

Citizenship Outside the Academy

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Anyone who's taught college freshmen, as I have for the past seven years, knows that many of them lack a basic understanding of civics and American government. When the Intercollegiate Studies Institute conducted its annual civic literacy reports, it revealed in quantifiable terms just how ignorant college students really are.¹ For example, the 2006 report found that 7,405 freshmen from fifty schools scored just 51.7 percent on a sixty-question multiple-choice exam testing basic American civics; 6,689 seniors from those same schools scored 53.2 percent on the same exam, suggesting they gained little knowledge of civics during their four years in college.² The 2011 report demonstrated that knowledge of civics, more than holding a college degree, influences civic engagement beyond voting.³

As an administrator in a law school, I've discovered that law students—who will be expected to implement, follow, and enforce the rules that inform and direct our social institutions—also require rudimentary instruction in government and political theory to prepare them to practice the profession they wish to enter.

What happens when students who are unequipped with even an elementary knowledge of American ideas and institutions graduate into political and professional life? The answer can be gleaned from the remarks of certain public officials:

- In 2011 Democratic Senator of New York Chuck Schumer, omitting any reference to the judiciary, told CNN that the United States has three branches of government—the House, the Senate, and the President.⁴

¹The Intercollegiate Studies Institute conducted these reports from 2006 until 2011. The last report was *Enlightened Citizenship: How Civic Knowledge Trumps a College Degree in Promoting Active Civic Engagement* (Wilmington, DE: Intercollegiate Studies Institute, 2011), https://www.heartland.org/_template-assets/documents/publications/civic_literacy_report_11.pdf.

²*The Coming Crisis in Citizenship: Higher Education's Failure to Teach America's History* (Wilmington, DE: Intercollegiate Studies Institute, 2006), 5.

³Intercollegiate Studies Institute, *Enlightened Citizenship*, 13–14, 15–16.

⁴Although video footage of this CNN segment is available on YouTube and various websites, Senator Schumer's gaffe went unreported by most media outlets except for those associated with political conservatism. See, e.g., Jeff Poor, "Chuck Schumer's Civics Lesson: Omits Judiciary as 'Branch of Government,'" *Daily Caller*, January 31, 2011, <http://dailycaller.com/2011/01/31/chuck-schumers-civics-lesson-omits-judiciary-as-branch-of-government/>; Greg Hengler, "Senator Schumer's 3 Branches of Govt: House, Senate, & President," *Townhall.com*, January 30, 2011, <https://townhall.com/tipsheet/greghengler/2011/01/30/senator-schumers-3-branches-of-govt-house,-senate,-president-n668587>; Mike Opelka, "Sen. Schumer's 'Three Branches' of Government No Longer Includes Judiciary," *Blaze*, January 30, 2011, <http://www.theblaze.com/news/2011/01/30/sen-schumers-three-branches-of-government-no-longer-includes-judiciary/>; and Sam Foster, "Chuck Schumer's Version of the Three Branches of Government: House, Senate, and President," *Red State*, January 31, 2011, <http://www.redstate.com/diary/samfoster/2011/01/31/chuck-schumers-version-of-the-three-branches-of-government-house-senate-and-president/>.

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- Writing in 2014, Judge Arenda Wright Allen of the U.S. District Court for the Eastern District of Virginia, an appointee of the Obama administration, claimed that the United States Constitution “declared that ‘all men’ are created equal.” This line, of course, appears in the Declaration of Independence, not the Constitution.⁵
- That same year, Democratic Congresswoman of Texas Sheila Jackson Lee announced that the Constitution was four hundred years old. Her point, oddly, was to establish the obviousness of the unconstitutionality of an act that enjoyed Republican support.⁶
- In the 2011 presidential primary debates, Republican candidate Governor Rick Perry of Texas was unable to name three federal agencies that should be eliminated.⁷

These examples suggest that the decline in civic literacy is a longstanding problem that will only worsen as the current generation of leaders educates the next generation. More than mere gaffes or slips, these remarks reflect ideological commitment that is used to justify political policies and programs—in other words, they expose partisan presuppositions that will affect the everyday lives of ordinary American citizens.

When those who govern do not understand their governing foundations and institutions, government and the governed suffer. Renewed efforts to provide civic education are clearly necessary.

The “New Civics,” however, is not the answer. In fact, it accelerates and compounds the problem, as *Making Citizens: How American Universities Teach Civics*, a 523-page report by the National Association of Scholars, ably demonstrates. Under the regime of the New Civics, students have become useful innocents whose impressionable minds and tuition dollars are redirected toward leftist propaganda, progressive activism, and systematized indoctrination, all to the benefit of particular interest groups.

Rather than rehashing the findings of this report, which everyone in higher education should read, I offer some hope in anecdote form. These testimonial

⁵Bostic v. Rainey, 970 F. Supp. 2d 456, 460 (E.D. Va. 2014).

⁶“Math Problem: Rep. Jackson Lee Claims Constitution Is 400 Years Old,” *FoxNews.com*, March 13, 2014, <http://www.foxnews.com/politics/2014/03/13/math-problem-rep-jackson-lee-claims-constitution-is-400-years-old.html>; Ben Jacobs, “The Constitution Is 400 Years Old and More Pearls from Sheila Jackson Lee,” *Daily Beast*, March 13, 2014, <http://www.thedailybeast.com/articles/2014/03/13/the-constitution-is-400-years-old-and-more-pearls-from-sheila-jackson-lee.html>; Cheryl K. Chumley, “Rep. Sheila Jackson Lee Claims Constitution Is 400 Years Old,” *Washington Times*, March 13, 2014, <http://www.washingtontimes.com/news/2014/mar/13/sheila-jackson-lee-claims-constitution-400-years-o/>.

⁷Amy Gardner and Philip Rucker, “Rick Perry Stumbles Badly in Republican Presidential Debate,” *Washington Post*, November 10, 2011 https://www.washingtonpost.com/politics/repUBLICAN-presidential-candidates-focus-on-economy/2011/11/09/gIQA5Lsp6M_story.html?utm_term=.97aa7ceca63a.

examples are supplied not simply to invert the “leftist” and “rightist” features of civics education, thereby reverse-politicizing the curriculum toward ends I find more attractive, but to seek out effective approaches to the study of government and political theory that can enable students to sharpen and challenge whatever partisan beliefs they may already possess.

The first example comes from my home institution, where Dean Robert McFarland and Prof. Adam MacLeod have established a course called “Foundations of Law” that all first-year law students must take. Currently in its fifth year, the course combines practical elements of law with liberal education in the roots of the American legal order—a sort of Great Books approach that teaches students not simply to read and brief cases but to examine the historical and jurisprudential arc of the law down through the centuries of Western civilization. McFarland and MacLeod demonstrate with their forthcoming textbook, moreover, that vocational education does not equate to service learning or community activism.

Those who would object that such a course fails to train students to pass the bar exam or secure a job—valid concerns—ignore the extent to which discourse about rights and duties, history and tradition, and sovereignty and liberty find expression in appellate cases, from state supreme courts and federal courts up to the United States Supreme Court. Law, in short, is applied philosophy. Lawyers without philosophical learning don’t understand what they’re carrying out; they’re part of a tradition, whether they like it or not, and if they’re unaware of which tradition, then they’re just going through the motions, as it were.

Anyone who’s clerked for a knowledgeable appellate judge can attest to the value of having studied the jurisprudence of figures such as Sophocles, Plato, Aristotle, Aquinas, Blackstone, Bentham, or Locke. Attorneys familiar with Rawls, Hart, Dworkin, and Finnis are ready to contextualize the statutes and constitutional claims that shape appellate practice. Although I don’t advocate delaying “foundations” teaching until law school, I do believe that the traditional pedagogy and curriculum of McFarland and MacLeod is an important corrective—one that can be replicated in other settings, perhaps with younger students.

Other promising examples are outside the academy. In recent years, I have organized, attended, or observed programming by such groups as the Intercollegiate Studies Institute, the Liberty Fund, the Foundation for Economic Education, the Institute for Humane Studies, the Federalist Society, the Ludwig von Mises Institute, the Acton Institute, the James Wilson Institute, and the Russell Kirk Center for Cultural Renewal. Other such institutes and organizations conduct similar events. Although they may be susceptible to accusations of

ideology or political partiality, these events bring together people of diverse backgrounds and perspectives and emphasize points of disagreement and tension.

I have never attended an event hosted by one of these organizations at which participants were ideologically uniform or predisposed to unanimous agreement regarding the topics under discussion. Nor was the point of the event to forge partisan conformity or develop a homogenous community of purpose. Rather, the events focused on exploring ideas and investigating differences of opinion. Attendance was voluntary; participants completed rigorous reading requirements prior to their attendance. They spoke freely and openly and criticized each other carefully and civilly. In many ways, such events are model fora of intellectual exchange that universities should mimic and encourage. They seek the genuine pursuit of truth and to contribute to the sum of knowledge. With only a few exceptions I can think of, these gatherings facilitated not consensus or activist planning but further inquiry and debate.

The final example involves the local classical Christian academy where I serve on the board of directors. The school has adopted an integrated curriculum based on the trivium. Rather than mandating volunteer hours with advocacy groups, the school takes middle and high school students to observe sessions of the legislature or attend oral arguments at the Alabama Supreme Court. These outings allow students to observe the competing interests and goals that characterize politics and the law, and they show them that the “real world” is often messy and complicated—and that the rhetorical skills the students are developing can be put to good use.

It’s easy to despair when politicized initiatives like the New Civics gain popularity and deplete financial resources that could fund more constructive programming. Yet any system built on widespread ignorance and general incompetence is bound to fail. I have given examples of educational methods that offer hope and rehabilitation during dark times. If we become the society that the New Civics strives to create, however, we’ll deserve the inevitable demise of our civic values and institutions. And if that happens, let us hope there are enough serious learners remaining to cultivate a happy, ethical, flourishing, and literate society once again.