



On Why the United States of America Is Not a Utopia

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Our pundits did not wait until 1984 to tell us about George Orwell's *Nineteen Eighty-Four*. And much of what they have said, within the last year or so, has been no more surprising than this fact. We have been reminded in newspapers and on television, for example, as if we could forget, that we have a large bureaucracy; that technology now gives it the means to exercise an unprecedented kind of surveillance over citizens; that controlling our lives is made all the easier for it by our corrupt language, which disables us from recognizing the smiling face of bureaucratic terror for what it is. And so on. Alas, as if to show that our language is indeed corrupt, Orwell is often claimed as the "prophet" of all this. And it must also be said that these commentators stop short of the interesting questions. We are left to wonder if such familiar features of American politics as federalism and the separation of powers, which make our system of government emphatically non-monolithic and thus unlike the single government of Oceania in Orwell's novel, will suddenly fade into insignificance and leave us the defenseless victims of a unified and all-powerful state. Or we may wonder if, in confirmation of one of Orwell's fears, the constitutional democracies of the West will become like the totalitarian regimes they oppose, in the very course of their opposition. To such questions as these, our pundits give vague answers, if any, or they mutter dark warnings.

There was originally, of course, little doubt of what the prime historical sources for the anti-utopia depicted by Orwell were. They were Nazi Germany and the Soviet Union. As for the latter, the one which remained by the time the novel was published in 1949, we are reminded of how people first read the novel by a remark made by Czeslaw Milosz in *The Captive Mind* (1953). He notes that among Eastern European intellectuals "even those who know Orwell only by hearsay are amazed that a writer who never lived in Russia [that is, the Soviet Union] should have so keen a perception into its life."¹ The Soviet Union was more particularly the subject of Orwell's *Animal Farm* (1945). In this book, he later explained, he aimed to destroy "the Soviet myth," to expose "the Soviet regime for what it was," because it was totalitarian and had betrayed socialism:

¹C. Milosz, *The Captive Mind* (New York: Vintage Books, 1955) 40.

"nothing has contributed so much to the corruption of the original idea of Socialism as the belief that Russia is a Socialist country and that every act of its rulers must be excused, if not imitated."²

Orwell touches here on a subject that he treats more extensively in one of his unduly neglected books, *The Lion and the Unicorn: Socialism and the English Genius* (1941);³ and that

subject is English life and the relationship of English intellectuals to it, given their sympathy for the Soviet “experiment.” The book is a lively polemic addressed to the question of rule, of who should rule, in England. According to Orwell, “one of the dominant facts in English life” since about the last quarter of the nineteenth century “has been the decay of ability in the ruling class,” that is, among the aristocrats whose privileged way of life depended on a vanishing empire and the ongoing plunder of their countrymen. Since they dared not face the questionable bases of their regime, “clearly there was only one escape for them—into stupidity,” a condition they achieved by looking only toward the past and thus rendering themselves “unable to grasp that any improvement was possible” in the nation they ruled. The chief alternatives to their rule were offered by “two important sub-sections of the middle class,” namely, nostalgic patriots (“the Blimps”) on whom the task of administering the Empire had fallen, and the intellectuals, who are “purely *negative* creatures, mere anti-Blimps,” who “take their cookery from Paris and their opinions from Moscow.”

English intellectuals are “ashamed of their own nationality,” says Orwell, and are severed from “the common culture of the country.” According to him, “a modern nation cannot afford either of them” as ruling types, neither the blustering and uncritical patriot nor the critical but unpatriotic intellectual. “Patriotism and intelligence will have to come together again” if the question of who should rule is to be answered; and this reunion will come about, so Orwell argues, only if the intellectuals return to their native soil, as it were, by acquiring more understanding and sympathy than they have shown for “the English genius,” for what is uniquely English. From such a reunion, he concluded, an indigenous form of English socialism would be born.⁴

If the distinctions that Orwell makes are important in the United States today, whether or not we agree with his partisan conclusion, then we need to search for what is generically American, for “the American genius,” as the basis for a reunion of patriotism and intelligence in our own discussion of public things. And surely the place to begin this search is with the original debate over the American founding, for in this debate we learn both how we have been and are constituted as a people, as well as what can be said for and against this constitution, in terms that are native to it and for this reason not severed or abstracted from it. The parties to this debate, as is well known, are the Federalists and the Anti-Federalists; and it is to a review of their debate that we now turn, before addressing the question of why the United States of America is not a utopia.

²“Preface to the Ukrainian Edition of *Animal Farm*” in *The Collected Essays, Journalism and Letters of George Orwell*, ed. Sonia Orwell and Ian Angus (4 vols.; New York: Harcourt, Brace & World, 1968) 2.404, 405; hereafter cited as CEJL.

³CEJL, 2.56-109.

⁴CEJL, 2.69-75.

I. THE DEBATE AT THE FOUNDING OF AMERICA: VIRTUE, RELIGION, AND SELF-INTEREST

This debate was carried on chiefly in the ratifying conventions of the thirteen separate states in 1787 and 1788, and in the pamphlet literature that accompanied these conventions, after the Constitution itself had been sent to them from Philadelphia, where it was written. The debate

was well joined in New York, especially in the exchanges of Alexander Hamilton and his talented, though less well-known, Anti-Federalist opponent, Melancthon Smith; and what transpired there on 21 June 1788 is in certain important respects an epitome of the entire controversy.

A. The Anti-Federalists

On that day, the proceedings opened with a speech by an Anti-Federalist named John Williams, in which he replied to “the frightful picture that has been drawn of our situation” in America by the Federalists, more specifically to their “imputation of all our difficulties to the want of an energetic government” under the Articles of Confederation (the specific subject of *The Federalist* 15 to 22). In his reply, we see why the debate Williams enters remains important today, for he addresses the question of what kind of nation America should be, as well as matters of constitutional detail, with a keen understanding that he shared with his opponents, of how those details and the form of the Constitution itself would likely affect the forms of American life then and for “generations yet unborn.” According to him, “many of our present distresses flow from a source very different from the defects in the Confederation” and that source is the moral life of American citizens, which since the Revolutionary War has been characterized by a “luxury and dissipation” that has banished “all that economy, frugality, and industry” they had of necessity exhibited during the war. “Can a government ever so well formed relieve us from these evils?” he asks.⁵ His reply reflects an argument with a distinguished lineage, one that has been advanced in various ways by writers of the first rank, Plato and Rousseau among them. Briefly stated, the argument is this. Luxurious living creates a demand for goods and services that will be satisfied either through a dependence on the natural resources and manufactures of other nations, which weakens independence, or by an aggressive foreign policy aimed to secure markets abroad for those resources and manufactures, which weakens the claim of a nation that it rests on principles that other civilized nations would accept. Furthermore, luxurious living destroys the moral restraints, the civic virtues, the care about the *res-publica*, the public things, upon which the domestic strength and well-being of republics depend. Self-government, unlike monarchical or theocratic rule, depends uniquely on government of the self, upon the subordination of self to a principled public-spiritedness. So, then, to return to the American case, there must be an exemplary public alternative to luxurious living, and it is the life of

⁵*The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787*, ed. Jonathan Elliot (5 vols.; 2nd ed.; Philadelphia: Lippincott, 1888-96) 2.240. Hereafter, this edition will be cited as *The Debates*.

republican simplicity and moderation. Only when this life enjoys public support and is the object of emulation by citizens will their liberty be secure. This argument is also reflected in the more specific arguments of the Anti-Federalists in the New York debates against major features of the proposed constitution.

They argued against the adequacy of the system of representation in that proposal. John Williams touches on this subject and raises a question that may seem to be only a mechanical one: will New York have enough representatives? “Can it be supposed that six men can be a complete representation of the various orders of the people of this state?”⁶ The question of size

also involves the question of who is to be represented, whether all of the “various orders of the people” in New York will be included. The latter question is treated more directly by Melancthon Smith. If there are so few representatives, he argues, government under the proposed constitution would fall to “the natural aristocracy,” to those on whom “the author of nature has bestowed...greater capacities than on others.” Differences of “birth, education, talents, and wealth” result in visible distinctions as great as those by which hereditary peers are known. Americans who are thus distinguished make their way politically without much trouble: they “easily form associations” for political purposes, their fellow citizens defer to them, and for such reasons as these their “influence enables them to succeed in elections.” But government by these “few and great” Americans “will be a government of oppression” because they “do not feel for the poor and middling class,” whose way of life is so different from theirs. “They feel not the inconveniences arising from the payment of small sums” for example, and do not have to “labour to procure property” as their fellow citizens do. They can be representatives of the people in name only.

So, if the size of the state delegation to the House of Representatives were increased, and it was the body to be directly elected under the original Constitution, it would then be possible to represent in a more nearly perfect way “the common people,” or the “poor and middling class” and the “substantial yeomanry,” as Smith variously describes them. The descriptions suggest that what he had in mind were the “sensible, substantial men, who have been used to walk in the plain and frugal paths of life.” They are the bearers of republican virtue. The circumstances of their lives, their habits, and the company of like-minded people incline them “to set bounds to their passions and appetites.” Indeed, they “are more temperate, of better morals and less ambition than the great.” And even if a poor man or a substantial yeoman is as ambitious as a rich man, “he will not injure his country so much by the party he creates to support his ambition.” The representation of such citizens contributes to “the principal care of free governments” always and everywhere, which is “to guard against the encroachments of the great.” Not that “the first class in the community” is to be excluded but, rather, that it should be one part of a “representative body, composed principally of respectable yeomanry [who are] the best possible security to liberty.”⁷

⁶*The Debates*, 2.242.

⁷*The Debates*, 2.244-248. Smith’s speeches are also found in *The Complete Anti-Federalist*, ed. Herbert J. Storing (7 vols.; Chicago: University of Chicago, 1981) 6.148-176. This edition will be cited hereafter as *CAF*.

Some of the Anti-Federalists, however, argued that civic virtue, together with a constitution that had an adequate system of representation, was not enough to secure the “equal liberty” of citizens. More was needed; for if the Constitution depended upon the civic virtue of citizens, their civic virtue in turn was the consequence of their religion or, more specifically, of their Christianity. That this argument sat oddly related to certain intellectual tendencies of the time is suggested by the remark of A Customer, writing pseudonymously in 1788, who ironizes against “the better sort who reprobate the old-fashioned ideas of 1775,” one of which is that the time of “common people” or “the lower class” is well spent when it is devoted to religion, “then supposed to be necessary to the well being of civil society.”⁸ Likewise with Luther Martin, reporting to the legislature of Maryland on the Philadelphia Convention: “there were some

members so unfashionable as to think that a belief of the existence of a Deity, and of a state of future rewards and punishments would be some security for the good conduct of our rulers.”⁹

But this argument did not prevail, as we know. If any single accomplishment of the Anti-Federalists is remembered generally today, it is their successful insistence upon a Bill of Rights as a condition of their accepting the new Constitution, one of these rights being the “right of conscience” or of religious freedom. If this right is not protected, there will be religious persecution, “it having been found from universal experience,” as Richard Henry Lee says, “that such precautions are necessary to restrain and regulate the exercise of the great powers given to rulers.”¹⁰

So, there is a division of opinion among the Anti-Federalists on the question of whether religion, more particularly Christianity, should enjoy any kind of public support. Some of them, though, seem more aware than others of the costs of protecting religious freedom constitutionally, of what will be lost from national life when this protection is instituted. The ironical Aristocrotis, for example, claims that “there never was a government in the world that was not circumscribed by religion” until the one created in Philadelphia, and goes on to suggest why its makers did away with this limit, this “incumbrance” on government. His reasons are various, among them that Christianity in particular is an offence “to a government founded upon nature,” that is, upon the doctrine of natural rights and the benign claims of “nature’s God” we hear of in Jefferson’s *Declaration of Independence*, because it claims to be “of supernatural divine origin, and therefore sets itself above nature.” No “gentleman of fashion or good breeding” can be guided by its “rigid and severe” principles. If he follows any religion at all, it must be “the religion of nature” which “admits of proper degrees and distinctions amongst mankind,” as Christianity does not.¹¹ Similarly with A Customer who, perhaps glancing at a certain measured silence in the public statements of the Federalists about religion, claims that “our great folks” do not confess Christianity and that “if the lower class, who are desirous

⁸CAF, 4.202.

⁹CAF, 2.75.

¹⁰CAF, 5.116.

¹¹CAF, 3.205-207.

to imitate those who move in a higher sphere, should once be made to believe it unfashionable, we may turn our clergy a grazing—and employ our time, that heretofore has been employed in politics and religion, to the pursuit of wealth,” the characteristic activity in the republic of commerce designed by the Federalists.¹² In such a republic, human life would be organized and understood in commercial terms, on the basis of an “artful collusion of interests,” as an anonymous critic in Virginia accurately calls it.¹³

If the authority of commerce displaces the authority of Christianity, these Anti-Federalists argue, we would be left with a constitution that is republican in name only, one that would not be animated by the spirit of republicanism. “The best republican Constitution” alone, says Charles Turner, “can never save us from slavery and ruin.” If it is all we have, a “prevalent iniquity will be the ruin of [a] people” who have given themselves up to the selfish pursuits of commerce; and they in turn will have the like-minded rulers they deserve, who slyly evade the spirit of the Constitution “to enrich and aggrandize themselves and their connections.” This will be the

American version of an old and sad story to which, however, there can be a new turn: “mankind has always been enslaved and miserable,” Turner says, “and always will be until there is a greater prevalence of Christian moral principles.” And they will prevail only if “some superior mode of education is instituted, one that is

adequate to the divine, patriotic purpose of training up children in that solid learning and pious and moral principles that are the support, the life and soul of the republican government, of which the Constitution is the body.

The beneficiaries of such an education will be “more capable of being a law to themselves,” that is, of governing themselves, hence also of self-government, republican government.¹⁴

We may, then, summarize these aspects of the Anti-Federalist position by saying that, in their view, the United States of America should be a moral community in which the republican virtues of public-spiritedness, simplicity, and equality prevail; and that, in the view of at least some of them, such a community could be sustained only by Christianity. The Anti-Federalists were also convinced that such a community would of necessity be small. This conviction was born out of their experience of political life in the member states of the American union, mediated by their knowledge of European history and their understanding of the argument for the “small republic” advanced by Montesquieu and others. They were strong advocates of “decentralization,” as we sometimes call it, arguing that a large republic is a contradiction in terms. Thus, for example, Melancthon Smith’s criticism of the power of taxation given to the national government under the new constitution is not simply that it will strengthen the central government at the expense of state governments, and in this way contribute to the demise of the federal system. This criticism is of a piece with his argument about republican virtue and the representation of the “middling

¹²*CAF*, 4.202.

¹³*CAF*, 5.126.

¹⁴*CAF*, 4.221.

class” in the House of Representatives. As “Congress will ever exercise their powers, to levy as much money as the people can pay,” that power should be sharply restricted and the middling class adequately represented, or the result will be not only a centralized government but one that sustains luxurious living instead of republican simplicity. Natural aristocrats, “the great,” are “in the habit of profuse living” and can be expected to be “profuse in the public expenses” to sustain their way of life; but the middling class “from their frugal habits, and feeling themselves the public burdens, will be careful how they increase them.”¹⁵

The Anti-Federalists looked at the connection between representation and taxation in another way, one that also points to the importance of the small republic. They remembered, as any American might, the British reply to the colonial claim that they were being taxed by the government under George III without being represented in it; and that reply was that they were in fact represented in Parliament. But the natural question for Americans to ask was whether representation at such a distance was of any use to them at all; and it could be said that the Anti-Federalists continued to ask this question, only now addressing it to the distinction between

government in the states and at the national level. So, for example, referring again to Melancthon Smith, we find him saying that “it is a truth, capable of demonstration, that the nearer the representative is to his constituent, the more attached and dependent he will be.”¹⁶ And not only attached and dependent, but also resembling closely in interests and outlook those he represents. The representative, thus understood, is as much or more a local or state figure as a national one.

And finally, at least a few of the Anti-Federalists regarded the states as the venues within which the churches were more likely to prosper and carry out their work. Even if a national church was out of the question, the argument against it did not necessarily apply to such practices as religious tests for state office; and even if it were applied to them, as it subsequently was, it remained possible for churches to “supply the place of a legal establishment” with programs of education, such as the one anonymously recommended in and for Virginia in *A Proposal for Reviving Christian Conviction*.¹⁷

B. The Federalists

To all of this argument, Alexander Hamilton, James Madison, and the other Federalists had a comprehensive reply, of which the following features should be noted. Their reply may be understood to take its point of departure from a remark of Hamilton’s, in his exchange with Melancthon Smith. Referring to Smith’s arguments about republican virtue and the natural aristocracy, Hamilton says “it is a harsh doctrine that men grow wicked in proportion as they improve and enlighten their minds.” Further, that “experience has by no means justified us in the supposition that there is more virtue in one class of men than in another.” Indeed, if we “look through the rich and the poor of the

¹⁵CAF, 6.170; *The Debates*, 2.248 and CAF, 6.159.

¹⁶CAF, 6.168.

¹⁷CAF, 5.125-128.

community, the learned and the ignorant,” and ask “where does virtue predominate,” the answer is clear, says Hamilton:

The difference indeed consists, not in the quantity, but kind, of vices which are incident to various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to the prosperity of the state than those of the indigent, and partake less of moral depravity.¹⁸

Notice the connection Hamilton makes here between the “vices” of the rich and “the prosperity of the state,” for it points to the fact that he has in mind acquisitiveness, which has a special place in the “large commercial republic” of the Federalists.

Their republic differs from the one favored by the Anti-Federalists in its size; and in *Federalist* 10, Madison explains why a large republic will protect popular liberty better than a small one:

The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more

frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

This is Madison's way of "curing the mischief of faction," which he defines as

a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or the permanent and aggregate interests of the community.¹⁹

There is no other way to treat factions that is compatible with republican liberty, he argues. Its causes, which are "sewn in the nature of man," could be eliminated either by "destroying the liberty which is essential to its existence" or by undertaking the impossible task of "giving to every citizen the same opinions, the same passions, and the same interests." Its effects, however, can be controlled in a large republic, in which the number and variety of factions prevent any single faction from ruling oppressively. Not only "number," be it noted, but "number and variety," for Madison recognized that a large republic with a simple or undifferentiated economy would lack the diversity, the multiplicity, of factions necessary for the protection of liberty. As this diversity reflects "the diversity in the faculties of men," Madison argues that the purpose

¹⁸*The Debates* 2.257.

¹⁹*The Federalist*, ed. Jacob E. Cooke (Middletown: Wesleyan University, 1961) 63-64, 57. All references are to this edition.

of government is to protect and foster it, the source "from which the rights of property originate." As he puts it, again in *Federalist* 10,

The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results.²⁰

Such protection is provided best by the national government, rather than by state governments. Since the economies of states or localities are less diversified and complex than the economy of the nation, it will be more than possible for factions to gain control there, as they will not be able to do at the national level. The size and diversity of the national economy will not assure the protection of liberty if final political authority resides in the states. So, Madison's solution for the problem of faction, which for reasons already suggested by his definition of

faction is the problem of popular or democratic government, requires that we live as citizens of one nation, rather than simply or primarily as citizens of the states, and that the government of this country be enabled constitutionally to rule in all of those questions that affect the nation as a whole, “anything in the Constitution of Laws of any State to the contrary notwithstanding,” as the “Supremacy Clause” in Article VI of the Constitution states it. Thus it is, whether we like it or not, that Madison’s plan eventuates in “big government,” as we are now likely to call it, a government that serves the end of republican liberty by ministering to the economically diverse activities of the large commercial republic.

There is one important aspect of Madison’s plan that should not go unnoticed, as it often is. His view of property, of what the concept of property comprehends, is much more inclusive than we at first might suppose. And so, if we misunderstand him on this point, we are also likely to err in our understanding of the regime, the large commercial republic, substantially defined by property and acquisitiveness.²¹ Years after his defense of the proposed constitution, and when he had taken up a measured disagreement with his old Federalist colleague Hamilton, Madison wrote a short yet most revealing essay on “Property” for a newspaper called *The National Gazette*.²² In this essay, he distinguishes between property in the ordinary sense (“a man’s land, or merchandise, or money”) and a “larger and juster meaning” of the term that comprehends investments of another kind, in “the property which individuals have in their opinions, their religion, their persons, and their faculties.” Thus, in the more comprehensive sense of the term, property “embraces every thing to which a man may attach a value and have a right; and *which leaves to every one else the like advantage.*” Recalling now his argument in *Federalist* 10 that “the first object of government” is “the protection of the different and unequal faculties of acquiring property,” it becomes clear that under its terms, as he says in the later

²⁰*The Federalist*, 58.

²¹“Regime” is a technical term. See the analysis of Leo Strauss, *Natural Right and History* (Chicago: University of Chicago, 1965) 130-143.

²²Reprinted in *The Mind of the Founder: Sources of the Political Thought of James Madison*, ed. Marvin Meyers (Indianapolis: Bobbs-Merrill, 1973) 243-246.

essay, “government is instituted to protect property of every sort.” Further, that a government incapable of protecting property in the ordinary sense is equally incapable of protecting it in the more comprehensive sense as well: “that alone is a *just* government, which *impartially* secures to every man, whatever is his *own.*”

On these terms, Madison may be said to present critics of the American regime with a dilemma, which is this. On the one hand, under conditions of freedom, it is entirely likely that most citizens, most of the time, will be preoccupied with acquiring property in ordinary and most obvious ways; furthermore, given “different and unequal faculties of acquiring property” among citizens, that there will be economic and social inequalities among them; yet again, given whatever measure of self-interest or prejudice there is in them, that they are not likely to surrender many of their economic and social advantages in the name of equality; finally, given freedom to find their own levels of taste and understanding, that many of them will prefer things that seem tawdry and unaesthetic, as readers of Sinclair Lewis’s *Babbitt* may recall. On the other hand, and here comes the dilemma, the constitutional protection of this way of life, the way of

most citizens, and of the property that is at the heart of it, cannot be eroded without thereby endangering the constitutional protection of property in its “larger and juster” sense. The dilemma can be stated in another way: it is hard to imagine a government, one that would in fact work, so discriminating in its use of power that it could subject the prevalent forms of American acquisitiveness to a stricter and more satisfying moral (or if one prefers, aesthetic) accountability without at the same time establishing the precedent for violating the other kind of property as well. Either “when there is an excess of liberty,” that is, when a government is incapable of protecting property because it is weak, or “when an excess of power prevails,” says Madison, “property of no sort is duly respected. No man is safe in his opinions, his person, his faculties or his possessions.”²³

II. THE AMERICAN SUBSTITUTES FOR VIRTUE

If the dilemma posed by Madison remains with us, and the persistent criticism of “bourgeois” democracy suggests that it has, we might then wonder how well the critics have understood the object of their criticism. It seems likely, to say the least, that they misunderstand a most obvious yet seldom remarked feature of Madison’s “large commercial republic,” namely, that it stands on nothing more elevated than “self-interest, rightly understood,” to use Tocqueville’s memorable formulation, as we may see by glancing again at *The Federalist*. Every respectable student of American politics is familiar with *Federalist* 10; and it quickly seems familiar because its analysis of faction corresponds so well with what we can observe of American political life in our day. Its familiarity, however, disables us from recognizing how audacious that analysis is, something of which Madison himself was very much aware. And it is audacious because he rejects categorically the particular moral tradition represented in the

²³*The Mind of the Founder*, 243, 244.

debate over the American Constitution by the Anti-Federalists. They, it will be recalled, argued the case for civic virtue, often understood as depending on religious belief, for moral education, and for the small republic. But Madison refers to them here in *Federalist* 10 as “theoretic politicians” for wanting to put a moral or religious footing under the American republic. Look about you, Madison says, and you will see that “neither moral nor religious motives” are “an adequate control on the injustice and violence of individuals,” from which the political conclusion follows: these motives “lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.” His substitute for these motives, as the safeguard of republican liberty is something that we all know, but may not love: a large, complex, and unprepossessing citizen body.

Madison’s bold innovation continues, along the same lines, in his analysis of government offices, the particular subject of *Federalist* 47 to 51. Just as there is an equilibrium of interests among citizens when they freely pursue their self-interests, so also with the constitutional separation of powers: “each department should have a will of its own,” he says, with its occupants each pursuing their own ambitions (“ambition must be made to counteract ambition”); or with equal precision, “the interests of the man must be connected with the constitutional rights of the place.” Madison calls this a “policy of supplying by opposite and rival interests, the defect of better motives,” that is, moral or religious motives.²⁴

These, then, are the American substitutes for the virtue that is more than likely to be missing from public life here or, for that matter, anywhere else; and those among us who are fastidious will not find them to be very upbuilding: ill-favored things, but mine own, as any of us might say. But then, “what is government itself but the greatest of all reflections on human nature?”²⁵

We must pause, finally, to take direct note of what Madison says about the place of religion in our large commercial republic. Here again, his argument follows along familiar lines. Just as the civil rights of individuals are best secured when the citizen body is “broken into so many parts, interests, and classes of citizens,” so also with religious rights in particular: they are secured best when there is a “multiplicity of sects” corresponding in number and diversity to the “multiplicity of interests” on the economic plane. In a letter to Thomas Jefferson, appropriately enough, Madison speaks somewhat more candidly about religion than he does in *The Federalist*. “When...Religion is kindled into enthusiasm,” he says, “its force like that of other passions is increased by the sympathy of a multitude...and whilst it lasts will hardly be seen with pleasure at the helm.” But even when these fits of enthusiasm pass, and religion is “in its coolest state,” it has “been much oftener a motive to oppression than a restraint from it.” As with all other bodies, so also with religious ones: if any sect is a majority and has power, “other sects will be sure to be depressed.” Speaking directly of religion, which is but one form of faction, Madison lays down this rule: “divide et impera, the reprobated axiom of tyranny, is under certain

²⁴*The Federalist*, 61, 348, 349.

²⁵*The Federalist*, 349.

qualifications, the only policy, by which a republic can be administered on just principles.”²⁶

III. SECULAR AND NON-UTOPIAN

And so we come to this conclusion, often remarked casually or in other contexts but without a clear grasp of its implications for American politics: ours is a secular regime, one that is based on that new “science of politics” of which Hamilton speaks in *Federalist 9* and that finds such eloquent expression in *The Federalist* altogether. He knew, as did Madison and others, that the new nation they helped to create was unique because it was the first attempt ever to translate into practice newly established political principles, among them the ones we have just reviewed: a large, rather than a small, republic; a systematic indifference to virtue and an emphasis, instead, on self-interest; a measured scepticism, to say the least, about the place of religion in American public life. The tenor of this new regime is captured well in a remark of Jefferson’s. Speaking with perfect clarity, and in a perfectly profane way, he said, “it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg.”²⁷ In other words, ours is a regime that emphasizes the goods of the body, and the protection of these, but that is indifferent to the good of the soul or to the question of religious belief. And with this conclusion, we also come back to Orwell and to a subjoined conclusion that must serve as an answer to the question of why the United States of America is not a utopia.

“The Dream of Reason Brings Forth Monsters.” The phrase is Goya’s and the title of one of the best known of the eighty prints that make up the series he called “Los Caprichos,” first published in 1799 and thus at the end of the century that also saw the ratification of our

Constitution. The subject matter of the *Caprichos* is, however, anything but capricious, for in them Goya depicts very serious matters indeed: the phantasms, terror, injustice, and vibrant madness that are concealed from us by the surface of everyday life, by the forms or conventions that ordinarily engross us. Coming as they do, only twelve years after the Philadelphia Convention, they invite the question of whether the forms of public life, that is, the constitutional forms, can ever produce a modicum of decency instead of monstrosities.

We might say that this was Orwell's question, too. He celebrated the decencies of English life, which he associated with what now is often called "popular culture," but he also feared that the monstrosities he depicted in *Nineteen Eighty-Four* were tendencies present within every modern industrial society, including England's. How, then, might those tendencies be counteracted? By speaking clearly and well against them, as we justly admire Orwell for doing. And by accentuating, instead of them, the patterns of life that point in the op-

²⁶*The Federalist*, 351, 352; Letter of 24 October, 1787, in *The Papers of James Madison*, ed. Robert A. Rutland *et al* (13 vols., Chicago: University of Chicago, 1962-82) 10.213-14.

²⁷*Notes on the State of Virginia*, ed. William Peden (Chapel Hill: University of North Carolina, 1955) 159.

posite direction, such as the localized features of economic and social life or that quirky care for its particularities that distinguish one's own nation from others. Taken together, these patterns do not form a simple and harmonious whole that would satisfy the criteria of rational organization: in a word, they are decidedly non-utopian which brings us to Orwell's point. The utopian seeks in politics a perfection that it does not have and, after discovering this sad fact in the politics of his or her own land, looks elsewhere for it, to some other nation, to a movement that holds out the promise of political redemption, as it were, or to attractive political slogans.²⁸ Orwell saw the results of this search, and how much was sacrificed to it, in the politics of our century, for he once said, in explaining *Nineteen Eighty-Four*, that it offered a dramatic example of "the perversions to which a centralized economy is liable and which have already been partly realized in Communism and Fascism." He also said, unpleasant though this aspect of the novel may be to members of the academic tribe and others, that "totalitarian ideas have taken root in the minds of intellectuals everywhere"; and that he had "tried to draw these ideas out to their logical consequences."²⁹ So, we might say that the novel presents a criticism of utopian politics, or of the utopian tendency in modern politics, from a non-utopian point of view: the government of Oceania is a monster brought forth from the dream of reason, the utopian dream that human beings can realize the *eschaton*.

In the United States of America, on the other hand, the "new science of politics" helped to bring forth a regime that is obviously non-utopian, in the ways I have suggested in arriving at the conclusion that it is secular. Our Founders did not aim high, and their political objectives were limited. And about all of this, in explaining their choices, they were remarkably candid. Many among us take exception to the result of their work, either to the constitutional design of American politics or to the tendency of various policies flowing from that design, and might think it a judgment against the nation to say that it is non-utopian. But if we are instructed by Orwell's novel, we should have reason to wonder if these exceptions are well taken and if "non-utopian" is a term of abuse or criticism. After all, the novel can fairly be said to recapitulate the political history of our century, for the historical alternatives represented in it are communism

and fascism, as well as democracy, the basis from which the morally outraged Orwell criticizes the first two of these. And if the democratic alternative can be viewed from either a utopian or a non-utopian standpoint, Orwell teaches us to be wary of the former and to favor the latter. Among non-utopian expositions of constitutional democracy, in turn, *The Federalist* has few or no rivals in sobriety, lucidity, and intellectual authority. It is the book, Thomas Jefferson said, to which “appeal is habitually made by all, and rarely declined or denied by any” when questions about the “genuine meaning” of the United States Constitution arise.³⁰ And since another of its characteristics is that it is a

²⁸The foregoing point depends especially on “Notes on Nationalism,” *CEJL*, 3.361-380, and “Notes on the Way,” *CEJL*, 2.15-17.

²⁹Letter to Francis A. Henson, *CEJL*, 4.502.

³⁰As quoted by Clinton Rossiter in his edition of *The Federalist Papers* (New York: New American Library, 1961) vii.

polemical book directed against the Anti-Federalists, we can learn still more, though indirectly, of what that “meaning” is from them.

Taken together, the Federalists and Anti-Federalists help us to reflect on the character of our public life, on both what it has gained and lost from being shaped by our Constitution, on what to expect from it and what not to expect. They teach us how to ask the right questions about American politics; and we all recall having heard somewhere, usually on ceremonial occasions, that learning to ask the right questions is the very heart of liberal education. As for those among us who persist in demanding answers to the questions arising out of this debate about “the first new nation,” and thus about modernity and the problems of the day, let them take such comfort as they can from the report Swift gives us in *The Battle of the Books* on “the decisive battle” between the ancient and modern books: “we cannot learn to which side the victory fell.”