

Conversations with Bill Kristol

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I: James Madison as Founder (0:15 – 26:36)

KRISTOL: Hi, I'm Bill Kristol. Welcome to CONVERSATIONS. I'm joined today by my good friend Jim Ceaser who's been a participant in these conversations a few times, to the great benefit of all who have watched, I believe. Professor of Politics at the University of Virginia, great student of America, the American Constitution, American Constitutionalism. And the author of a very recent article, which I'd like to focus on, and depart from today, on "founding." The American founding, the idea of founding, the self-consciousness of the American founding, particularly focusing on James Madison.

You say in this article, which people can read in [National Affairs](#), summer of 2018 issue, that Madison more than anyone served as the founder of the American idea of founding. And we say "Founding Fathers" all the time. Or what do we say now? We can't say Fathers. Founding –

CEASER: Persons.

KRISTOL: Persons, Humans. Anyway, so explain that. He's the founder of the American idea of founding. What does that mean? Why is it important?

CEASER: Yeah, well, when we look back, we use these words "founder" and "founding" as if they're perfectly self-evident. After all, we had a founding. We had founders. There's no problem when using the word.

Yet, when you go back to that period, were they regarded as founders? Was that concept in existence? And I think the clear answer is no. Founders, to the extent it was used, or lawmakers, referred to the great practitioners of antiquity: Lycurgus, founder of Sparta, or Moses, founder of the Hebrews. It wasn't in vogue at this period. Therefore, those people who went to Philadelphia in 1787, I'm not sure the Americans in any way conceived of them or even thought of them as founders.

So Madison, and you could say [The Federalist](#), reintroduced the idea of founding. They took this old idea and put it now at the center of American politics. That they were founders. Madison compared the people at the Convention to the founders of antiquity, mentioned all the founders of antiquity, and suggested that the Americans had improved upon the whole science of founding, and maybe that in the future – of course he had to be very delicate, the Constitution had yet to be approved – but I think he suggested that the American idea of founding might supplant the models that came from antiquity.

So, it was a very bold step that he took. So, what I mention in the article is someone first had to reintroduce the idea of founding before we had founders in the modern sense.

KRISTOL: I guess, you mention in the article, one could say, "Isn't the Declaration the real founding, the real foundation of the American regime?" But there, I guess, it's more ambiguous. They don't really present themselves as founders, right? They're sort of required to separate from Britain.

CEASER: Right. I mean, they weren't using the concept of founding when they put that out.

So, we use the term Founders, but then when you ask people, "Well, who are the Founders?" They say, "Well, you know, uh, uh..." They have no specific idea. I suppose if you pressed them, they probably would tend towards the founders who wrote the Constitution in 1787 and 1788.

Though a good case could be made that we collapsed three groups of people: the ones who were instrumental in the Revolution, say Washington, Franklin, Jefferson and Adams, who are perfectly discussable at the time of July 4th. I don't think there's any problem in introducing them.

The ones who wrote the Constitution and who publicized it.

And then probably as well, the ones who were involved in the first administration of Washington, which in a way completed the founding, introduced some new twists on the founding, and gave us the Bill of Rights.

So, those would be the three moments if you press people. But I think the privileged place probably still goes to those who wrote the Constitution.

KRISTOL: Which is striking when you think about it since 1776 is the birthday of the nation, not 1787 or '89.

CEASER: Yeah, I think a case could be made for all three, and I don't think Americans quibble. There were those who separated the Constitution from the Declaration and said, "Well, the Declaration is the true founding. The Constitution is either an improvement or a deviation."

For example, the Progressives: "Declaration, a great Democratic moment; the Constitution, big mistake, took us in the wrong direction, protected property too much, introduced far too many checks and balances. We can get rid of the Constitution and go back to the Declaration," which I suppose would suit Jefferson quite fine.

KRISTOL: But I suppose that in a way Madison's self-consciousness about founding does suggest – not that it's just – but you can't have a Declaration as wonderful as it is, you can't have a Revolution as successful as it was, unless you successfully found the government.

CEASER: Right.

KRISTOL: No one thinks of the authors of the Articles of Confederation. They don't get to be in these privileged groups of founders, whoever they were. I don't even know.

CEASER: John Dickenson, as a matter of fact, I believe.

KRISTOL: A fine person, I'm sure.

CEASER: But there's no monuments that I know of to John Dickenson.

KRISTOL: So, that is an interesting point, right. I hadn't really thought about it. A government is – the government has to work.

CEASER: Yeah, I think that is what the people in 1787 and '88 claim. They look back on the Revolution and praise them as great heroes. But establishing a government that could effectively institute the goals of the Declaration was their task, if they could accomplish it, which they did, which made them in a sense founders.

KRISTOL: So, they said or thought in a way that they were founders. Okay, so talk about the implications of that in terms of –

CEASER: Okay, yeah. This is suggested by Madison, that we now have this group of people who performed the function of founding, akin to all the people I mentioned of antiquity who Madison mentions and discusses.

So, what was important about the founding? In classical political philosophy, I think you could say it was the center of the study of political science. In a way, founding was the key point to which all looked, beginning, say, with [The Republic](#) where in a way it has the idea of founders. But in Plutarch it's central.

So, why is this the case? I think it's this idea that you can found, it suggests that there's some science of government that the human mind can achieve, that one mind or several minds can understand, and that this can become the basis for setting up the most important thing inside of politics, which is the political system in which you live.

So, if you take Lycurgus as an example [founder of Sparta] – and I know the people from Michigan State will be happy to go back and understand what that statue of Sparta really means – but if you go back, Lycurgus is the one who performs the function of founding. But before doing so, he becomes one of the first students of political science since he has to leave Sparta. He travels around the Aegean and he meets a philosopher in Crete, Thales, who is already beginning to develop the idea of a science of politics. What's best? What kind of regime would be best? And he studies some with Thales.

So, you could call that person, the one who has the general idea as a kind of proto founder because he's not actually doing the business of founding but he's laying forth some of the principles.

And Lycurgus takes the best from Thales, comes back to Sparta, which is in a situation of crisis, and performs this magnificent task of founding Sparta, which is the most complete founding one could imagine in practice. I mean, even Madison says it's the real center of antiquity. *Everything* in Sparta is devoted to accomplishing some political task of making the members of Sparta look like they're Marines, putting the country before everything. Great soldiers, great benefactors, and, of course, anyone who's seen the movie "300" recognizes that they had great pectoral muscles as well.

KRISTOL: Right. [Laughter].

CEASER: So, that's the importance of founding. So, political scientists then say, "If you understand founding, you can understand what sets in motion a regime, and what's most important inside of politics: the regime, and its different characteristics."

KRISTOL: But Madison stresses founding in his founding. I mean, he could have done it but not worried about the term, and just been a politician who was adjusting things so they would work better and so forth. He seems to want people to think about the founding as a founding.

CEASER: I do. One reason, a self-interested reason you could say, is so that people will see the Founders as great. I mean, the notion of founding is connected with greatness. We remember those people of antiquity as *the* key political figures, so why not the Americans? Why can't they perform this role as well? So, that would be the self-interested idea.

But I think the founding is also connected with the idea that if something is founded, it's going to be founded for a long time. It's going to endure.

And that's another question we can come to in a while. Did the people who founded America or the Americans at the time regard the Constitution as something that would endure? Was that what a written Constitution was? Something that would endure and people would revere? Or was it something that would be put in place for 10 or 15 years, respected as Supreme Law while it was in place, but then changed 15 years later?

I think that was, by the way, that was the dominant understanding of what a Constitution was at the period. A written Constitution is a kind of law, a little bit higher than other law, but would pass and change with time.

And therefore, if that's the case, the founders would not continue to be remembered. They wouldn't be founding. They would have founded something that lasted for 15 year, we would have had another version of it, and people could have looked back and said, "Oh, yeah, they had some good ideas at the beginning, but they didn't create something that has endured for a long period of time."

That's one of the characteristics of a successful founder is that they succeed, not that they try something and it fails and distinguish themselves for being a footnote in history, which is, "Oh, some five people tried this in 1787 but it never really worked. On to what occurred." That's not what Madison was looking for, to establish themselves as key figures.

KRISTOL: And he argues, doesn't he, in [The Federalist Papers](#) themselves that having reverence for the founding if not for the founders, but for the Constitution certainly, will help make the Constitution work. So, the founding – how should I put it? An understanding of founding, or an appreciation of founding itself, becomes helpful to the success of the founding.

CEASER: Right. So, you could say, what techniques did our founders introduce that the ancients didn't? One of the techniques or instruments they had is a written constitution. So, a written constitution – everyone says, "written constitution, very important. Americans, beginning with the state constitutions, kind of reinvented the idea of a written constitution."

KRISTOL: Britain doesn't have one.

CEASER: Yeah, Britain doesn't have a written constitution and no one really did in 1787. There were no bodies that sketched out the character of government that were on a higher plateau than ordinary governance. That's what a written constitution allows you to have, to establish. As powerful as the rulers are inside of our system, they are always in theory subordinate to this thing called a written constitution.

But the question really is, the main question is, what the heck is a written constitution? I mentioned this before and I can go back to it now. If you look at how a written constitution was viewed at the time, it wasn't an idea that the document it produced would be revered, would be venerated, would have some symbolic significance. Not at all. In fact, look at our state constitutions today. They're constitutions in every sense. They have people who wrote them, very few of whom are regarded as founders. Are they respected and revered? Would any sensible person revere, say, the Constitution of California, of sound mind and body? I doubt it.

So, it's not intrinsic to the idea of a written constitution that it will endure and that it will be venerated and revered. That's Madison's idea. And in this he differed from Jefferson, one of the few points on which they differed. But Jefferson had proposed this idea that a written constitution would be revised every 15 years. It would be the highest thing while it was in existence, but it could be changed and altered as time went on. And human beings would know more with progress.

And he made fun of this idea that anyone would want to establish a constitution that's venerated and revered. Mocked it as something akin to people who would believe in the Ark of the Covenant. Just as we have here in Washington, the Archives Building is a kind of ark. It's called a Temple. You go up the steps, there's the parchment there and you see it. It's meant to be revered. That was not part of how

people saw a written constitution. That was what Madison helped to create in *The Federalist Papers*. Seeing a constitution in this light.

So, I think that was probably, along with the idea of founding, the most significant thing about the whole founding enterprise was: what is the character of a written constitution?

KRISTOL: I suppose that's what drives, in *Federalist 49*, the rejection of Jefferson's notion that, "Let's just have referendum when there are disagreements about –

CEASER: Exactly.

KRISTOL: – what the Constitution means." Disagreements between the branches and then judicial review, which sort of elevates the Constitution and so forth. So, it's an important part of our actual system.

CEASER: It's really important. It's not the tradition that we have in most of our state constitutions. Some of them have endured, but most of them have been changed several times. Some of them even demand that they be looked at and revised after a certain period of time. It's a whole other understanding of what a constitution is.

This is an idea, I think, that came to Madison probably during the convention debate itself in response to Jefferson's idea, which was proposed at the time in the *Notes on the State of Virginia*, which was being circulated, that this is how people would look at a constitution.

And Madison steps back and says, "That's not how we want to look at the Constitution. We want to look at it in a different way." So, he uses these terms in *Federalist 49* of "veneration" and "reverence," something we can look to. And, in fact, I have to admit that my license plate is *Federalist 49*. It's very important for those who tailgate on a highway. They come real close –

KRISTOL: You're the first person to call my attention to that, the real importance of that paper, which is central, I think.

CEASER: Yeah, it is. So, you could say there's something to be said for Jefferson's point of view, but something to be said very much for Madison's point of view of the significance of this. Transformation and understanding of what a written Constitution is. A written Constitution is something old, looked at, and venerated, and hardly changed very frequently. Not changed very frequently.

There's a British political writer of the 19th century, Walter Bagehot, who introduced a nice little distinction. He talked about two parts of the constitution, referring to Britain, which has no written constitution, but kind of has a tradition. The "dignified part" and the "efficient part." So, the efficient part is the part that functions and works every day: the Prime Minister, great guy, important powers. The dignified part is something which the people can identify with in a visceral, emotional sense. Something that makes them feel British. Something that makes them tear up, or cry, or feel that sense of patriotism.

KRISTOL: Above party.

CEASER: Above party, which is the Queen. So, the Queen's the dignified part. So, in a way, looking back on America, you could say, "What's the dignified part of the constitution of the United States? Is it our Head of State?" Well, sometimes not. I don't know how dignified one considers the current President versus past Presidents. They're a partisan figure in part. The dignified element is the Constitution itself. And people can identify with the Constitution and what it means.

It's a pretty funny thing in a way. You get this document, which is short but still filled with ordinary language and powers and what not. What's really to venerate about it when you think about it? Just ordinary law. And yet Americans do venerate it. Even if they never read it, they are aware of the idea that

they should venerate it. And it serves this function of keeping together along with the Declaration. These are sort of fundamental documents.

And so, what you really have here are two different ways of looking at the world. The Jeffersonian way of looking at the world, which is we don't venerate anything. "The spirit of veneration makes us those who are trapped by the past." And he makes fun of Founders. "What did they know that we don't know better? I was one of those and they weren't that great." Of course, he's referring here to the Constitution and not to the Declaration, which he wants to endure forever. But leaving that point aside. "Things will change and people will look at politics in a strictly rational way." That's his hope and he gives some good reasons for it.

So, Madison's view that he develops in now the second phase of the written Constitution, his idea is we will look in part at the past and take what the past says with the greatest amount of seriousness and up to a point revere it. So, in a way you look at the world in a more, I'd say, traditional way.

And people can come back. Even if you take Lincoln, who speaks of the principles of the founding. He always speaks of "our Fathers." People start thinking of our Fathers, they're in the language of veneration. A father is something you – at least we used to venerate. I'm not sure that's the case anymore, but it would be that. And he speaks of the importance of the Founding, going back to that period.

And so, the American mind becomes in part structured by this thing which, I would say, restrains this impulse to change and to rearticulate something in a progressive fashion, that the Constitution should always be changed or revisited. It's a restraint on that, which I think is critical to what it means to be a founder.

So, it would be hard to have a founder in this sense unless you had this notion of founding. I think it would simply dissolve, the idea of founders. They're all part of a bundle that fits together.

KRISTOL: So, the self-consciousness about founding is necessary for the regime to not simply be progressive, let's say, and "move on" to whatever the latest fashion is. It checks that, right?

CEASER: Right. And you could say, "Well, it's just one essay in *The Federalist* that Madison wrote." Fair enough, but this idea was picked up by the Whig Party in the 1830s and '40s, who really stressed this idea of veneration and looking back to the Founders. It was stressed by Lincoln. It's stressed in our monuments that develop. And the battle that develops over how much should we revere the Founding between the Progressives and the anti-Progressives. And in our monuments here in Washington, what should they look like? Should they convey that feeling of a little bit of awe? Or should they just be regarded in a practical way as something we move and shift like we change our clothes?

KRISTOL: I also think, don't you think, that *Federalist* 49, which lays the basis for *Federalist* 79, really, and for judicial review, that's sort of the practical way in which the Founding is kept above the public. You look up to the Constitution. You look up, hopefully, to some Justices who interpret it, and don't simply do so in a partisan way or in adjusting to contemporary fashions. Whatever they do or don't do in practice, in theory at least. Robed Justices, you know, that actually is a functioning part of government that plays in Bagehot's description a – what's the alternative term?

CEASER: Efficient and dignified.

KRISTOL: Yeah, plays a dignified role, you might say.

CEASER: Well, it's a difference between how state constitutions works and federal constitutions. State constitutions, the most common thing is an amendment. So, if the people don't like what's in the constitution, they amend it constantly. So, there's no notion that this is a stable and limited body.

In the Constitution that Madison creates, you can amend it, but it's pretty hard to amend in our system. So, without amendment, how is the Constitution in a way adjudicated? And what's in it? How is that decided? That begins to point to other institutions, of which the Court is one.

I believe in this case that maybe in the original view, *each* branch had some role to say, speaking in a constitutional sense, but over time, the judicial views has more and more usurped the idea that there's one special institution that interprets the Constitution, and that's the court. At any rate, that's what our law schools frequently say is the characteristic of the court, that it has almost exclusive interpretation of the Constitution wherever it wants, however it wants, which could be a distortion of the original view. But it does point to this characteristic.

So, you look at state constitutions. They're rewritten. They're amended. They're changed. It's a completely different way of viewing what a fundamental document is.

KRISTOL: And the Constitution, the national, the federal Constitution trumps ordinary law.

CEASER: Yeah.

KRISTOL: That's really key for the courts to be able to enforce that, which in turn elevates, constantly reminds the citizens that, "Oh, the Constitution, that's above the mere —"

It's pretty striking when you think about it, that Congress passes something with sometimes big majorities. The President signs it and the court says, "Sorry, that violates the Constitution."

CEASER: It is pretty strange.

KRISTOL: It didn't happen that often in the old days. It happens more now.

CEASER: Right.

KRISTOL: A lot of it was about striking down state laws and kind of maintaining the national supremacy, I suppose. But that's important too, actually.

CEASER: Yeah, it keeps the idea that there's something higher than the government. It's a pretty extraordinary thing, when you have these people who are so important and powerful: the President of the United States, the Congress of the United States, who have to bow on their knee to the Constitution. When that's put before them, you have to obey the Constitution.

I mean, the most striking example of when this kind of came up was in the court packing plan with Franklin Roosevelt. It's true that what he did wasn't unconstitutional. You can change the size of the Court whenever you like, and we've done it a few times in the past, and many now are calling for it to be done in the future. It's the new idea that will expand the court to 20 so that we can counteract the Republicans packing the court, as they say.

But what happened at that point was that Roosevelt, as powerful as he was after the 1936 election, and as much as he had a majority behind him, when this battle came and he suggested enlarging the Court, a Congress that was almost entirely Democratic said no. And the people more or less sided with the Court, against their own wishes, for this higher form of public opinion, which we can call Constitutional opinion.

So, in America you always have two levels of opinion: your ordinary opinion, like "do you favor a new immigration law," "do you favor healthcare?" These are important laws. But then you have some law above, which is the Constitutional law, which is always reminding people, "You can't have any particular statute unless it's in accord with the Constitution, and you always have to follow the Constitution." That's a pretty strange thing that works within the psyche of Americans and works really only at the national level, I'd say.

KRISTOL: In 1937, it's pretty amazing – I don't know that much about it – but he wins a massive reelection victory. Part of the victory is based on challenging or overturning these limitations the Court is putting on federal power and on the New Deal. He proposes something that is technically constitutional. No one thought – Congress *can* specify the size of the courts; it wasn't as if it was clearly violating something in the Constitution.

CEASER: Right.

KRISTOL: And nonetheless, there's so much – I mean, there were other things going on too, but there's so much the sense that this violates the spirit, I suppose, of the Constitution that there really is much more pushback than you would think.

CEASER: I would think if you go back at the time and try and imagine what things were like, it's true that Roosevelt didn't do much talking to members of Congress. I think he thought he could just get it through pretty quickly. So, he didn't lay the ground as it were. And it's true, as you mentioned, it would be constitutional to change the size of the Court. But what American people saw in this was a thinly disguised plan to change the direction of the Court to the whim of the President and they said no to that.

KRISTOL: Now, the Court did change actually.

CEASER: It did.

KRISTOL: In a way that's more respectful.

CEASER: The switch in time that saved nine, as they say.

KRISTOL: More respectful of constitutionalism, I suppose.

CEASER: Yeah.

II: The Founding and Our Politics (26:36 – 51:52)

KRISTOL: Now, that side of the founding is sort of, let's say, creates the reverence, the veneration, the elevation of the Constitution above ordinary politics. And that seems important for a regime to have staying power, and be self-limiting in some ways, and not just moving on the whims of the moment. So, it's kind of anti-progressive, I guess, conservative maybe a little. But doesn't founding – it also implies that they were reasonable, that the founding is something intelligent, not just old?

CEASER: Yeah, I would say that the founding, the idea of founding itself, is anti-traditional. After all –

KRISTOL: Right, that's what's interesting, yeah.

CEASER: Completely anti-traditional.

KRISTOL: Rational planning.

CEASER: Rational planning, the idea that the mind can devise what's best. The idea that you would try to introduce some science to politics. And Madison even says in *Federalist* 14, since we're talking Madison, that we didn't look back to the past for our standards. We had a respect for the past but we didn't venerate the past. He even uses the word "veneration" there. We found what we thought was necessary. And we, the Founders, were willing to take a risk and try something entirely new.

And recall that the Constitution as set up was something awfully new in the history of the world, in a republican government, a new way of fashioning republican government. The idea that republican government would be more successful in a large territory than a small. A whole host of things like this,

which were regarded by many as radical. And the more traditional position was with the anti-Federalists who wanted to keep the state constitutions.

So, the anti-Federalists in many ways appealed to tradition. So, you have these different foundations, which are possible in setting things up. Foundation is a first starting point in politics. One idea is that your foundation is what's old and ancestral, what we got from our fathers. "We don't want to change what we got from our fathers," and that instills a certain way of looking at things.

Another view is that, "Well, what we got is from our reason. And while the past could be looked at, it's not dispositive. We have to look at what we think is best and be willing to change." So, founding itself, I think, is anti-traditional.

And Americans in laying the course of founding and in revolution, of course, are anti-traditional. They speak of a new world order, a new way of looking at things – *novus ordo seculorum*. They had to by breaking with Britain.

And in many cases, going back now to the debates on the Declaration and the idea of having a Declaration in 1774 and 1775, they say, "What is the best foundation for a society?" And many people say, "Well, of course, it's our British rights. It's the Charters. It's the old things. These are safe standards that we can look at." And Adams and John Jay look it and they say, "Well, those are fine, but if we're going to break from Britain, we're going to need a new way of looking at things, something in which the foundation doesn't come from tradition, but comes from reason. And that's what the American experience is going to be about."

And that, I suppose, is reflected in the Declaration, which finally appeals to nature. And there's nothing more subversive of tradition than nature, which is the study of how things are, not how things have been practiced by custom. And so, that's the decisive shift that makes our polity different than Britain. Some people have never liked that. There's been one old strand of conservatism that never really liked the Declaration. In fact, you could say that the United States started falling apart on July 3, 1776, that evening. Everything went downhill from then.

But there's another part of American conservatism, which, I think, Europeans have never fully understood, which tries to say there is a way of having a new kind of conservatism, which is founded upon a rational basis, which doesn't look simply to our ancestors but to reason. A different style of conservatism.

And this is what makes Britain and the United States, I think, different in many ways. Britain doesn't look at things in this way. Britain has no founders. Say whatever you will about Britain. There are no founders. I mean, there's some princes from old. There's the tradition most importantly that comes from the Germans in Germany who then come to Britain and give the great tradition of Britain. And then the institutions that grow by accident in part but not by rational design. Rational design steps in from time to time to trim this great tree, take off a limb. But the essential character of the growth of political institution is not based on this idea of founding, but based on the idea of slow organic growth, which we try and tend and cut and keep in line, but with no pretention that we can figure out the whole and reestablish regimes in a new way.

So, as much as Americans owe a great deal to Britain, and we do, and British rights are still pretty important and things like that, I'll say, this is a decisive point of difference: is that Britain has no founding. America has a founding. And, therefore, that's a huge difference between the two.

KRISTOL: I do think a very distinctive character of American conservatism as you suggested, it's less traditional than British. And then European conservatism in a somewhat different way with the throne or the church or national traditions, which are appealed to. But American conservatism, while having some of that, because it reveres the Founders, therefore it reveres people who try to use reason and appeal to nature, it has a different –

CEASER: Different cast, right.

KRISTOL: Yes, yeah.

CEASER: And even if you look at Madison's view of revering the Constitution, veneration and reverence suggest accepting something on faith, let's say, not religious faith, but faith. But it's also the case for anyone who studies the American Founding, you don't have to accept it on faith.

KRISTOL: No, they brought all these *Federalist Papers* to –

CEASER: That's exactly right. For those who are interested, and that's a large number, you can always go back and redo the Founding in your own mind because every document of importance remains with us, and you can recreate the founding. They left us, after all – this argument for a revered Constitution appears in a book, *The Federalist Papers*, which is one of the most conspicuous appeals to reason that one could imagine, which sets forth the logic of the government.

Then you go behind that to the [Constitutional] Convention notes and what not. And every generation of students, if they would only take advantage of it, can recreate the political science of the Founders.

So, this idea of founding in America connects us to a venerated past, but it also connects us to a reasonable past, which we can avail ourselves of.

KRISTOL: I suppose the Convention notes were kept secret for quite a long time.

CEASER: Right. Until – Madison respected – I think he showed them to Jefferson, but never published until after his death in 1836 when a couple of years later they appeared. But the idea was they would not be appeared and it's one of those few promises that was actually kept by Madison, and others.

KRISTOL: Yeah, and I suppose that also fits in, in the sense that that's a little bit too much "seeing how the sausage is made" and cuts against, I would say, veneration. I don't know much about it, but in the history of the scholarship, the Convention notes are often used as, "Well, it's a bunch of compromises, big state, small state. They made a lot of mistakes. They changed their minds a lot." *The Federalist Papers* in a way gets to present it as a little more of a –

CEASER: Immaculate Conception.

KRISTOL: Yeah, a worked-out whole. And this was reasonable here, and this is there. Then you look under the hood, it's a little different.

CEASER: Yeah, I mean, as great as the *Federalist Papers* are, and they are, you have to realize that they're always taking the side of the Constitution, maybe reasonably so.

But we know when they left [the Convention] that different Founders for different reasons had real reservations and doubts of whether the Constitution would survive. Nonetheless, they thought it was the best option. So, they present it that way. But we don't see all the objections that *they* might have had to the Constitution.

KRISTOL: You emphasize Madison in this paper, but I suppose Washington had an important role there too, the kind of self-conscious dignity and thinking of himself – he was not going to do what had been done elsewhere and stay in power when he could. Cincinnatus and all that. That's a kind of founding, right?

CEASER: Washington remains, I think, the most important Founder in every sense. Not in the intellectual sense of writing the books. But if you take all three moments that I mentioned, obviously, Revolution where he's the hero of the Revolution.

The Convention – getting the Convention together, the idea of having a nationalist Convention was very much supported by Washington. They had one of the early meetings at his house in Mount Vernon. So, he was always a strong nationalist. At the Convention he was President of the Convention. And he understood his role was to in a way be the dignified presence there and not to partake too much in the debate. Others could do that. Argument was beneath Washington.

And then, of course, as the first President, maybe in a more some would say partisan way, but setting forth some of the characteristics of the office of the Presidency. And not just the Presidency, but the whole way that the government would work. Things like being presidential. What do we mean by being presidential? We mean pretty much what Washington had in mind: careful about who you are, presenting yourself not only as a leader of policies, but in a way as the Head of State in a dignified sense.

So, Washington is extremely important. And he's extremely important to the early historians of the United States who saw something there, an opportunity. Can we identify this system with the most perfect man you could imagine? And that's George Washington. So, he's the hero beyond all heroes. And I think that's fair. You could say that Washington, at the time of the Convention and afterwards, was universally respected in the United States as no other leader has been, I would say, in the history of the world. Not even Moses, he [Moses] had his rebellions. And others. He had a standing, and authority, which was close to being godlike.

And the Founders realized this. They realized that they were riding in part on the coattails of Washington. And Washington realized this, that he had to protect this thing called his dignity, which was like a little uberman across from him. He always had to worry not only what he was going to do, but how this would affect his dignity, because his dignity was so important to what was transpiring in the United States.

KRISTOL: Just a word about Hamilton since you focused on Madison in this piece, but I've always personally had a certain partiality towards Hamilton, now vindicated by the Broadway show of course, and its popularity.

CEASER: Right. It's unlikely that we'll have a Broadway show about Madison. He was a very small person, sickly, that has to be said. Lacked charisma, as opposed to Hamilton with his striking vanity and energy. They were different figures. They were friends originally; meeting, in fact, at Mount Vernon. I believe that's when they first met with Washington. Always together on the nationalist project. So, I would say, in many respects you could say – some might disagree – but that Hamilton's the greater mind in many respects, I believe, though maybe less the political scientist than Madison, but maybe the greater mind.

But at the Convention itself, Hamilton was only there part of the time. He did lay out, I think, something Madison never fully understood, which was the Executive. He gave that one speech on the Executive, which, I think, endured even after he left the Convention. He came back at the end, Hamilton. But he laid out the idea of what the Executive power was, which was murky somewhat for Madison. And Madison went along with this. So, that's an important part.

And then afterwards, it was Hamilton's idea that we had to have *The Federalist Papers* to defend the Constitution in New York, but he quickly recruited Madison. Then they were working together again for the project of the Constitution.

Later they had a falling out. It's inevitable. They even argued over who wrote some of *The Federalist Papers*. That went on for a century.

But I think we can take them at their early point as allies in a great cause, and each contributing something really significant to the American founding.

KRISTOL: It does seem just in the popular mythology of the founding the fact that you have Washington and then you have Jefferson and Madison and Hamilton, each with their own distinctive characters and political characters to some degree. Coming together somehow gives it – I don't know – it's collective. It's

not individual like Solon or Lycurgus quite, but in a way that's more impressive. I don't know if it's more impressive, but it may be more suitable for democracy. It is striking, I guess.

CEASER: This was one of the questions, speaking of founding, in the ancient view of founding, the founder was almost always one rather than many. There's no committee of founders.

KRISTOL: Right.

CEASER: It's always a person, a single mind. And Machiavelli speaks about this at length, that it's the work of *una sola*, one person. And he excuses Romulus for killing Remus because how could you have two people doing it [founding Rome]? Fine, he killed him, but he allowed for one founder.

And when Madison tries to distinguish the American Founding from the founders of the past, he mentions that the American founding is not the work of one but of some. I think he probably meant some, meaning the leading figures at the Convention. Those would be the Founders in the future.

So, some rather than one. And he acknowledges that there are problems with some because sometimes you can get disagreement and falling out. But there's advantages in some in that if they can work out, more ideas are transferred from one to the other. So, he counts that as an advantage.

He really had no choice. When they were presenting the Constitution, it was done by some rather than by just one. And it is true that Jefferson did finally support the Constitution, though in the background, giving all sorts of reasons why maybe you wouldn't want to support it in some ways. Adams supported it. He wasn't there. I mean, the fact that Adams and Jefferson weren't there allowed Madison to have the role that he did at the Convention because he was rather mild-mannered and he was able to play this role. But they supported it as did Washington and Hamilton. So, you had all the nationalists versus the anti-Federalists.

It's true, we don't remember the anti-Federalists because they didn't succeed as well. But some of them were distinguished people and had thoughts, but never, I think, of the stature of the Founders. And the main founders then at the time of the Convention, not afterwards when Madison rose in prominence, the main thinkers in America at the time would still have been Jefferson and Adams. They were the most distinguished minds at the time. They weren't at the Convention, but they did support the Constitution.

KRISTOL: I want to get to the present, but maybe just to stop for a minute on Lincoln, who actually in a funny way is more alone in, I think, popular mythology and in maybe reality too, as the savior of the country, and of the Union and of the Constitution with some redefinition of it perhaps. I mean, say a word about him. He thought a lot about founding and re-founding, it seems.

CEASER: Yeah, he certainly did.

KRISTOL: Talked about it.

CEASER: He talked about it in the Lyceum Address. He was the one who proposed at that stage. That was way before the Civil War, going back to the Constitution and "our fathers" – the term that he used was "fathers" – as the source of what will hold the nation together, to always respect the Constitution.

I would say the Lyceum Address is inspired by – I have never been able to prove this – but it's as if it's *Federalist* 49 on steroids. Madison suggests these things in a very gentle way, as Madison always does. Very difficult person to read, Madison, because he never asserts things. It's always diffidently asserted. But there's Washington [sic] asserting the need for a civil religion –

KRISTOL: Lincoln.

CEASER: Yeah, Lincoln, yeah. And developing that. So, that's early Lincoln.

KRISTOL: Also, the memories of the Revolution.

CEASER: Memories, the blood.

KRISTOL: In this address, which more, I guess, is implied a little in *The Federalist* once or twice. Not quite emphasized that way.

CEASER: Yeah, they do. It's mentioned in *Federalist* 49 that they did something and that's important. Lincoln puts the emphasis on this. He also points out that merely books isn't going to be the thing that connects you viscerally.

Another understanding really of political science that's maybe a little bit left out of the enlightenment view, the importance of raw emotion, that's always right at the surface in Lincoln.

By the time he gets to his re-founding, you could say, he points to the fact that nothing is ever permanent. It's always going to have to change in some way. I suppose you could say the progressive idea of the Constitution is true in the sense, that it can never be kept exactly the same, as everyone realizes. And as much as you want to say it's the same, it's going to change and that was the moment that it did change. But he always tried to connect the change to what already existed in the past, and remind us of the Declaration and of the Constitution.

And, of course, more than anyone else, I suppose, the credit goes to him himself, not the members of his Cabinet who sort of fall off along the way, not the Abolitionists around them, not advisors, but to Lincoln who stands there as one great figure who preserves the Constitution.

KRISTOL: And today we have the Constitution, it's designed to sort of moderate and overcome in some ways, you might say, populism and progressivism, and those seem both to be quite strong here in America of the 21st century in different ways. But I would say you could characterize that as two of the major – you know, the Democrats as progressive and the Trump Republicans as populist of a kind. And so, how stands the Constitution in your judgment? How stands the Founding and the understanding of the Founding and the respect for the Founding?

CEASER: Yeah, I'd say pretty high. Right at the end of the last administration, the Obama Administration, two political scientists, very well-known, wrote this book called *Relic*. So, that was Terry Moe and William Howell. I think they're very good political scientists. I think the book is a scandal in some ways, a bust. It argues for the Constitution as a total relic. And I think it would be how progressives would be standing today if Hillary Clinton had won. Namely, where were they standing at the end of the Obama Administration? "Congress is too old, can't do anything, should be set aside. The regime is really a Presidential regime. We always have to respect the President. The Constitution is a relic." That's what it was. It's a rewrite of Wilson's Congressional government.

And it hasn't made much of a splash. I think I'll speak for Howell and Moe, that they're probably happy that it was written and forgotten about. Because now, if you look at the Democrats, switching sides. People are instrumental. They're always switching sides one way or another. There's a respect for the Constitution and a return as if, "How could we ever have thought anything other than the Constitutional view." And they see the Constitution as some instrument by which to control or tamp down the President. So, anyway building it up.

And the Republicans, although very favorable to Trump, most of them, they still have some connection to the Constitution. They've always been more of a Constitutional sort of party. So, they in a way appreciate this.

So, whatever difficulties some say we're facing today, I think people realize that the Constitution is the thing that's helped us get through this period. And people will use it in different ways and distort it and change it. But the mere fact that they keep going back to it provides some solace.

And I think if you look at how things are going, the Constitution has performed this role in the last two years, a kind of moderating role. Even the president pays his respects to the Constitution frequently in his speeches. And that's a kind of restraining force I would say.

KRISTOL: It's astonishing how Donald Trump has made liberals rediscover the virtues of fixed law, you know instead of a "living constitution," and limits on the executive, limits on arbitrariness, and all these things they didn't seem to be very concerned about before.

CEASER: Right, and even tone, presidentialism, and what-not.

I mean, I believe that the Constitution is so set up so that most of the time, it can succeed even if people support it for instrumental reasons. So, most of the time they're against it, but when they see that it's to their advantage, they can be for it. They move back and forth strategically, and good thing is, you always find people on both sides, but not always.

I think it's always important to have some people who look at the Constitution as if it were on its own, independent of the circumstances. That's very hard to do since we're so pulled into the politics of the day. And everyone is more interested in the politics of the day, than what was done in 1777 and 1778. But in fact, it sets a lot of the rules, and we forget about this all too easily since we're the beneficiaries of the constitutional procedures.

KRISTOL: Yes, it's really remarkable. Here we are, talking about the Founders 200 and –

CEASER: 31 years I think, I forget, is that right?

KRISTOL: 41 years.

CEASER: Oh, 41.

KRISTOL: Or something. 42? I don't know. But yeah, it's a pretty remarkable thing. And that doesn't exist anywhere else. Right?

CEASER: Not that I can think of. I mean, this was the first important written constitution of the modern world. Others have adopted written constitutions, but they've changed them more frequently and I don't think it has this symbolic role that the Americans have for their constitution. We're in a way, very unique in this respect, very, I'd say: traditional in many ways which others don't understand.

And of course, in Europe it's hard to say because you have a number of constitutions. You have the Constitution of Europe, which has never been ratified by the public – a big problem for them. And then you have the separate constitutions, none of which has, I think, the same standing as the American Constitution. And others have pointed this out when they've come to America. They begin to see the importance of this document and the significance that it has inside of American politics.

KRISTOL: And it's the significance it was intended to have. That's what's really astonishing.

CEASER: I would say. Yeah, if we take Madison seriously and what he thought as the Constitution was written. But also over the period of writing it, that these issues came up and he rethought things. And probably this idea of "founding" occurred to him more in response to Jefferson's idea, than something he originally entered the Convention with. "Oh, we're founders," I don't think he was thinking in those terms. He probably thought, "we're founders like James Dickenson is a founder." But this idea occurred to him more and more, as then did the character of what a constitution was: not something just written for a little while, but written for the ages to come.

KRISTOL: That's terrific. Well, thank you for this conversation –

CEASER: Thank you, I enjoyed it a lot.

KRISOL: – and education on the Founding.

I think this conversation with you and the one I did a couple of months ago with Harvey Mansfield on *The Federalist Papers* together. I would say, immodestly, I can say this immodestly since I didn't do much except toss up some questions, it really is a terrific introduction, and more than an introduction, to the American Republic.

So Jim, thanks so much for taking the time.

And thank you for joining us on CONVERSATIONS.

[END]