

Article

A Renaissance of Civic Education and Civic Engagement in Higher Education in the Spirit of the American Founders and Constitutionalism

Kody W. Cooper [†]

Department of Political Science & Public Service, University of Tennessee, Chattanooga, TN 37403, USA; kody-cooper@utc.edu

[†] 2023–2024 Visiting Fellow with the Civitas Institute at the University of Texas at Austin, Austin, TX 78712, USA.

Abstract: A growing number of states have responded to negative trends in civic knowledge, trust, and engagement by creating new institutes or schools at state universities, with the express aim of reinvigorating civic education and thoughtful, engaged citizenship. In seeking to increase civic knowledge, champion viewpoint diversity, model civil discussion of ideas, combat polarization, and embrace the civic responsibilities of higher education, these institutes can be seen as carrying forward the American founders' vision of civic education, the moral foundations of law and constitutionalism, and the constitutional principles of free speech and federalism.

Keywords: civic education; U.S. constitutional principles; state legislation on higher education; American founding; civic engagement; viewpoint diversity; free speech; civility; polarization; pedagogy

1. Introduction

Civic engagement is a broad term that can have a range of meanings.¹ At its most abstract, it can be understood as involvement or participation in community or communal activities. It has been established as a theorem in political science that American civic engagement, so understood, has declined over the past several decades. As Robert Putnam contended, this is evident in disengagement across civil society: everything from union membership, church attendance, and PTA membership to more overtly political participation like writing one's congressman, attending public meetings, or running for office (Putnam 2020a).

More recently, Putnam has connected the trend in disengagement to a range of other social ills, including increasingly radical individualism, political polarization, and tribalism (Putnam 2020b). These trends have coincided with drastic declines in public trust in public institutions and civic knowledge. Public trust in government declined from over 75% in 1960 to under 20% in 2023 (Pew Research Center 2023), and fewer and fewer Americans have even basic civic knowledge. In recent years, as many as 1 in 4 Americans could not name any branches of our government, and rather staggeringly, in 2023, only 5% of Americans could name the five liberties that the First Amendment protects (Annenberg Public Policy Center 2023). It is perhaps unsurprising that public trust in institutions of higher education has also declined. In 2015, 57% had a "great deal" or "quite a lot" of confidence in higher education. In 2023, that number had fallen to 36%, and those expressing "very little" confidence more than doubled (Brenan 2023).

There is a growing recognition that universities have an *obligation* to provide a civic education (Daniels et al. 2021). Moreover, it is increasingly acknowledged that their failure

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to do so has fueled the aforementioned social ills (Satz and Edelstein 2023). But, while Satz and Edelstein are correct to call for renewed civic education, their diagnosis of the roots of the problem is myopic at best. As they point out, between 1964 and 2010, “almost all selective schools. . . abandoned first-year requirements featuring a common humanities curriculum.” Instead, students chose their humanities requirement from a smorgasbord of options. In their view, this was the outcome of the triumph of “free-market ideology.” But the very watershed they mention—namely the critique of Western Civ as an aggregation of the biases of dead white males, culminating in Stanford’s abandonment of Western Civ in 1987—was not the product of free market economics, as if the real winner of the curriculum wars were Friedrich Hayek. Rather, the Stanford students who chanted “Hey hey, ho ho, Western culture’s got to go!” were channeling neo-Marxist critical theory and its offspring, leftist identity politics (cf., Combahee River Collective 1977). So the anti-free speech campus culture that the authors also worry about—which, as they acknowledge, is disproportionately directed at conservative speakers—can be seen as a form of “repressive tolerance,” as theorized by one of the great scions of neo-Marxism, Herbert Marcuse, who called for *intolerance* of thought, word, and deed coming from the political right (Wolff et al. 1969). Doubtless, repressive tolerance has contributed to the decline of the public’s confidence in higher education.

Several states have responded to the aforementioned trends by creating new civics institutes or schools at state universities, with the express aim of reinvigorating civic education about the foundations of Western civilization and American constitutionalism, genuine viewpoint diversity, and thoughtful, engaged citizenship. The School of Civic and Economic Thought and Leadership (SCETL) at Arizona State University, created in 2016, taught 40 students in 2017 and 1300 students in 2022–2023. This program has become a model for state-funded civics programs, institutes, and schools (Carrese 2023). These include the University of Florida (the Hamilton Center), the University of Texas at Austin (the School of Civic Leadership), Utah Valley University (the Civic Thought and Leadership Initiative), and the University of Tennessee (the Institute of American Civics). Additionally, more schools, programs, and centers at major state universities are in the works, including Florida State University’s Institute for Governance and Civics, the School of Civic Life and Leadership at the University of North Carolina—Chapel Hill, a new minor in Freedom Studies at the Declaration of Independence Center for the Study of American Freedom at the University of Mississippi, and five departments or centers in Ohio, including one at Ohio State University.

In this article, I will argue that the new civics institutes are carrying forward the American founders’ vision of civic education, with particular attention given to Tennessee’s Institute of American Civics.

2. The Founders’ Vision

The American founders understood the need for civic education for their experiment in modern republicanism to have a shot at success. Thomas Jefferson laid out a case that most founders would have agreed with. Despite their differences and rivalry, Jefferson and Hamilton were of one mind in their assumption that power has a tendency to corrupt and that republican institutions can all too easily devolve into tyranny. Tyrannies are forms of government that trample upon natural rights—those essential liberties that human beings are endowed with, just by virtue of their being human. The implication is that the obligation of government to protect individual natural rights is the “primary lesson of civics” (Pangle and Pangle 2021, p. 108). The alternative to tyranny, the fundamental rule of just law, prudent legislation, and the administration of wise policy, depends on wise or virtuous statesmanship, and that depends on educating citizens for virtue.

For citizens to be excellent leaders, they need certain habits and knowledge that make them capable of excellent leadership. Yet, civic education is not only aimed at cultivating a few of sufficient genius to become Representatives, Governors, Senators, or Presidents, but at the whole people. In a free republic, *the people* are the guardians against would-be

tyrants (Pangle and Pangle 2021). How will they be excellent guardians against men of ambition and would-be tyrants if they do not know what tyranny is as distinct from good government? How will they be able to identify the telltale signs of tyrants if they do not know their political history and the various forms that flatterers, demagogues, deceivers, and men of ambition have taken? How can they be able to self-govern and maintain their constitutional forms and institutions if they do not know what it is to be a citizen and how their constitutional government is supposed to work? Hence, Jefferson concludes that there is “no other sure foundation. . .for the preservation of freedom and happiness” than the general diffusion of civic knowledge (Jefferson 1786). He believed that civic education should start in primary school and that all American children should be reading about the foundations of their own civilization, including Greek, Roman, English, and American history.

During his legislative career in Virginia, Jefferson, in his Bill for the Diffusion of Knowledge, proposed a public school system that was strikingly egalitarian for its time as well as meritocratic. Publicly funded education should be available to all free children, male and female, and Jefferson called for a mechanism to be put into place to allow the most talented students from families too poor to afford it to have a chance to advance to higher education on the public’s dime. Jefferson’s bill was not enacted in his lifetime. It was not until after the Civil War that Virginia’s constitution mandated free public schools—and indeed, in line with the aspirations of the Declaration of Independence, it was established that free public schooling was to be available to all Virginian children, regardless of race or sex.

Yet Jefferson’s pet project in retirement, the creation of the University of Virginia, was chartered in his lifetime in 1819. Jefferson believed the fate of Virginia and the United States was tied to higher education, for he envisioned UVA as a training ground for future leaders. Essential to the formation of leaders would be education in “law,” which included common and statutory law, the law of nature and nations, and the principles of government and political economy. Content-wise, Jefferson and Madison agreed that UVA’s law and government curriculum should include Locke, Sidney, the Declaration of Independence, The Federalist Papers, the Virginia Resolution in response to the Alien and Sedition Acts, and Washington’s Farewell Address. Madison described the goal: “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” (Madison 1825).

In short, civic education, as the founders conceived it, had an “inculcating” aim to instill in the pupil knowledge and appreciation of liberal principles and institutions. This required the study of foundational ideas and texts that are often considered to be the purview of political theory and public law today. But the theoretical knowledge that the founders aimed to inculcate was not merely abstract. As Walter Berns points out, “After all, Karl Marx—who, to say the least, was no friend of republican government—probably had a better understanding of Locke’s treatises and Sidney’s discourses than did the professors employed to teach them in Virginia” (Berns 2001, p. 65). Hence, higher education would further cultivate the habit of love of country, which, in Jefferson’s view, ought to first be planted in the heart by local, parent-driven primary education (Berns 2001). I shall return to the virtue of patriotism later.

So far, I have focused on the case of Virginia, but civic education was recognized as important at the national level as well. In fact, many founders supported a national university.²

3. The Founders’ Interest in a National University

This idea was first promoted in print by Benjamin Rush before the ratification of the Constitution in his “Address to the American People.” Rush called for an institution that would teach “everything connected with government, such as history, the law of nature

² For a thorough study, to which the following discussion is indebted, see (Thomas 2014).

and nations, civil law, the municipal laws of our country, and the principles of commerce, to be taught by competent professors." The national university, Rush contended, would be a place for pupils to "imbibe federal and republic ideas" (Kaminski et al. 2009).

President George Washington, in his first annual message to Congress, took Rush's idea and ran with it. He proposed the creation of a national university and would eventually contribute some of his own financial holdings toward the goal of building it. In Washington's last public appearance as president, he elaborated on what he thought would be its virtues: it would foster greater union in our republic to have a common education, which would help foster a basic consensus about political principles. One major aim of this institution would be civic education. In Washington's words:

[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 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? (Washington 1796)

Hence, very early in the history of the United States, there was agreement across party lines about the importance of civic education. Like Jefferson, Madison, and Rush, Washington understood there was a need for institutions of higher education in a constitutional republic to teach the people about the nature and value of their rights and liberties, which they in turn had a responsibility to preserve and pass down to their children. Washington believed that a national university in particular would, drawing from the diverse states, regions, and ways of life "from every quarter" of the extended republic, facilitate the formation of a national identity and unity (Washington 1796).

Madison expanded on the point about how a national university would draw from the diverse peoples that would constitute an extended, commercial republic and facilitate an exchange of diverse points of view. In his words, "the free interchange of sentiments and information among the youth from all various parts of the Union" would certainly take place in the proposed national university and "be accounted among the benefits of such an institution" (quoted in Thomas 2014, p. 32).

In the constitutional convention, Madison and Wilson supported giving Congress the power to create a national university, but this did not make it into the Constitution. This, however, should not suggest that the founders believed that the Constitution would run like clockwork. They recognized that the hearts, minds, and habits of the people needed to be formed through the right sort of civic education; no mere parchment barrier would suffice to guard against constitutional decay and tyranny.

Let us take stock so far of the founders' vision of civic education. They recognized the need for Americans to be watchdogs of their rights and liberties, of justice, and of the common good, and this required knowledge. That knowledge included what we would denominate as history, economics, political theory, constitutional law and theory, and law more broadly. They also envisioned that a national university would be an institution that would bring Americans from all sorts of different backgrounds and outlooks together for a common purpose, which included the free exchange of ideas. This civic education included the object of character formation—the formation of virtues or habits of good citizenship. As Noah Webster articulated this goal:

Our national character is not yet formed; and it is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse a knowledge of the sciences but may implant in the minds of the American youth the principles of liberty and of virtue to inspire them with just and liberal ideas of government and with an inviolable attachment to their own country (quoted in Thomas 2014, p. 25).

Like Jefferson, Rush believed that, regarding the aim of character formation, higher education would build upon the work of middle-class families and primary school education, which Rush believed would be useful to take place in the context of religious societies. The

backbone of a healthy republic was a sturdy middle class, moderated by the “middling” virtues, which channeled the appetites in ways beneficial to both the private and public interest and fit citizens to be ruled and rule in turn. Leslie Rubin helpfully summarizes the “middling” character traits that are “consonant with a middling level of wealth,” which, in Rush’s view, a sound republican education aims at:

qualities of character and certain attitudes toward the likely prosperity to come including duty to God, to country, and to family, friends, and property, in that order; love of private life, but willingness to take up a public station; care for one’s reputation, guarded by lawful means; defense of family honor based on “personal merit”; attention to public controversies without descending into partisan “rage and acrimony”; love of mankind, but more affection for one’s own state and nation (Rubin 2018, p. 172).

In summary, we might say that the founders’ vision of civic education was teleological: it aimed to form excellent citizens, citizens who understood and appreciated their Constitution and legal system, their natural and constitutional rights, the historical and philosophical foundations of their republic, and who were capable of practicing ordered liberty.

It should also be noted that the natural rights framework that provided the moral foundation for the founders’ vision of government as both necessary and limited was, by its nature, aspirational toward the goal of equal access to education. Jefferson’s relatively egalitarian plan for education still fell short of equal access for the enslaved population as well as higher education opportunities for women, but the Declaration principles themselves, as Jefferson and others themselves articulated, applied to all human beings, regardless of sex, race, or ethnicity. The struggle over the putting-into-effect of those principles for all is, of course, one of the principal dramas of American history.

How might the founders’ vision shed light on the new civics institutes that have been recently created? I shall focus on the Institute of American Civics as a case study of this new model for civics institutes in higher education and take cues as to its purpose from its legislative history and a white paper written by some of the faculty helping to launch the new institute (Wanamaker et al. 2022). Wanamaker et al. identify four broad areas of concern that the Institute aims to address: civic knowledge, free speech and viewpoint diversity, polarization and political trust, and the civic responsibility of the university.

4. The Institute of American Civics: Civic Knowledge, Viewpoint Diversity, Civility, and Engagement

The Institute of American Civics was established with broad bipartisan support in Tennessee, with a 120–6 tally in favor across the Tennessee House and Senate (Wanamaker et al. 2022). The legislation established the Institute with the aim to further “the principles and philosophies that contributed to the foundation and development of the United States,” “promote civil discourse and constructive debate,” and “foster civic engagement through full and fair discussion that is intentional in promoting civil dialogue,” seeking to cultivate Tennessee as a robust marketplace of ideas (Kelsey 2022).

The primary goal of the Institute is therefore to address the civic knowledge deficit. As we have already seen, the civic ignorance of basic facts about the United States Constitution is shockingly acute and would be astounding to the founders. The need to teach about American founding political and constitutional thought and development has animated the Institute’s early activities. The Institute hosted its first Tennessee Civics Academy, a symposium on teaching civic knowledge and engagement with high school educators, in the summer of 2023. And as of this writing, it was actively hosting civics events and speakers on campus, in the process of developing a curriculum for a civics minor, developing an undergraduate program modeled on Clemson’s Lyceum Program, developing citizen academies for the general public that will be located in various venues around Tennessee (the enacting legislation stipulates a mission to advance the goal of civic education for the public), planning professional development opportunities for teachers, and in the process

of hiring faculty with expertise in areas central to civic thought, including American and Western political thought, American constitutional law, and American institutions.

Second, the Institute anchors itself in an embrace of viewpoint diversity and a rejection of intellectual monoculture. Legislators voting in favor of the bill closely linked this goal to the goal of teaching students the virtue of civility, including how to disagree civilly. Frankly, it is right-of-center perspectives that tend to be underrepresented in academia, and inasmuch as the Institute gives space to teaching and research from conservative perspectives, it represents a healthy corrective.

As Jonathan Rauch has persuasively argued, America faces an *epistemological* crisis, which (I would contend) is partly the fault of higher education. It is well established that confirmation bias, motivated reasoning, and conformity bias are common features of human cognition. Confirmation bias is the human cognitive tendency to look for evidence that confirms one's prior belief and avoid evidence and information that disconfirms prior beliefs. Similarly, motivated reasoners are driven by what they *desire* to be true. Conformity bias occurs when reasoners conform their opinion to the group or tribe they belong to due to the social nature of knowing and social pressures, rather than because of its truth value (Rauch 2021).

Robust intellectual diversity in intellectual communities is a key check against these biases. When communities lack it, they risk becoming what Rauch calls "confirmation loops." Rauch explains:

Even when individuals try to keep their minds open and their thinking straight, the group can get trapped in a loop of mutual bias confirmation. Members believe they are checking with others and seeking good information, but actually they are repeating and amplifying each other's misapprehensions. The whole community becomes an echo chamber. . . Confirmation loops, like market bubbles, can run far afield of reality before they finally break. The cycle is difficult to arrest, because for individuals in the group, group-think can be *rational* despite being *wrong*. We face powerful incentives to stay on good terms with our friends and community, and the personal costs of estrangement are high (Rauch 2021, p. 36).

Unfortunately, many university faculty departments have become confirmation loops. As the work of political scientist Matthew Grossman has shown, conservative professors make up a tiny minority in the social sciences. After surveying several of the leading political science departments in the country, Grossman found that only about 5% of political scientists are conservatives (Grossman 2021). In several of the other social sciences, the number is even lower.

In addition to the higher risks of believing falsehoods and research suffering from the lack of feedback outside of the loop, there are all sorts of other negative outcomes associated with this phenomenon. One is that sometimes right-leaning professors feel pressure to self-censor (Shields and Dunn 2016). Confirmation loops can even harden into outright discrimination against faculty and student dissenters.³

A principal negative effect of a confirmation-looped faculty is its expressive effect on students. The data tell us that conservative students disproportionately fear discussing politics and other controversial topics in the classroom (Stevens 2017). A faculty confirmation loop can thus envelop majors and minors, causing dissenting students to self-censor or self-select out. We might call this the vortex effect of the confirmation loop. I have seen evidence of this sort of thing over the years when I have advised conservative students. They all tell me the same thing I experienced once upon a time as an undergraduate: they are afraid to speak their minds when it contradicts the views of their left-wing professors.

³ Sometimes it is hard for those inside such loops to see this. I would note that at a roundtable I attended on the topic of viewpoint diversity at a recent major political science conference, in which every panelist was left-leaning, all denied that discrimination was a problem. They seemed surprised and remained silent when I told them that I was personally familiar with several instances of discrimination against conservatives in publishing, grant awards, hiring, promotion, etc.

It is simply wrong for any student to be afraid to speak one's mind. As long as students are not engaging in personal attacks, threats, obscenity, or something else unprotected by the First Amendment, they should always feel free to speak their mind in the classroom. Consider a politically incorrect and false opinion, *P*. A pedagogy informed by the value of viewpoint diversity in the classroom can be grounded in John Stuart Mill's argument that *P* should not be forbidden to be uttered, on the pain of assumption of infallibility by the censor, and on the pain of not-*P* being believed out of sheer encrusted dogmatism rather than as a justified true belief (Mill 1879).

One way to frame a pedagogy that prizes viewpoint diversity is with the Socratic method. For example, I have my students read the landmark Second Amendment Supreme Court case, *District of Columbia v. Heller* (2008), and then I divide up the classroom and have students sit on one side of the room if they agree with the majority and the other if they agree with the dissent. Usually, whichever side has the most students is the one I start attacking first. No one is "safe" from being examined in my classroom, and no opinion is immune from cross-examination. But paradoxically, that is precisely what makes it "safe" in the way that classrooms should be: a space for vigorous but civil discussion and debate of ideas.

Scholars who have outlined what programs in Civic Thought should look like have argued that they should include "seminar-style classes that embody the conversational pursuit of truth," "occasions for rhetorical presentation in which students must strive to master the logical, ethical, and emotional aspects of persuasion," and "oral defenses of one's academic work" (Storey and Storey 2023, p. 8). Indeed, a Socratic pedagogy that strives towards these goals can be seen as a teaching application of the legacy of Senator Howard Baker, which the Institute of American Civics embraces. Senator Baker, the Great Conciliator, was famous for saying, "the other fellow might be right." At the heart of Senator Baker's axiom are both intellectual humility and empathy. When teaching in the areas of constitutional law, political theory, or American politics, there are always rival points of view to explore. And for the teacher to properly "teach the controversy," whatever the topic might be, he has to have some degree of intellectual humility and empathy with each thinker or viewpoint to be explored in order to sympathetically present them to the student. This can be done through a positive use of *elenchus*: a question-and-answer process to draw out the logic of a proponent's position and "steel-man" the argument, which can generate sympathy from those opposed to the viewpoint. The "negative" side of *elenchus* can then show the limitations or logical flaws of their arguments and/or inconsistencies with other positions they adhere to, and thus tame the proponent's pride. I will then typically step back from the Socratic dialogue to take stock and "lecture" as needed to "inculcate" information as needed.

What I have found is that this wins trust from all of my students, regardless of their ideological persuasion, because they typically see themselves in one or other view being explored, and when they hear the view they are sympathetic to being fairly presented, they realize that I am not trying to pull one over on them—and this helps them learn how to really listen to and try to understand views opposed to their own. In this way, seeking to model the virtues of intellectual humility and empathy helps foster these and other desirable "middling" character traits in students like moderation and civility. The potential for Socratic pedagogy in teaching civic thought to cultivate civility is an underdiscussed possibility in recent studies of Socratic pedagogy (cf. Trepanier 2018; Kabala 2021). As Andrew Bibby has argued, there is some ambivalence among American founders like Benjamin Franklin toward the Socratic method (Trepanier 2018). Yet, the method as presented above seeks to cultivate both theoretical truth-seeking and the practical virtues connected to civility or sociability, the latter of which Franklin prized. In this way, civics institutes that embrace intellectual diversity in their faculty, students, and programming—and deploy a Socratic pedagogy informed by Baker's axiom—carry forward the spirit of the founders' vision of civic education, which, as Madison pointed out, would seek to foster the free

exchange of ideas and the concomitant habits that would foster reasoned deliberation in a free republic.

This takes us to the third area identified in the white paper, because it starts to get at one of the pathologies that infects the American body politic: negative polarization. Negative polarization over the past thirty years can be described by the so-called “feelings thermometer”—how one feels on a scale of 1–100, with 100 being very warm toward and 1 being very cold toward the other political party. The trends of increased tribalistic negative feelings toward the rival team over time parallel the increase in cynicism and the decline in civic engagement. In 1980, the feeling of voters for the rival party was around 45—pretty close to lukewarm. By 2016, feelings had grown colder, dropping to 29 (Klein 2020; Cooper 2021). In recent years, things have become downright frosty: “very cold” feelings, 0–24, are felt by 79% of Democrats for Republicans and 83% of Republicans for Democrats (Pew Research Center 2019). This only exacerbates the death spiral into a politics of mutual fear, resentment, and even hatred of the rival team, who is perceived increasingly as a domestic enemy rather than fellow citizens (Cooper 2021).

Political scientists have long debated the causes of polarization (Putnam 2020b). This is not the place to resolve the debate, but it is likely multifactorial. There are institutional explanations like media balkanization and narrowcasting and the primary system and/or weakened political parties. Another contributing factor is likely elite political and media entrepreneurs who engage in polarizing rhetoric for profit or power. Meanwhile, James Davison Hunter offered a sociological explanation, that is, polarization reflects a deep sociological and moral divide between moral and religious traditionalists vs. moral and religious progressives (Hunter 1991; Willick 2018). Such an account is compatible with a dynamic relationship between elites and the electorate signaling one another. Others dispute the depth of the sociological divide, arguing Americans actually agree on a lot more than the feelings thermometer would suggest and that polarization today has not increased, only ideological sorting of parties (that is, less conservative and moderate Democrats, less liberal and moderate Republicans) (Fiorina et al. 2010; Fiorina 2018; Mason 2018). Some political scientists have even called into question the very notion of an essential spectrum of ideological left and right as itself misleading and therefore unreasonably muddling and exacerbating the issue (Lewis and Lewis 2023).

At any rate, it must be acknowledged that the polarization data since 2016 are charged by the Trump effect. But even controlling for this, the data do show significant growth in negative polarization before 2016.

Given the complexity of the problem, there is no silver-bullet solution. But the new institutes of civics aim to be part of the solution. On the one hand, the institutes seek to foster free speech and expression, which is to say, they seek to foster diversity of thought and difference. On the other hand, the institutes also want to push back against negative polarization, which is really to say that they aim to foster civic unity. This again resonates with the founders’ vision of what higher education would achieve. Our national motto, after all, is *E pluribus unum*. What is the *unum*? Is it not going to be what Aristotle called *homonoia*, or what we could translate as *concord*, a sort of oneness of mind? What would that be, if not agreement about the most basic moral and political principles of the American experiment, and a kind of civic friendship and love of country, in common affirmation of those principles and aspirations?

Those principles are apparent in the Declaration. Human persons have equal, intrinsic dignity; that dignity entails certain basic immunities and guarantees of protection from arbitrary force and power, and human persons enjoy the fundamental right to self-government and to establish institutions that they believe will best facilitate their safety and happiness. The same natural law that grounds natural rights provides the moral basis for the Constitution and just laws (Cooper and Dyer 2022). Our great constitutional structures aim to foster the likelihood of the enactment of just laws in pursuit of the common good (DeHart 2017). At the heart of constitutional law is the separation of powers and federalism, which aim to provide what Madison called “a double security” to protect these rights as well as

facilitate deliberation and consensus building across factions and interests in pursuit of the common good (Publius [1788] 2001). These principles do not necessarily “settle” all of our most contentious policy debates, but they do provide a rationally defensible moral and legal framework rooted in our constitutional tradition, within which reasoned and civil deliberation can take place.

5. Patriotic but Not Partisan Civic Education

It is tempting to dismiss the civics institutes, which admittedly have been established in “red” states, as inherently partisan. As one recent critique has imagined, the new civics institutes’ ostensible goals of fostering intellectual diversity and a marketplace of ideas are actually to “align teaching and even research with ideological, often right-wing, agendas.” It is argued that this will be enforced by funding mechanisms and threaten the goal of the university, which is to produce expert knowledge (Amesbury and O’Donnell 2023).

But this critique ignores the fact that the support for and opposition to the new civics institutes has been *bipartisan*. Of the six votes against the Institute of American Civics in Tennessee, half were from *Republicans*. This belies the notion that it is inherently partisan for states to renew their civic responsibility in a way that moves the university towards what Johns Hopkins University President Ron Daniels, no conservative firebrand, has called “a more purposeful pluralism” (Daniels et al. 2021, p. 26). The critique ignores the fact that other prominent, nonconservative university presidents, including former Harvard president Derek Bok, have called upon the university to embrace the responsibility to provide civic education (Bok 2020). The critique also ignores the fact that the decline of free speech and intellectual diversity on campus has opponents that span the ideological spectrum, as the membership of institutions like the Heterodox Academy attests. Finally, the critique ignores the fact that, all too often, existing departments (political science, history, etc.) have failed to provide education in civic thought. Accordingly, *scholars with expertise* in civic thought have outlined coherent and intellectually serious proposals for how civics programs should frame their distinctive research and teaching purpose around the mission of forming citizens capable of self-government and according to rigorous academic standards (e.g., Storey and Storey 2023).

Above, I mentioned that among the founders’ inculcating aims was to implant and cultivate a particular habit of the heart, namely, love of country or patriotism. Patriotism has unfortunately become a dirty word for some people, and is sometimes thought to be code for chauvinism, jingoism, ethnocentrism, or some other suspect *-ism*. But like the other moral virtues, patriotism is actually a mean between excess and deficiency. It is, in other words, “never simply blind devotion but is always informed by reason and judgment” (Smith 2021, p. 6). The patriot, as Edmund Burke correctly understood, is the person who embraces the duty of membership in a political society within which one is the inheritor, beneficiary, and caretaker. Matthew Wright articulates the point:

As the present beneficiary of institutions of social order established and maintained by previous generations, I bear a moral obligation to those generations to pass down those institutions and liberties to the next generation. The intent of every responsible generation is, as the Preamble of US Constitution puts it, to “secure the Blessings of Liberty to ourselves and our Posterity.” The meaning of posterity, of course, is indefinite in extension; it does not conveniently end with my generation. As a natural-born citizen of the United States, I find myself at the point of earliest political awareness with duties I did not choose, owed to people whom I have never met” (Wright 2019, p. 147).

This obligation does not entail willful blindness to injustices committed by our country in the past. On the contrary, to *canonize* our founders or any of our past countrymen, *qua* citizens or statesmen, would betray the very principles upon which the American founding was built. The founders themselves strongly affirmed that human beings are *not* angels—that is, they believed human beings are not gods but flawed beings with irrefragable tendencies to act according to self-interest and passion unguided by reason

(Publius [1788] 2001). This is part of the reason why they conceived of the political common good as a *limited* good—and no limited good deserves an unlimited love. Hence, excessive love of one’s political society is just as unpatriotic as deficient love. Clearly, the possibility of hitting the mean and fulfilling one’s duties to one’s forbearers and posterity requires the kind of habits and knowledge that education in civic thought is necessary to produce. As Benjamin and Jenna Storey put it:

Students of Civic Thought. . .will begin from the effort to understand the political and social contexts in which they are already implicated, and then they will proceed to see how living up to citizenship’s inherent commitments requires fundamental inquiry into perennial human questions (Storey and Storey 2023, p. 6).

The Institute of American Civics is part of a growing renaissance of civic education in higher education. States like Arizona, Texas, Florida, Ohio, Utah, North Carolina, Mississippi, and Tennessee are renewing their embrace of the civic responsibility of the university in their establishment of civics institutes. Americans never received the national university the founders wanted, and civic education was left to state and private universities. But this can be seen as a strength. It is fitting that states are experimenting with new civics institutes since, under the 10th Amendment and the attendant principles of federalism, the states are what Supreme Court Justice Louis Brandies aptly described as “laboratories of democracy.” No two civics programs will be identical. But as state institutions pursue the education of their (predominantly middle-class) citizens, and through their common commitment to serious teaching and learning in civic thought, they have a unique opportunity to contribute to a renaissance of civic education and thoughtful civic engagement.

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