

A.T. MASON AND AMERICAN POLITICAL THOUGHT: A NON-PRINCETONIAN'S VIEW

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Alpheus T. Mason's specific contributions to the study and teaching of American political thought are many and varied. There are indeed so many that a summary of them could easily turn into a lengthy manuscript. Since a shortcut is necessary, one way to proceed is to ask whether any of Mason's books reveal in an especially clear fashion the general contours of his approach to American political thought? Of course, this question immediately brings to mind Mason's famous textbook *Free Government in the Making*,¹ which went through four editions from 1949 to 1985. What does this volume, the flagship of all texts of its kind, a text from which so many learned the rudiments of American political thought, say about Professor Mason's approach to teaching American political thought?

What first struck me when I opened the first edition of *Free Government* was the degree to which its editor was working in the shadow of the New Deal. Its predominant theme concerned whether a democratic government could regulate economic liberty and private property.² Six of the last seven chapters address the question of whether politics should dominate over economics. Earlier chapters explore how this conflict between democracy and pri-

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1. (1985). Earlier editions were published in 1949, 1956, and 1965. Gordon E. Baker, from the University of California, Santa Barbara, helped Mason edit the fourth edition. The text retained its basic identity, though some of the changes are of course the result of suggestions made by Professor Baker. In the footnotes that follow, however, I cite only Mason because the material quoted is so similar to what Mason said in earlier editions.

2. Mason understood this conflict between democracy and private property as the latest expression of a "persistent antinomy" that has existed throughout American history: "a persistent antinomy that expresses itself in many ways: numbers versus interests, public power versus private rights, majority rule versus minority rights, constitution of powers versus constitution of rights, political versus judicial restraints on government." The source of this "basic ambivalence" was, on the one hand, "the incessant drive for freedom, property, and equality" and, on the other, "the stubborn determination of privilege to maintain the status quo." A. MASON, *SECURITY THROUGH FREEDOM: AMERICAN POLITICAL THOUGHT AND PRACTICE* 182 (1955).

vate property was introduced into the American political culture, and how famous American theorists struggled in different contexts with this basic issue.³ The text begins with John Locke on natural law and James Harrington's thesis that those who possess economic power in a society will also have political power. Alexander Hamilton, Daniel Webster, and James Kent are portrayed as defenders of property, Thomas Jefferson and Andrew Jackson as defenders of popular government. F.D.R.'s contribution was to combine popular government and "positive" government. The "most novel aspect of the New Deal," Mason wrote, "is the advanced theory of public power it represents, coupled with its recognition of government as a positive instrument in the service of the general welfare."⁴ Hence the New Deal was America's "emphatic" rejection "of the eighteenth-century commonplace that political power inevitably follows economic power."⁵ The New Deal proved that Locke and Harrington were wrong. There was no absolute right to private property and those with economic power were not always in the political saddle.

Mason's intent in focusing upon the New Deal was to bring to the surface all of the relevant insight that the American political tradition had to offer in regard to the basic political issue that confronted students of the 1940s: the legitimacy of the New Deal. His intention therefore reflected the historically sensitive nature of his general approach. As Mason put it at one point, "[t]he present illustrates the past."⁶ Each generation may confront issues that are distinctive, but it cannot ignore without peril the relevant traditions that have shaped it and made it what it is. The public policy issues that it confronts cannot be usefully examined from a completely contemporary perspective because the past weighs heavily upon us; we must come to terms with it as we struggle to create the future. Nothing less than the nature of man and society makes a historical orientation a necessity. Only by integrating today's solutions to

3. See generally, A. MASON, *FREE GOVERNMENT* (1st ed. 1949). In the last chapter of this edition, Mason addressed recent government attempts, especially the Flag Salute Cases, to protect national security by way of repression and coercion. Yet this chapter is also linked with the central thesis of the text. See *id.* at 817: "Some observers go so far as to contend that the 'Subversive Activities Control Bill of 1948,' finally shelved, was framed in such vague and general language as to make possible a curb on the critics of capitalism. It has been suggested further that powerful economic interests, determined to shake off accumulated government controls and block any more extensive regulation, are exploiting the Communist threat chiefly in hope of winning for themselves a stringent legislative control on freedom of speech." See also A. MASON & R. LEACH, *IN QUEST OF FREEDOM: AMERICAN POLITICAL THOUGHT AND PRACTICE* 546 (1959).

4. A. MASON, *supra* note 3 at 790.

5. A. MASON, *SECURITY THROUGH FREEDOM* 188 (1955).

6. A. MASON & R. LEACH, *IN QUEST OF FREEDOM*, *supra* note 3, at iii (2d ed. 1972).

contemporary problems with yesterday's solutions to older problems can a secure and worthwhile future be obtained.

It is to Mason's credit that after he published the first edition of *Free Government*, he discovered that the opposite was also true. The past illuminates the present, but the present can also cast much light upon the past. His realization of this fundamental truth is especially obvious in the third edition of his text that appeared in 1965. By this time, new issues had arisen in American politics that left him unsatisfied with the easy option of tinkering with the last chapter. He summarized the new "thorny challenges" that made it necessary for him to restructure his text as follows:

the irresponsible power wielded by giant corporations, by organized labor, by the military—and by an uneasy, sometimes unwitting, confluence of all these groups; the rigid posture of the 'radical right'; the perennial states' rights issue; the dangerous implications of coerced conformity in an era of continuing cold war; the explosive race issue, probably the nation's most pressing domestic problem; the overshadowing blot of violence in our culture.⁷

The New Deal, though still an important issue,⁸ had to take a back seat to these new and pressing issues that queried "the vitality, even the viability of American political thought."⁹ But despite this doubt whether American political thought had anything to say to these seemingly unprecedented issues, Mason responded that the tradition did have relevance if the course of study was properly "updated." The corpus of American political thought had to be read from a new perspective; students and teachers alike had to see what heretofore had been invisible and highlight what previously had been either slighted or ignored.

A brief discussion of a few of the revisions that Mason made to his third and fourth editions will help me make my point. First, it is revealing that Mason's 1949 edition did not include any excerpts

7. A. MASON, *FREE GOVERNMENT* 827-28 (3rd ed. 1965). In the fourth edition (at 704), Mason added a few more "thorny challenges" to his list: "the strident militancy of the self-styled 'Moral Majority'; mounting threats to individual privacy; pockets of poverty in a generally affluent society . . . ; [and] the ominous nuclear arms race . . ."

8. *See id.* at 828: "Most alarming is the ever-widening spectacle of power without responsibility and responsibility without power. The former condition yields the antithesis of free government; the latter maximizes the difficulty of positive action in an age requiring more and more government." In the 4th edition, published in 1985, Mason wrote the following at 707-08: "Another central concern in the recent past has been the perennial nexus between politics and economics. Developments during and after World War II rendered obsolete much of the rhetoric common during the New Deal years." Nevertheless, he added that the "role of economic interests vis-a-vis the public good remained a matter of vital concern. . . . To expect corporate interests to coincide with community interest seems both unrealistic and undesirable—unrealistic because inconsistent with the profit motive, undesirable because a politically irresponsible body cannot be safely entrusted with interests involving the community at large."

9. A. MASON, *supra* note 7, at 828.

written by blacks or women. I say this not in the spirit of criticism, but in admiration because in 1965 Mason placed before American students selections by Booker T. Washington, W.E.B. DuBois, Martin Luther King, Jr., and James Baldwin.¹⁰ And in his last edition in 1985, in cooperation with his new co-editor, Gordon E. Baker, he added pieces by Frederick Douglass, Abigail Adams, Margaret Fuller, Elizabeth Cady Stanton, Mary Putnam Jacobi, Jane Addams, and Hannah Arendt.¹¹ Mason therefore eschewed the easy option of sticking with the old and true. Instead he went back to history to find something relevant and worthwhile in regard to the newly recognized problems of racism and sexism in American society. And by bringing into the light writings that had been buried under years of prejudice and indifference, Mason contributed to a fuller and a more sensitive appreciation of the contributions that blacks and women have made to American political thought. It was in this way that Mason let the present illuminate the past. By adapting the tradition to the needs of the present, he gained new insights into the tradition itself.

And Mason did not stop with a reconsideration of the contributions made by blacks and women. The states-rights arguments of the opponents of racial equality gave him incentive to reexamine the Anti-Federalists. In the first edition of his text, these defenders of state sovereignty were neither condemned nor ignored, but they were treated in a somewhat dismissive fashion. Their writings were included in only one chapter of those that discussed the founding, while the Federalists, especially Alexander Hamilton, were given a prominent place in at least three chapters. Moreover, the introductory materials that described the Anti-Federalists had a rather negative tone. The fight that they waged was described as a "stubborn one."¹² Special emphasis was made of the fact that John Lansing and Robert Yates, who were Anti-Federalist delegates to the Philadelphia Convention from New York, left the Convention early, disregarded their pledge to maintain its secrecy, and initiated "a concerted campaign to inflame [Governor] Clinton and his huge popular [New York] following, and 'educate' the Constitution's wavering opponents."¹³ George Mason and Richard Henry Lee were depicted in less harsh terms, but Mason saw fit to quote Carl Van Doren's description of Elbridge Gerry: "'Captious and inconsistent, theoretically a republican but practically full of contempt for

10. *Id.*

11. *Id.* (4th ed. 1985).

12. *Id.* at 243.

13. *Id.* at 244.

the people, in the habit of opposing any proposal in the Constitution which he had not made himself.'"¹⁴ A few kind words are used by Mason to characterize the role that the Anti-Federalists played in the creation of the Bill of Rights and their commitment to the bed-rock American principles contained in the Declaration of Independence.¹⁵ But even so, the general impression of the Anti-Federalists left by the first edition was a somewhat negative one.

Mason's early view of the Anti-Federalists was profoundly shaped by his nationalistic interpretation of the founding. According to this view, which was to some extent a reaction against the elitist theory of the Constitution popularized by Progressive historians such as Charles Beard,¹⁶ the Declaration of Independence and the Constitution were, as John Quincy Adams put it, "parts of one consistent whole." Mason continued:

each rests on the natural right of the people to dislodge or alter their government and to institute such forms as they see fit. Taken together, these two instruments embody the negative and positive aspects of the greatest of eighteenth-century political achievements: the assertion of the right of revolution and the practical execution of the theory that governments 'derive their just powers from the consent of the governed.'¹⁷

The right of revolution was therefore not merely a right to act against oppression, as it was perceived in the rebellion against England, but also "an original *power* in the people to secure their safety

14. *Id.*

15. *Id.* at 246.

16. In his first edition of *FREE GOVERNMENT*, Mason was unwilling to go on record in direct opposition to Charles Beard. On p. 189 of this edition, he used quotes from General Henry Knox and George Washington in a way that supported "the theory that the Constitution of 1787 was 'the outcome of a conflict between radical and agrarian forces on the one side and the forces of reaction on the other.'" Mason also said (at 194) that it was not "unnatural" if the Constitution of 1787 was "the triumph of a skillfully directed reactionary movement," a description that came from J. SMITH, *THE SPIRIT OF AMERICAN GOVERNMENT* (1907). In a later work, Mason was more critical of the "progressive" interpretation of the American revolution and founding. "John W. Burgess's assertion that if the action taken by the delegates at Philadelphia had been followed by a Caesar or a Napoleon, it 'would have been pronounced a coup d'etat'" is described as being "difficult to square [with] the momentous events that took place in Philadelphia." A. MASON, *supra* note 6, at 95. Charles Beard's argument is criticized explicitly in the 4th edition of *FREE GOVERNMENT*, *supra* note 11, at 177-78.

17. A. MASON, *supra* note 3, at 143. On the same page, Mason quoted the following passage from Benjamin Rush: "'There is nothing more common than to confound the terms of the *American Revolution* with those of the late American War,' Dr. Benjamin Rush observed in his address of 1787 to the people of the United States. 'The American War is over: but this is far from being the case with the American revolution. On the contrary, 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.'" These quotations of John Quincy Adams and Benjamin Rush reappear in later editions of *FREE GOVERNMENT*. See the 3rd ed. at 133; 4th ed. at 131-32.

and happiness” (Emphasis mine).¹⁸ In the period from 1787 to 1789, the revolutionary American people acted in accordance with this power. Even though the Articles of Confederation were not oppressive, Americans exercised their discretion and erected a new federal government for their safety and their happiness. The new Constitution, therefore, “though a compromise, was nevertheless revolutionary, not only in the sense that it went into effect on ratification by nine states instead of by all, as required for amendment of the Articles of Confederation, but in the more fundamental sense that the proposed Constitution derived its authority from the *people*, and rested on their consent.”¹⁹ The people were the basis for the new government, not the states or any relationship to the former Articles of Confederation.

Mason drew out the implications of this interpretation of the American revolution and founding in an article entitled “The Nature of our Federal Union Reconsidered,”²⁰ published in 1950, and in other writings that followed during the 1960s. First, the Declaration of Independence could no longer be considered merely as a negative rejection of political authority. It was also a positive constitutive act that united all Americans residing in the separate colonies into “one people,” a people who found it necessary “to dissolve the political bands which have connected them with another.”²¹ Lincoln was therefore right when he said in his first inaugural address that “[t]he Union is much older than the Constitution.”²² The fact that before 1789 there was no truly national government made no difference. The American union, if you will, was complete in 1776.

The second implication of Mason’s nationalist theory was that the status of the Articles of Confederation was suspect. At best they were what Mason called an “important” but “inconsistent step”: an expression of the ultimate authority of the people that did not achieve the goal of insuring union. At this time, Americans were unable to secure a national union because of “insurmountable internal complexities” and because “vested interests and political prejudice were profoundly aroused.”²³ However, a far worse characterization of the Articles was possible. As early as his first edition, Mason insisted that there was “no congeniality at all between” the Declaration of Independence and the Articles of Confederation.

18. *Id.*, 1st ed. at 193.

19. *Id.* at 192.

20. 65 POL. SCI. Q. 502-21 (1950).

21. *Id.* at 505.

22. *Id.* at 506.

23. *Id.* at 508.

"The Articles rested on the sovereignty of organized power, on the independence of separate, disunited states; the Declaration stressed the doctrine of the rights of man, proclaimed popular sovereignty and the right of revolution."²⁴ In 1964 Mason went further. Whereas the Declaration

was founded on the notion of *one people*, if not yet one nation, acting in a united sovereign capacity, the Articles were explicitly grounded in the idea of state sovereignty. In this sense, the Articles represented a *usurpation* by the states of the original sovereignty vested in the people, the authority asserted in both independence and revolution. (Emphasis mine.)²⁵

The fundamental flaw of the Articles was that they were not ratified by the American people. They were not therefore, according to Mason, a constitution. In the memorable words of Judge William Paterson, a constitution had to be "delineated by the mighty hand of the people."²⁶ The Articles were not so "delineated" and therefore they were no more than "a usurpation" by the states.

Given the implications of his interpretation of the American Revolution and founding, it is no wonder that Mason tended to see the Anti-Federalists in a poor light. By their opposition to the new federal constitution, they were defending a system of government that bordered upon illegitimacy. Thus at first, Mason used the writings of the Anti-Federalists only as a foil, as a means of discovering what the Federalists and the American people had accomplished by the new Constitution. Though the Anti-Federalists had opposed the new Constitution, Mason argued that their depiction of the new government as a *popularly ratified national government with indefinite powers* settled the question of the true nature of the union.²⁷ It was a perpetual and national union of indefinite power created by the American people; it was not a temporary compact between the states.

Mason finds the historical evidence so clear on this point that he is at first puzzled as to why John Taylor and John C. Calhoun had "any credibility at all."²⁸ But soon he decided that the answer to this question resided in the *Federalist Papers*. Mason suggested that by trying to mollify the concerns of wavering Anti-Federalists, Madison came very close to throwing out the baby with the bath water. Madison made theoretical concessions that provided "the

24. A. MASON, *supra* note 3, at 144.

25. A. MASON, *THE STATES RIGHTS DEBATE: ANTIFEDERALISM AND THE CONSTITUTION* 15 (1964).

26. *Id.* at 16.

27. See Mason's discussion in *The Nature of our Federal Union Reconsidered*, 65 POL. SCI. Q. 510-11 (1950).

28. *Id.* at 511.

leaders of nullification and secession with exactly the formula, the destructive ammunition, they used in their abortive attempt to blow up the Union.”²⁹ The same was also used later by the Supreme Court to formulate the pernicious doctrine of “dual federalism,” the doctrine that created “two mutually exclusive, reciprocally limited, fields of power—that of the national government and that of the states.”³⁰ During the New Deal, this doctrine, along with an incorrect reading of the tenth amendment—a reading that reduced the national government’s powers to those that were *expressly* delegated—became the Supreme Court’s “notorious judicial device for defeating the power to govern.”³¹ Only in 1941, in an opinion by Justice Stone, was “[t]he federalist *and antifederalist* agreement on the theory of the union . . . confirmed.”³² Only then was it once again recognized that “the Constitution thus embodied potentialities favored by the Federalists and feared by Antifederalists.”³³ In sum, while the federal government only had limited powers, according to Mason, it had from the very beginning those indefinite powers that were necessary to solve the problems arising from the Great Depression.

To this extent, Mason’s nationalistic interpretation of the American revolution and founding was linked to his evaluation of the New Deal. Critics of F.D.R.’s national economic policies were cut off at the knees. Their eighteenth-century predecessors had conceded the main point when, after describing the new government as they did, they nevertheless lost the battle for ratification. Therefore, the main Anti-Federalist contribution to American political thought, Mason reasoned in the 1940s, was primarily to prove that F.D.R. was right. But the events of the 1950s and 1960s, especially the states’ rights debate, persuaded Mason to take a second look and enabled him to see the Anti-Federalists in a new, somewhat warmer, light. I do not mean, of course, that Mason ever abandoned his nationalistic understanding of the American revolution

29. *Id.* at 517. In the same article, Mason explained how James Madison and Alexander Hamilton’s contributions to the *Federalist Papers* conflicted with one another in regard to the nature of the union. In the first edition of *FREE GOVERNMENT*, he had noted these differences and endorsed Douglas Adair’s use of the term “split personality” to describe the work (at 269). However, in the article of the following year, he said that it “would be closer to the mark to call it schizophrenic” (*Nature of Our Federal Union Reconsidered*, at 516). For Mason’s best treatment of the differences between Hamilton and Madison, see A. MASON & R. LEACH, *supra* note 6, at 152-60.

30. Mason, *Must We Continue the States Rights Debate?*, 18 *RUTGERS L. REV.* 68 (1963).

31. *Id.* at 70; see generally, *id.* at 68-71.

32. *Id.* at 71.

33. A. MASON, *supra* note 25, at 191.

and founding.³⁴ Rather, what he discovered was that the Anti-Federalist commitment to individual rights and liberties could be used to turn the tables on the defenders of segregation and states rights. Love of liberty was one of the main reasons why the Anti-Federalists opposed the formation of a national government and an important factor in their insistence upon a Bill of Rights when the new government became a *fait accompli*. But if the Anti-Federalists were committed to the preservation of individual rights, then it made little sense to appeal to them to justify the gross constitutional injustices of the Jim Crow Era. To the contrary, since the Anti-Federalists were primarily responsible for the Bill of Rights, Mason could invoke them to justify a special judicial role in protecting individual rights. Individuals could “look to courts for their protection; courts—thanks to the Antifederalists—could look to the Constitution for a standard.”³⁵ And so not all the writings of the Anti-Federalists provided support for the defenders of states’ rights. Indeed, some of them, in an ironic twist that must have pleased Mason mightily, justified what the Warren Court did in *Brown v. Board of Education*, not what George Wallace did in Mississippi.

Mason’s warmer appraisal of the Anti-Federalists was also related, no doubt, to other political developments and trends. By 1965, the first Flag Salute Case, the repression of the McCarthy Era, and the rise of a federal bureaucracy convinced him “that the area in which discussion and debate can be carried on is perilously narrowed.” He therefore returned to the fundamental Madisonian question: “How can government be made strong enough to protect the freedom of the many without becoming so strong as to destroy the freedom of all?”³⁶ These words did not appear in Mason’s introduction to the last chapter of his first edition, but they did in his third edition. Times had changed since the New Deal. In his first edition, he described the Anti-Federalists’ attachment to the principles of the Declaration of Independence as “nostalgic.”³⁷ But by 1965, Mason thought that students would be well served by reading early American theorists who were “jealous” of every exercise of political power and who distrusted it in all its forms, including the national one.³⁸ Therefore, in his third edition he added a new chap-

34. In 1985, Mason repeated his opinion that the Articles of Confederation were a “usurpation.” See A. MASON, *supra* note 11, at 141. Also, in Mason, *supra* note 30, at 75 Mason said the following: “The states rights debate must continue. Federalists should be the last to suggest a moratorium. Informed exploration of the record—and the compelling verdict of history—redound overwhelmingly to their advantage.”

35. A. MASON, *supra* note 25, at 97.

36. A. MASON, *supra* note 7, at 830.

37. *Id.* (1st ed.) at 246.

38. One of the new readings in the 3rd edition of *FREE GOVERNMENT* was from the

ter on the Bill of Rights, included more excerpts from prominent Anti-Federalists, and discussed their contributions in the introductory materials to three different chapters. In this way, Mason had once again let the present illuminate the past.³⁹

It is to Mason's credit that he was, in the various revisions that I have discussed, ready and able to expend the required time and energy to reread and rework the materials of the American political tradition. By allowing the past to speak to the present and by looking at the past through the lens of the present, he was a student and teacher of American political thought who made the tradition truly "come alive" for each generation. The revisions also show that for Mason there was no sacred set of readings that encapsulates once and for all what American political thought is all about. No such list of "Great American Books" could be put together because the primary objective of a course in American political thought is practical and political in character. Mason's hope was "that the clash of ideas and the manifold dimensions of thought on our historic complexities may stimulate the student to make *an intellectual synthesis of his own* (Emphasis mine)."⁴⁰ This was the goal of the study of American political thought: to encourage ideological maturity by giving students at whatever level an appropriate context for their substantive political opinions to crystallize. The expectation was that students would become better citizens through the exploration and integration of their political convictions.

It is important to note that, although the student made his or her *own* "intellectual synthesis," there was one aspect of ideological maturity that Mason insisted upon. It concerned the relationship between skepticism and free government. The former, in his opinion, was a necessary condition for the latter. Our "major contribution to the theory and practice of government," he wrote, may be "the rejection of any and all absolutes, whether under the auspices

Anti-Federalist Lenoir's speech to the North Carolina convention. Mason described it (at 248) as "fairly representative of the American mind of the period. It reflects the deep-seated distrust of power so fundamental to an understanding of America's unrelenting search for union without unity." It would also seem that Mason had found a new respect for the states' role as a counter balance to a growing federal government. See A. MASON, *supra* note 25, at 75: "Distrust of power at all levels, of whatever orientation, is still the American catchword. Eternal vigilance is still the price of liberty. . . . Conflict between federal and state authority means 'vibrations of power,' and this, Hamilton said, is 'the genius of our government.'"

39. It would be inaccurate to say that Mason ever thought that the protection of individual rights was the most important aspect of Anti-Federalist thought. In fact, since some of the Anti-Federalists were willing to abandon the Bill of Rights if the powers of the states were protected, Mason concluded in his *THE STATES RIGHTS DEBATE*, *supra* note 25, at 95, that "for many Antifederalists *states rights* weighed more heavily than their concern for *personal rights*." See also Mason, *supra* note 7, at 316-17; *supra* note 11, at 282-83.

40. A. MASON, *supra* note 3, at viii.

of majorities or minorities.”⁴¹ Our principle of free speech, he added elsewhere, was “based on the conviction that no one man, no group has, or can have, any exclusive rendezvous with truth.”⁴² Accordingly, in a free society, there was no final political resting place. Disagreement, opposition, and conflict were inherent to a free society. As Reinhold Neibuhr said, free government was “‘a method of finding *proximate* solutions for *insoluble* problems.’ (Emphasis mine.)”⁴³ Politics in a free society was therefore “an endless adventure.”⁴⁴ Citizens could only make tentative decisions about where to go next. There was no final destination.

Given this characterization of free government, Mason was very sensitive to the difficulty of preserving peace and order. It required a standard of civic excellence that is extraordinarily difficult to create or maintain. Ultimately, the only way to reconcile these opposing values of order versus freedom was to instill into the citizen body the skeptical virtues of tolerance, humility, and conciliation. “If there is any single tenet on which the success of free government depends more than on any other . . . it is tolerance—tolerance not only of views we like, but tolerance of views we detest.”⁴⁵ A free society has no choice but to inculcate these virtues into its people and the study of American political thought was a part of this societal effort. Its task was to enable Americans to meet “the relentless demands of democratic citizenship.”⁴⁶ Ideological maturity was its goal, but ideological maturity in a free society included a lingering doubt about the validity of one’s own opinions. “If there is any one moral that can be safely drawn, . . .” Mason wrote, “it is . . . the wisdom of a lurking suspicion that, given all the guidance history, reason, and experience afford, we might be wrong.”⁴⁷ This “lurking suspicion” is all-important. It is the rea-

41. A. MASON & R. LEACH, *supra* note 6, at 494.

42. A. MASON, *supra* note 5, at 200. In an early article, Mason defined liberalism as “an attitude of mind, a willingness to test conclusions, a desire to hear the other side, and be persuaded as well as endeavor to persuade. It holds that truth is not the exclusive possession of any one man or set of men, that each man, high or low, must be allowed to seek it in his own way and under conditions that do not defeat his effort or that of others. The true liberal is skeptical of his own infallibility.” Mason, *The Dilemma of Liberalism*, J. OF PHIL. 233 (1938). According to Mason, liberalism in this sense is a prerequisite for free government.

43. A. MASON, *supra* note 3, at viii. This quote from Neibuhr appears in Mason’s forewords to all the later editions of his text. See also A. Mason & R. Leach, *supra* note 3, at 9.

44. A. MASON, *supra* note 3, at viii; (3rd ed. at viii); see also A. MASON & R. LEACH, *supra* note 3, at iv.

45. A. MASON, *supra* note 5, at 205. Also see A. MASON, *supra* note 11, at 20: “Essential to the successful operation of free government are mutual respect, tolerance, [and] accommodation.”

46. A. MASON, *supra* note 3, at viii.

47. A. MASON, *THE SUPREME COURT: PALLADIUM OF FREEDOM* 62 (1962).

son why democratic citizens in a free society tolerate radical disagreement, and compromise when they can.

Therefore every effort must be made to spread across the land the essentials of the democratic faith: a humble skepticism, a tolerant attitude, and a willingness—a willingness that arises out of respect for those who disagree with you—to cut a deal against one's convictions. If free government is to survive, "[t]hese essential attitudes of mind and spirit must be ingrained in the habits and traditions of the people."⁴⁸ This, in my estimation, is Mason's most basic message to us concerning the purpose and meaning of American political thought. We can best remember him by reminding ourselves that the primary purpose of American political thought is to instill the skeptical virtues of democratic citizenship.⁴⁹ The prerequisites of free government and the purpose of American political thought coincide.

In closing, I must admit that what I find most valuable in Mason's writings has been influenced by what I find worrisome in American politics and academics. In regard to the former, I know that American politics has always had its full share of strident and vituperative rhetoric, self-righteous dogmatism, unreasonable intransigence, and even brinkmanship, but it is arguable that our standards have sunk to a new low over the last thirty years or so. The media age in which we live has certainly contributed to a form of politics that paints issues simplistically, in starkly contrasting colors. The demise of political parties has given uncompromising single-issue constituencies ample room to grow and flourish. It is also true that a number of crucial issues that currently divide Americans seem naturally to produce unyielding positions: abortion, right to die, capital punishment, and even burning the flag. In this kind of atmosphere, it is not surprising that political opponents are understood as "enemies" to whom to mercy is to be given. One takes as much as one can get. Ronald Reagan perhaps typifies the new politician: a telegenic man of conviction who is portrayed as a great leader because he refuses to compromise. Consider the image-prob-

48. A. MASON, *supra* note 5, at 208.

49. Mason commended John Stuart Mill, Thomas Jefferson, and Justice Oliver Wendell Holmes for their "faith in political freedom, in reason and persuasion, in the power of truth to conquer error." A. MASON, *supra* note 5, at 209. See also, *id.* at 210. Whether Mason was right or not about Mill and Jefferson, his description of Holmes is questionable. Holmes may have thought that the marketplace of ideas provided the best chance for truth to win out, but that does not mean that he was optimistic that truth would in fact conquer error. See H. POHLMAN, JUSTICE OLIVER WENDELL HOLMES AND UTILITARIAN JURISPRUDENCE 126-28 (1984). For further discussion of the degree of American commitment to tolerance and other democratic values, see Pohlman, *American Political Thought: An Interpretation*, 16 TEACHING POL. SCI. 167-68 (1989).

lem his successor has had because he has become more willing to strike a deal with Democratic congressional leaders on taxes. Why, in our democratic form of government, is this concession understood as a sign of weakness or hypocrisy rather than as a reasonable compromise? Is it true, and if so why, that in our time and place a conciliatory attitude is perceived to be a political liability rather than an asset?

Professor Mason's writings in the field of American political thought may not give us answers to these questions, but they do focus attention on the issue of what civic virtues underlie our free and democratic form of government. They also fulfill a similar role in the academic world. The puzzle is why American political thought is such a neglected subject. At the undergraduate level, it is usually only an elective, not even required for a major in political science. In law schools, the subject is only rarely addressed. This is so even though, if Mason is right that the purpose of American political thought and the prerequisites of free government coincide, it should be a subject with which every undergraduate, or at least every potential lawyer, is familiar. Mason's life as a student and teacher of American political thought reveals the significance of the fact that most undergraduates, and many law students, take their degrees without ever having to turn a single page of Madison, Jefferson, or Lincoln.⁵⁰ The troubling unanswered question is whether a free society can survive if its tradition of political thought is ignored in this way.

50. I discuss the option of American political thought as a core-curriculum requirement in *id.* at 167-69.