Anti-Federalists, are ultimately reconcilable within a broader consensus of agreement on political fundamentals."[23] This may also reflect Alexis de Tocqueville's insistence regarding Federalists and Anti-Federalists that "the two parties were in agreement on the most essential points."[24] Perpetuating a "constitutional consensus" with regard to political fundamentals, within which citizens might then disagree, was a central rationale for a national university.[25]

Proponents of the national university saw it as providing constitutional leadership at the national level that would, in Madison's words, promote "those national feelings, those liberal sentiments, and those congenial manners which contribute cement to our Union and strength to the great political fabric of which that is the foundation."[26] Such an institution would help supply the sort

[20] Max Farrand, ed., *Records of the Federal Convention of 1787* (New Haven, CT: Yale University Press, 1966), 2:616.

[21] David Madsen, *The National University* (Detroit, MI: Wayne State University Press, 1966); Edgar Bruce Wesley, *Proposed: The University of the United States* (Minneapolis: University of Minnesota Press, 1936); Theta Harrison, "History of the Movement for a National University in the United States" (EdD diss., Stanford University, 1931); Senate Report, *University of the United States* (Washington, DC: Government Printing Office, 1902); John Wesley Hoyt, *Memorial in Regard to a National University* (Washington, DC: Government Printing Office, 1892).

[22] Neil McDowell Shawen, "Thomas Jefferson and a 'National' University," *Virginia Magazine of History and Biography* 92, no. 3 (1984): 309–35, suggests Jefferson was interested in the national university if it would benefit Virginia.

[23] Gary Jeffrey Jacobsohn, *Apple of Gold: Constitutionalism in Israel and the United States* (Princeton, NJ: Princeton University Press, 1993), 115.

[24] Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 167.

[25] "When we speak of opposition as being *constitutional*, we mean that both government and opposition are bound by the rules of some kind of constitutional consensus. It is understood, on one side, that opposition is directed against a certain policy or complex of policies, not against the legitimacy of the constitutional regime itself." Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States* (Berkeley: University of California Press, 1969), 4.

[26] James Madison, *The Writings of James Madison*, ed. Gaillard Hunt (New York: G. P. Putnam's Sons, 1908), 9:343.

of political figures Madison and others thought the nation could not count on as naturally occurring.[27] It would also help provide a constitutional mindset – what Madison would call a "political creed" – to guide both political leaders and the public. Madison's institutional political science – with separate powers checking one another – is often taken as the exemplar of the Constitution as "a machine that would go of itself." Yet Madison's concern for the cultivation of civic leaders and citizens rooted in a constitutional culture gives us a far more capacious understanding of the American constitutional order.[28]

To best understand the advocacy of a truly national institution of education, we might recall that constitutional union was precarious, and the educational institutions then in existence were parochial state institutions with clear sectarian affiliations unlikely to promote the nationalizing and liberalizing sentiments deemed instrumental in helping to secure and perpetuate the new constitutional order.[29] The educational institutions at the time – when, after all, Harvard and Yale were parochial "church-state" colleges and not today's national and secular Harvard and Yale – were problematic on two fronts. First, such institutions tended to reinforce regional and geographic prejudices rather than being national in outlook. Proponents of the national university thought it would both create and solidify a national vision that was not provided by the educational institutions in the states. Second, the sectarian nature of the colleges – and the fact that theology was at the center of most of these colleges' missions – meant that these institutions could not be depended on to provide for either national unity or the cultivation of liberal principles. The national university, in contrast, would be free of sectarian affiliation, as theology would be removed from the center of education. As such, the national university could provide an education in political principles and national sentiments that was part of forging the collective identity of "We the People" and articulating what "We" believe and aspire to.[30]

And yet the institution failed to be established, in no small part because of these two factors. Despite forceful advocacy of a national institution of education by the leading political figures of the day, the idea that the Constitution left education exclusively in the hands of the states persisted well into the nineteenth and twentieth centuries. It is perhaps not surprising that far more

[27] Alexander Hamilton, James Madison, and John Jay, *The Federalist*, No. 10, ed. Jacob E. Cooke (Middletown, CT: Wesleyan University Press, 1961), 60. "Enlightened statesmen will not always be at the helm."

[28] See Finn, *Peopling the Constitution*, 57. See also George Thomas, *The Madisonian Constitution* (Baltimore: Johns Hopkins University Press, 2008).

[29] David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University Press of Kansas, 2003), 116 (on Union), and Frederick Rudolph, *The American College and University: A History* (Athens: University of Georgia Press, 1990), 13 (on educational institutions).

[30] Finn, *Peopling the Constitution*, 1.

than a century after the first calls for a national university, in a period when more national institutions were being forged, these same concerns are evident. A 1902 Senate Report from the Committee to Establish the University of the United States spoke to the "country's present deficiencies" in calling for the establishment of "a great and true university, free from all local or religious prejudice."[31] And these reasons resonate with educational debates in the early years of the twenty-first century in the form of the "school question" – that is, the place of religion and civics in the public schools.[32] But to return to the early American republic, much of the skepticism regarding the establishment of a national university centered on the fact that education was not the business of the national government. Such critics were also skeptical of creating a uniform – and potentially homogenous – citizenry under a consolidated vision. While not speaking to the national university in particular, the Anti-Federalist writing under the pen name of the Federal Farmer captured this sentiment: "the idea of one consolidated whole, on free principles, is ill-founded."[33] Many critics, following the logic of the small republic as a school of citizenship, tended to think the republic would be best served by the church-state schools already in existence.[34]

But how does this make the national university relevant to our understanding of American constitutionalism or to the relationship between education and the American polity? Returning to the arguments on behalf of a national university opens a window onto the thinking and process of constitutional development in the early American republic. This is not an exercise in antiquarianism but a perennial concern with which we have been wrestling as a nation since our inception. As the educational thinker E. D. Hirsch Jr. argues in *The Making of Americans*, "the reason that our eighteenth-century founders and their nineteenth-century successors believed schools were crucial to the American future was not only that the schools would make students technically competent. That aim was important, but their main worry was whether the Republic would survive at all."[35] This is an ongoing project, and one intimately linked to education. From the perspective of *The Federalist*, we might gather that the project of maintaining a constitution is never-ending.[36]

[31] Senate Report No. 945, 57th Cong., 1st sess., *University of the United States* (Washington, DC: Government Printing Office, 1902), 6.

[32] Marc O. DeGirolami, "The School Question," *The New Republic*, July 2, 2012. See also Jill Lepore, *The Whites of Their Eyes* (Princeton, NJ: Princeton University Press, 2010), 158–59. The Common Core has only added to the intensity of contemporary debates.

[33] Herbert J. Storing, ed., *The Anti-Federalist* (Chicago: University of Chicago Press, 1985), 40.

[34] Herbert J. Storing, *What the Anti-Federalists Were FOR* (Chicago: University of Chicago Press, 1981), 21.

[35] E. D. Hirsch Jr., *The Making of Americans: Democracy and Our Schools* (New Haven, CT: Yale University Press, 2009), 3. Or as Michael Walzer argues, "the people" are "Americans only by virtue of having come together." "What Does It Mean to Be an 'American'?" *Social Research* 71, no. 3 (1990): 636.

[36] *The Federalist*, No. 85, 594.

More than two hundred years after the ratification of the Constitution, fostering these civic traits and identity remains essential to maintaining the constitutional order brought into being in the late eighteenth century.[37] This is not just knowledge of American civics or an understanding of American history on the order of questions such as, What does Section I of the Fourteenth Amendment say? What is the history behind its passage? This is important knowledge. But it is only a small part of the sort of education envisioned by advocates of the national university, who spoke to our general understanding of political life.[38] As the National Standards for Civics and Government put it, American constitutionalism depends on "civic dispositions or traits of private and public character."[39] How best to foster these dispositions (and just what they should be) was at the heart of the debate over the national university. These concerns are also at the heart of current educational debates, as the work of Hirsch and scholars such as Amy Gutmann, Eamonn Callan, and Stephen Macedo makes clear.[40] *The Heart of the Matter*, a report by the American Academy of Arts and Sciences commissioned by Congress, insists that education is "the keeper of the republic."[41] Recovering the debates over the national university and connecting them to current debates about civic and constitutional education may also speak to scholars such as Michael Sandel, who doubts that American constitutionalism has the resources to "sustain the kind of political community and civic engagement that liberty requires."[42] Turning to the early supporters of the American constitutional enterprise, these civic concerns are evident, as is the fact that they did not envision a "procedural republic" but a substantive constitutional order that brought forward and depended on a coterminous civil society.

The arguments for a national university illuminate the constitutional enterprise by situating it in time and speaking specifically to its educative ambitions. The aims of the national university were what Sotirios Barber has called "attitudinal." The success, or failure, of constitutions might be as much attitudinal

[37] Wolin, *Presence of the Past*, 9.

[38] Finn distinguishes between the "Juridic" Constitution and the "Civic" Constitution in this regard. The Civic Constitution is fundamentally about who we are as a people, whereas the Juridic Constitution is preoccupied by the legal enforcement of the Constitution understood as a legal text. Finn, *Peopling the Constitution*, 38–47. See also Thomas, *Madisonian Constitution*.

[39] "National Standards for Civics and Government," Center for Civic Education, 2004.

[40] Gutmann, *Democratic Education*; Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy* (New York: Oxford University Press, 1997); "Citizenship and Education," *Annual Review of Political Science* 7 (2004): 71–90; and Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000).

[41] Commission of the Humanities and Social Sciences, *The Heart of the Matter* (Cambridge, MA: American Academy of Arts and Sciences, 2013), 9.

[42] Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1996), 24.

as institutional. Successful institutions, Barber argues, must cultivate the attitudes necessary to sustain them as well as the "principles the institutions embody."[43] At root, the national university was about ideas, which Madison called "mental pictures" that can "configure worlds."[44] In his *Notes on Government*, Madison referred to thinkers as "the cultivators of the human mind – the manufacturers of useful knowledge – the agents of the commerce of ideas – the censors of republican manners – the teachers of the arts of life and the means of happiness."[45] Ideas order human existence and frame how we see, understand, and think about politics; our "mental pictures" shape what we call "politics" in the first place as distinguished from phenomena that we situate, precisely because of our conceptualization of what constitutes politics, outside of the political realm. Ideas in this sense are constitutive and can create, alter, and transform interests and institutions.[46]

America's constitution makers, even while beginning from a deeply realistic assessment of human behavior and interests, sought to map the people so that they would see the world through the lens of the Constitution.[47] William Harris goes so far as to posit a conjunction between mind and polity that is at the root of the constitutional enterprise.[48] This enterprise, I suggest, speaks to the whole of the American constitutional order, which we do not want to confuse with the constitutional text; the written Constitution is, of course, very much a part of this order – but only a part. A constitution includes what Walter Lippmann called a "public philosophy," which Sandel defines

[43] Sotirios A. Barber, "Constitutional Failure: Ultimately Attitudinal," in *The Limits of Constitutional Democracy*, ed. Jeffrey K. Tulis and Stephen Macedo (Princeton, NJ: Princeton University Press, 2010), 20.

[44] William Harris, "Constitution of Failure: Architectonics of a Well-Founded Constitutional Order," in Tulis and Macedo, *Limits of Constitutional Democracy*, 67.

[45] Quoted in Colleen A. Sheehan, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press, 2009), 104.

[46] Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no. 4 (2002): 697–712, 700, and Mark Blyth, *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century* (New York: Cambridge University Press, 2002), 10–11. See also Rogers M. Smith, "Which Come First, the Ideas or the Institutions?" in Ian Shapiro, Stephen Skowronek, and Daniel Galvin, eds., *Rethinking Political Institutions: The Art of the State* (New York: New York University Press, 2006).

[47] Or as Gordon Wood says, even while acknowledging the "realist" and "materialist" positions, "there is no behavior without ideas, without language. Ideas and language give meaning to our actions, and there is almost nothing that we humans do to which we do not attribute meaning. These meanings constitute our ideas, our beliefs, our ideology, and collectively our culture." Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2001), 15.

[48] William Harris, *The Interpretable Constitution* (Baltimore, MD: The Johns Hopkins University Press, 1993), 55. As Harris argues, "the connection takes places through the *modeling of reason* so that the logic ruling each order is *cognate* to that of the other" (56).

as "the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life."[49] We might just as readily refer to this concept as a "political creed." The crucial point is that a constitution "plans to alter and configure the future"[50] in accord with its "public philosophy."

This book examines how proponents of the national university saw the new Constitution as requiring the shaping of the American mind. Jefferson famously said that the Declaration of Independence was "intended as an expression of the American mind." And yet, as Michael Zuckert argues, if Jefferson portrayed himself as the scrivener of the American mind, his political career was just as surely committed to "the cultivation of the necessary kind of opinion."[51] Accordingly, the people must understand themselves as part of a constitutional union that rests on certain creedal commitments or civil ideals.[52] Madison echoed this sentiment in weighing what should be taught at the University of Virginia, itself an outgrowth of the idea for a national university and a potential indicator of its (partial) failure, with the clear aim of "framing a political creed." Considering what texts should be taught in framing the political creed, Madison wrote to Jefferson, "It is certainly very material that the true doctrines of liberty, as exemplified in our Political System, should be inculcated on those who are to sustain and may administer it."[53] Jefferson worried that Americans remained too beholden to European authorities, and Noah Webster shared

[49] Walter Lippmann, *The Public Philosophy* (Boston: Little, Brown, 1955), and Sandel, *Democracy's Discontent*, 4. See also James W. Ceaser, *Nature and History in American Political Development* (Cambridge, MA: Harvard University Press, 2006), 13–15.

[50] Jeffrey K. Tulis, "Plausible Futures," in *The Presidency in the Twenty-First Century*, ed. Charles W. Dunn (Lexington: University Press of Kentucky, 2011), 176. Corey Brettschneider speaks of the ideal of "free and equal citizenship," which I take to be akin to a constitutional creed, or essential principle of the Constitution. Brettschneider also argues, in a similar fashion, that the state should be "concerned to educate the citizenry" in accord with such principles. Brettschneider, *When the State Speaks, What Should It Say?* (Princeton, NJ: Princeton University Press, 2012), 20.

[51] Michael Zuckert, *The Natural Rights Republic* (South Bend, IN: Notre Dame University Press, 1996), 1, 54.

[52] Zuckert, *Natural Rights Republic*, situates the American creed as rooted in the Lockean Declaration of Independence and "liberal modernity." Zuckert does not deny that Protestant religion, classical republicanism, and Whig republican thought also shaped what he describes as the "American amalgam," but Lockean natural rights as articulated in the Declaration have been the dominant partner in this relationship. Rogers Smith, *Civic Ideals: Conflicting Visions of United States Citizenship* (New Haven, CT: Yale University Press, 1997), illustrates how ascriptive forms of nationalism and citizenship have also had a profound influence on the American civic identity, meaning that it has often had a distinctly nonliberal cast and that we should not privilege the liberal aspects of American constitutionalism.

[53] James Madison, Letter to Jefferson, February 8, 1825, in *Mind of the Founder: Sources of the Political Thought of James Madison*, ed. Marvin Meyers (Waltham, MA: Brandeis University Press, 1981), 349.