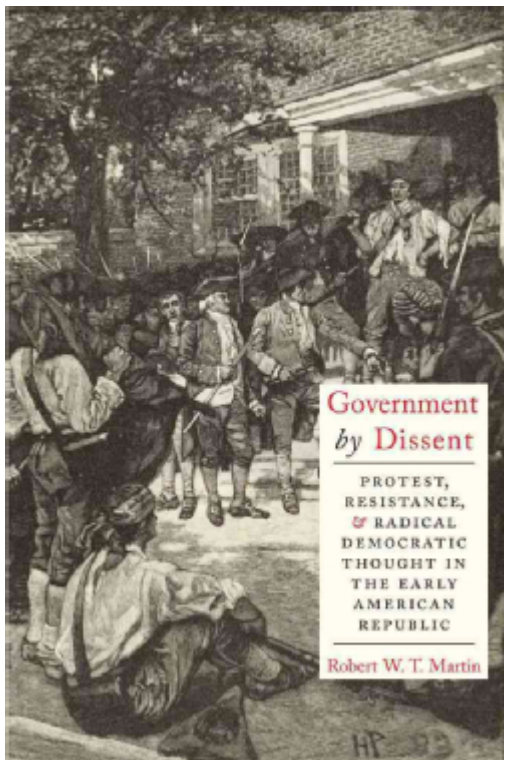


In Search of America's Radically Democratic Founders



Government by Dissent is an engaging meditation on one of America's founding fantasies—the fantasy of democratic self-government. In 1776 Thomas Paine's *Common Sense* articulated what we might call the “primal scene” of American democracy. According to Paine, emigrants to any new land (such as the American colonies, he implied) could initially live free from the external constraints of government because the community would be “bound ... together in a common cause” by “the first difficulties of emigration.” Over time, however, common kindness and *esprit de corps* would be insufficient to preserve peace and justice, and thus the need to establish “some form of government” would arise. Paine wrote that “some convenient tree will afford them a State House, under the branches of which the whole Colony may assemble to deliberate on public matters. ... In this first parliament every man by natural right will have a seat.” Reduced to its common denominator, this is American democracy—every single inhabitant gathered together to create the rules that will bind them all. Paine readily admitted that population growth and increased social complexity would render this original political system obsolete, but the metaphor of the tree and its radically inclusive vision of literal self-governance remained an ideal to which he and other eighteenth-century democrats aspired.

As anyone with even a cursory knowledge of the history of American politics can attest, the reality of how Americans have governed themselves has rarely

resembled Paine's depiction of an inclusive and productively deliberative picnic under a tree. Paine's eighteenth-century critics (almost all of whom were conservatives) argued that most citizens knew nothing about politics or law, and thus were entirely unfit to craft legislation. Political decision making, they claimed, should be the province of a small number of qualified (by which they meant wealthy and well-educated) experts, because truly democratic governance would result in short-sighted public policies that sacrificed the common good at the expense of the majority's short-term self-interest. Politics under that tree, they claimed, would always be the politics of provinciality and stupidity, and American politics since the founding has certainly seen its share of both.



The dissentient democrats we meet in this book envisioned a system in which political decisions percolated up from the general populace, rather than being imposed from above by political elites.

Paine's twentieth- and twenty-first-century critics (most of whom are progressives) emphasize the implicit exclusions that marked Paine's imaginary, tree-shaded Congress. Merely declaring that an ideal legislative body should include everyone did not change the fact that 50 percent of people at Paine's time were excluded from politics because of their gender, or that 20 percent of the colonies' population in 1776 consisted of enslaved people who obviously would not be invited to that picnic under the tree, or that the tree itself had been forcibly taken from Native Americans whose land use practices had shaped the verdant landscape that sustained both those settlers and the luxurious old tree they claimed as their own. If Paine's tree metaphor provided any sort of precedent for American politics, it was the precedent of white, male, propertied rule duplicitously carried out under the sign of an abstract, but perpetually deferred, commitment to universal equality and inclusivity. In sum, from the founding era up through today, there have been good reasons to dismiss Paine's democratic tree metaphor as a rhetorically powerful but intellectually and politically flimsy fantasy.

Martin, a professor of government at Hamilton College, acknowledges the perennial gap between democratic theory and American political reality, but rejects the idea that the gap represents a fatal flaw in the American political tradition. Martin's goal in this book is to restore the democratic credentials of the founding generation by bringing to light a cohort of late eighteenth-century writers (including, surprisingly, James Madison) who advocated strategies for making the nation more radically democratic. These "dissentient democrats," Martin argues, articulated a vision of democratic self-government far more robust than Paine's metaphor of the tree, and capable of withstanding the criticisms levied by American democracy's many skeptics, both past and present, progressive and conservative.

At the heart of Martin's "dissentient" democratic tradition rests a Habermasian conception of public opinion. The dissentient democrats we meet in this book

envisioned a system in which political decisions percolated up from the general populace, rather than being imposed from above by political elites. They were not anarchists seeking to rip down Paine's governing tree, however. Like Paine, they recognized the need for a representative political system that set up a few hundred empowered seats under that governing tree and a spectator's gallery for everyone else. This tactical exclusion was a forgivable concession, however, as long as the governing few under that tree did the bidding of "the people," and not an unrepresentative portion of them. But how were legislators to know and enact what "the people" really wanted? To solve this problem, dissentient democrats advocated a diverse, contentious, and inclusive public sphere in which "the people" could work toward a shared, though never static, understanding of what "we" want. The point is not that dissenters have greater access to the truth than advocates of the status quo. Dissentient democracy is all about process, not content. The more voices that are heard, the more open the discussion is, and the more attuned and accountable elected leaders are to the rough consensus that emerges out of that never-ending discussion, the more "democratic" we can consider a polity.

This concept of dissentient democracy is Martin's promising way of dealing with what we might call democracy's representation problem. As literary critic Jay Fliegelman pointed out long ago, the nation's foundational texts all anxiously speak on behalf of a "we" that did not yet exist (and, arguably, never has existed). In 1776, Jefferson knew that many of his fellow colonists did not hold certain truths to be self-evident, let alone support independence. Something similar could be said of the 57 decidedly-not-representative men who, in the summer of 1787, claimed to speak on behalf of "We the People." As the nation has gotten even more populous and diverse, the idea that "the people" could speak with one voice or that there exists some entity that could discern the authentic will of "the people" seems even more outlandish. Virtual representation, in other words, did not end when the colonies separated from Britain, but has rather been standard operating procedure since long before the revolution. Whereas some critics emphasize the partial nature of all claims to representativeness (who really is speaking here and whose interests and aspirations are really being furthered by the authors of these texts and the propertied men who took over the political reins of the new nation?), Martin focuses on the aspirational side of this political equation, the ultimately unachievable but still laudable goal of creating both a vibrant, participatory political culture and a political system that is responsive to it.

The most obvious form of political responsiveness is the vote, but Martin spends almost no time talking about elections because, he claims, the dissentient democrats of the founding era thought that "elections simply were not enough" (97) to ensure truly popular control over the political process. Eighteenth-century democrats recognized the extent to which the tradition of deference had disempowered ordinary citizens, and they worked to create "counterpublic spaces" where they could "amass their collective wisdom" and "find a shared voice" (105). Whereas contemporary Americans, when they think with any depth at all about what "democracy" means, associate it almost

exclusively with the right to vote, Martin's subjects had a far more sophisticated understanding of how social and cultural forces empowered some and silenced others. They were not content to take a few minutes every couple of years to pick a proxy; rather, they wanted to build a political culture in which deliberation and debate were ongoing and dispersed throughout the nation's media and social structure.

This is just one of many ways in which Martin paints a very appealing picture of the founding era's dissenters, whether they be Anti-Federalist opponents of the Constitution, democratic critics of the Washington administration, backcountry regulators, or the cantankerous lawyers and radicals who took on John Adams and the Sedition Acts. Many progressive historians have written about the brave fight that such people waged against the elitists, land speculators, and anti-democrats of their day. The difference here is that Martin is less interested in taking sides with these dissenters, and more interested in demonstrating that such people espoused dissent as a robust political principle, a right that should belong to all and not just themselves. This combats what has long been a conservative, or merely skeptical, critique of eighteenth-century democrats—that they were grumblers, the embittered losers of history who, had they won, would have been just as intolerant as the winners who were the targets of their ire. According to Martin, these late eighteenth-century dissenters did not espouse dissent simply because they were outsiders who wanted to be heard. Rather, they valued dissent irrespective of its content. These impressively humble and tolerant dissenters did not want to rule the world according to their own lights; they wanted the world to be run in such a way that dissent of any sort would always be nurtured, valued, and heeded by the powers that be.

Martin's dissenters were also precociously aware of how a political system keenly attuned to public opinion could fall prey to an intolerant, stifling groupthink. These democrats privileged unending contestation, what Martin calls "dissensus," rather than the achievement of a complacent consensus. They also worried about the tendency of democracies to silence those whose opinions lay outside the boundaries of what the public deemed acceptable at any particular moment. To combat this tendency, Martin's dissentient democrats offered a radical defense of the right to unmolested free speech, even speech they themselves detested or was demonstrably untrue.

Dissentient democrats also had a progressive solution to the problem of demagoguery. Where the conservative solution to this endemic, democratic problem was to leave governance up to the educated few, Martin's dissentient democrats argued that the best way to prevent demagoguery was to fund public education for everyone. An informed and intelligent citizenry would be inoculated against the danger of demagoguery, and be prepared to participate productively and intelligently in the process of political deliberation.

By now it should be clear that Martin greatly admires his subjects. Indeed, at times it almost seems as if his arguments were organized around the desire to

rebut virtually every contemporary criticism of the Enlightenment political tradition that his dissentient democrats championed. Where feminist critics of the public sphere have highlighted the eighteenth century's gendered valuation of reason over emotion, Martin argues that his dissentient democrats were attuned to that issue and thought emotion had a legitimate role to play in public political discourse. Where other critics regard the Enlightenment as having an overly static and unchanging conception of truth, Martin stresses the epistemological subtlety of his subjects, making them at times seem more like early twentieth-century Pragmatists than figures from the Age of Reason.

These moments when Martin stretches a bit too far to make his dissentient democrats relevant and appealing to modern readers are understandable given his background as a student of political theory. His goal is to construct a usable genealogy for a bundle of political ideas that have their roots in the late eighteenth century, but which are still relevant for our contemporary political culture. This leads him to sometimes offer quite generous and decontextualized readings of his sources. This problem is most pronounced in the chapter on James Madison, where Martin interprets the "father of the Constitution" as a seminal, creative participant in the tradition of dissentient democracy. As early as 1785, Martin argues, we see Madison "hinting" at the idea that public opinion (rather than elected leaders) should function as "a positive, proposing force that could point toward new, better policies" (123). Given Madison's great disdain for the more populist state legislatures of the day and the elaborate roadblocks the Constitution placed between the "people out of doors" and the formal political system, this vision of Madison the radically populist democrat seems like an interpretive overreach. It is understandable that Martin would want his cohort of dissentient democrats to include at least one figure whom lay readers might recognize, but the Madison we encounter in this book will probably be significantly and provocatively different from the Madison that has emerged in the last few decades of historical scholarship.

These criticisms aside, Martin's work makes a strong case for the continuing relevance of the founding era's democrats, most of whom have long passed from the nation's political memory. In an era when many of our most vocal dissenters are reactionary cynics—Glenn Beck, another contemporary fan of Thomas Paine, comes to mind here—Martin reminds us that democratic dissent is not just an end in itself, but, in its best forms, an aspiration toward a political culture and political system that values a diversity of perspectives, especially those perspectives that have been formed out of a history of exclusion. Dissentient democracy is about listening to those who disagree with you as much as it is about claiming space to be heard. Such a history of democratic listening would make an interesting counterpoint to this excellent history of how the nation's first democrats worked to create a political culture that not just tolerated, but positively valued, dissent.