

Teaching Patriotism: Love and Critical Freedom

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Hail the flag of America on land or on sea,
Hail the Revolutionary war which made us free.
The British proceeded into the hills of Danbury,
But soon their army was as small as a cranberry.
Remember the brave soldiers who toiled and fought;
Bravery is a lesson to be taught.

—Martha Louise Craven¹

I. THE JANUS-FACED NATURE OF PATRIOTISM

In 1892, a World's Fair, called the "Columbian Exposition,"² was scheduled to take place in Chicago. Clearly it was gearing up to be a celebration of unfettered greed and egoism. Industry and innovation

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¹ This poem was "written" by me at age six and a half, according to its label and date; it was typed up by my mother (I recognize her paper and font), and I found it in her family album. I am not sure what my contribution to its composition really was, or whether it had anything to do with a school assignment. But it was clearly a collaborative exercise, and one from which my mother thought that I would gain something. The general zeal for the Revolution was certainly my own. At that time I was obsessed with a children's book called *Ride for Freedom*, about a girl named Sybil Ludington (1761–1839), who, on April 26, 1777, rode out to warn colonial forces of the approach of British troops—riding forty miles over hilly terrain, a longer distance than Paul Revere, and at the age of only sixteen. See Judy Hominick and Jeanne Spreier, *Ride for Freedom: The Story of Sybil Ludington* (Silver Moon 2001). I remember requiring my parents to act out the story in our basement, using various objects stored down there as horses. (My colleagues will recognize that the tendency to inveigle others into dramatic performance exists innately and by nature, and cannot be either altered or denied.) The "Danbury–cranberry" rhyme is also likely to have been my own, since I loved visiting my grandparents in Danbury (the town Sybil was really trying to save).

² Because it celebrated the four-hundredth anniversary of Columbus's discovery of the New World. Erik Larson, *The Devil in the White City: Murder, Magic, and Madness at the Fair that Changed America* 4 (Crown 2003).

were to be its central foci, as America planned to welcome the world with displays of technological prowess and material enrichment. Gross inequalities of opportunity in the nation and in the city were to be masked by the glowing exterior of the pure white Beaux-Arts style buildings, right next door to the University of Chicago, that came to be called “the White City.”³ The architectural choices of the exhibition’s designers, Daniel Burnham and Daniel Chester French, expressed the idea that America rivals Europe in grandeur and nobility. Everything funny, chaotic, and noisy was relegated to the Midway, outside the precincts of the exhibition: the first Ferris Wheel, Buffalo Bill’s Wild West Show, children, racial and ethnic differences, bright colors, poor people. Instead of real human bodies, disturbing in their heterogeneity and their frailty, the exhibit put forward the gilded “Statue of the Republic,” a sixty-five-foot-tall gilded statue of a woman holding a scepter and orb, a smaller replica of which, only twenty-four feet high, created in 1918 to commemorate the Exposition, now stands at Hayes Drive and Cornell.⁴ The Chicago Tribune wrote, “It impresses by its grand presence, its serene and noble face, and its perfect harmony with its magnificent surroundings, by its wonderful fitness.”⁵

Advocates for the poor, increasingly upset by the plan, got together to think how the celebration might incorporate ideas of equal opportunity and sacrifice. A group of Christian socialists finally went to President Benjamin Harrison with an idea: at the Exposition the President would introduce a new public ritual of patriotism, a pledge of allegiance to the flag that would place the accent squarely on the nation’s core moral values, include all Americans as equals, and rededicate the nation to something more than individual greed. The words that were concocted to express this sentiment were: “I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: one nation, indivisible, with liberty and justice for all.”⁶ At the same time, *Youth’s Companion*, a magazine run by two leading advocates for a Pledge of Allegiance, began an aggressive campaign to promote the use of the Pledge, along with the flag salute, in the nation’s schools.

³ All of this is well portrayed in Erik Larson’s novel, *The Devil in the White City* (cited in note 2).

⁴ City of Chicago, *Explore Chicago: Statue of the Republic (in Jackson Park)*, online at http://www.explorechicago.org/city/en/things_see_do/attractions/park_district/statue_of_the_republic.html (visited Oct 28, 2011).

⁵ *Is a Model of Art*, Chi Daily Trib 36 (Jan 29, 1893).

⁶ For an exhaustive documentation of the history of the Pledge, see generally Richard J. Ellis, *To the Flag: The Unlikely History of the Pledge of Allegiance* (Kansas 2005). The words “under God” were added to the Pledge in 1954, during the Cold War. Id at 136–37.

As so often happens with patriotic sentiment, however, the Pledge soon proved a formula of both inclusion and exclusion. Francis Bellamy, the Pledge's author, was himself both a socialist and a xenophobe, who feared that our national values were being undermined by the flood of new immigrants from southern Europe. By the 1940s, required by law as a daily recitation in schools in many states, the Pledge became a litmus test for the "good American," and those who flunked the test faced both exclusion and violence. Jehovah's Witnesses, who refused to recite the Pledge for religious reasons, seeing it as a form of idolatry, soon found their children expelled from school for noncompliance. Then, in a wonderful catch-22, the parents were fined or jailed for "contributing to the delinquency of a minor" because their children were not in school!⁷ The idea grew in the public mind that Jehovah's Witnesses were a danger: a "fifth column" subverting Americans' values in the lead-up to the war against Germany and Japan. Accused of German sympathies (despite the fact that Jehovah's Witnesses were being persecuted under the Third Reich for similar reasons and had to wear a purple triangle in the camps), Witnesses faced widespread public violence, including numerous lynchings—particularly after the US Supreme Court had upheld the compulsory flag salute as a legitimate expression of devotion to the national security.⁸

Patriotism is Janus-faced. It faces outward, calling the self, at times, to duties toward others, to the need to sacrifice for a common good. And yet, just as clearly, it also faces inward, inviting those who consider themselves "good" or "true" Americans to distinguish themselves from outsiders and subversives, and then excluding those outsiders. Just as dangerous, it serves to define the nation against its foreign rivals and foes, whipping up warlike sentiments against them. (It was for precisely this reason that Jean-Jacques Rousseau thought that a good nation needed a patriotic "civil religion" in place of the dogmas of Christianity, which he found too meek and pacifistic.)⁹

The story of the Pledge, to which I shall return, shows us that quite a few different things can go wrong when a nation sets out to inspire strong emotions with itself as the object, all of which are pertinent to the project of teaching patriotism in the schools. The Burnham plan for the Exposition shows the danger of misplaced and

⁷ Id at 93.

⁸ *Minersville School District v Gobitis*, 310 US 586, 595–600 (1940), revd *West Virginia State Board of Education v Barnette*, 319 US 624 (1942). See also Part III.

⁹ See Jean-Jacques Rousseau, *On the Social Contract* 96–103 (Hackett 1987) (Donald A. Cress, ed and trans).

exclusionary values: we see a nation defining itself in terms of elite achievements and aspirations that exclude common people and their urgent needs. The aftermath of the Pledge shows us the danger of burdening minority conscience by enforced homogeneity. Finally, both the Burnham plan and the ritual of the Pledge show us the danger that patriotism will short-circuit the critical faculties and undercut social rationality.

With such problems in mind, many rational people look skeptically on appeals to patriotic sentiment. They favor deemphasizing it in education and focusing on developing citizens who can think for themselves and deliberate about the nation's future on the basis of rational principles. In favoring critical reason, they are surely not wrong. Ever since the time of Socrates—in other words as long as democracy has existed in the West—it has had too little careful reasoning and too much hasty enthusiasm. In ignoring or discarding patriotic emotion, however, such people may have lost sight of an insight firmly grasped by thinkers of the late eighteenth and nineteenth centuries: that patriotic emotion can be a necessary prop for valuable projects involving sacrifice for others. Italian revolutionary and nationalist Giuseppe Mazzini, seeing the many ways in which the rise of capitalism threatened any common project involving personal sacrifice, believed that national sentiment was a valuable “fulcrum,” relying on which one could ultimately leverage generous sentiments extending to all humanity. He doubted that the immediate appeal to love of all humanity could motivate people deeply sunk in greed, but he thought that things stood differently with the idea of the nation, which might acquire a strong motivational force even when people were rushing to enrich themselves.¹⁰

In this paper I shall argue, first, that Mazzini is correct: national sentiment can play a valuable and even essential role in creating a decent society, in which, indeed, liberty and justice are available to all. I shall argue (albeit briefly¹¹) that attachments to good principles, and even abstract, principle-dependent emotions, are not sufficient to motivate people to make big sacrifices. For this we need a type of love, an emotion that is not simply abstract and principle-dependent, but that conceives of the nation as a particular, with a specific history, specific physical features, and specific aspirations that inspire devotion. I shall then examine the problems before us, a type of

¹⁰ See Giuseppe Mazzini, *Thoughts upon Democracy in Europe (1846–1847)* 67–74 (Toscano 2001) (Salvo Mastellone, trans).

¹¹ For fuller arguments, see Martha Nussbaum, *Political Emotions* XX (under contract to Harvard University Press).

Scylla and Charybdis that are all too likely to waylay even the wary voyager. Scylla, the monster that lured voyagers on one side of the narrow strait, had many heads, each equipped with sharp teeth¹²— and so I shall imagine her here. One “head of Scylla” is the danger of misplaced and exclusionary values. A second “head” is the danger of burdening minority conscience by the imposition of ritual performances. A third “head” is an excessive emphasis on solidarity and homogeneity that threatens to eclipse the critical spirit. On the other side of the strait, however, awaits Charybdis, a whirlpool that threatens to entrap and destroy any ship that steers too far away from Scylla.¹³ Charybdis, in this argument, is the danger of “watery” motivation, the problem that Aristotle thought would beset any society that tried to run its business without particularized love.¹⁴ After discussing and illustrating these dangers, I shall give examples from both US and Indian history of politicians who were able to construct a form of patriotism that steered successfully through the narrow strait: Abraham Lincoln, Martin Luther King Jr, Mohandas Gandhi, and Jawaharlal Nehru. After examining key examples of their achievements, I shall ask how a patriotism of their type might be taught in schools, and how considerations of both content and pedagogy are relevant to its success.

II. WHY PATRIOTISM?

In what follows, I shall understand patriotism as a strong emotion taking the nation as its object. As I shall understand it, it is a form of love, and thus distinct from simple approval, or commitment, or embrace of principles. It is closely connected to the feeling that the nation is *one's own*, and it usually includes some reference to that idea in its rituals. Consider: “My Country, ‘Tis of Thee,” where the embrace of the nation as “mine” is explicit;¹⁵ “Allons Enfants de la Patrie,”¹⁶ where the first-person plural exhorts all Frenchmen to see the nation as their parent; or India’s “Jana Gana Mana” (the national anthem),¹⁷ in which the “we” identifies itself as comprising

¹² Homer, *The Odyssey* Book XII, lines 100–16 (Osgood 1871) (William Cullen Bryant, trans).

¹³ Id at Book XII at lines 117–25.

¹⁴ Aristotle, *The Politics of Aristotle* 1262b (Oxford 1958) (Ernest Barker, trans).

¹⁵ For sheet music and lyrics, see John Francis Smith, *My Country, ‘Tis of Thee*, in John Carroll Randolph, *Patriotic Songs for School and Home* 9, 9 (Oliver Ditson 1899).

¹⁶ “Allons Enfants de la Patrie” is commonly referred to as “La Marseillaise.” For sheet music and lyrics, see Claude Joseph Rouget de Lisle, *La Marseillaise*, in W.L. Reed and M.J. Bristow, eds, *National Anthems of the World* 213, 213–15 (Cassel 10th ed 2002) (“Arise, children of the fatherland, The day of glory has come.”).

¹⁷ For sheet music and lyrics, see Rabindranath Tagore, *Jana Gana Mana*, in Reed and Bristow, eds, *National Anthems of the World* 263, 263–67 (cited in note 16).

people drawn from all of India's geographical regions and her major religious traditions.¹⁸

This love may be modeled on quite a few different sorts of personal love. As with the love of a sports team, so here: different people think differently about the nation's relationship to them. For some, the nation is a beloved parent, and that idea is certainly prominent in many symbolic appeals to patriotism. At other times, the nation is seen as more like a beloved child, whose growth and development one desires to promote. At other times, the nation is seen in a more romantic light, as a beloved beckoning to the lover. Different patriotic rituals and songs conjure up subtly different forms of love, and sometimes the same song appeals to more than one. ("La Marseillaise" begins by imagining France as a parent, but the beautiful concluding stanza is far more erotic, as *liberté chérie* is addressed in tones of awe. "Jana Gana Mana" appeals to a parental idea in its depiction of the moral principles of the nation as sustaining and guiding it; but the music is quite erotic.) Even within one and the same ritual or part of a ritual, different people may experience different types of love, in keeping with individual needs and predilections.

In all its forms, however, patriotic love, as I shall discuss it, is particularistic. It is modeled on family or personal love of some type, and, in keeping with that origin or analogy, it focuses on specifics: this or that beautiful geographical feature, this or that historical event. The thicker it is in these respects, the more likely it is to inspire. Thus Americans love "America the Beautiful"¹⁹ and Woody Guthrie's "This Land Is Your Land,"²⁰ albeit ignoring its political meaning, more than they love the boringly abstract "My Country." The specificity and musical eroticism of "Jana Gana Mana" and Bangladesh's "Amar Shonar Bangla,"²¹ both written, words and music, by the great Rabindranath Tagore, inspire love, while a thin plodding abstraction could not sustain attention for long.

Throughout I focus on the nation, and that focus is important, because the nation, in the modern world, is the central source of people's rights and duties as citizens. Nonetheless, it is important to bear in mind that other forms of patriotic love—addressed to the state, the city, the region—can coexist with love of the nation and

¹⁸ For sheet music and lyrics, see *id.*

¹⁹ For sheet music and lyrics, see Katharine Lee Bates, *America the Beautiful*, in Theodore Raph, ed., *The American Song Treasury: 100 Favorites* 350, 350–52 (Dover 1964).

²⁰ For sheet music and lyrics, see Woody Guthrie, *This Land Is Your Land*, in Dan Fox and Dick Weissman, eds., *The Great Family Songbook* 26, 26–28 (Black Dog 2007).

²¹ For sheet music and lyrics, see Rabindranath Tagore, *Amar Shonar Bangla*, in Reed and Bristow, eds., *National Anthems of the World* 51, 51–58 (cited in note 16).

reinforce it. Sometimes there will be tensions, as when a city or state pursues goals that the nation as a whole has not embraced. (This is happening today, for example, with same-sex marriage, a source of patriotism for New Yorkers and others, but a corresponding source of alienation from other states and even at times the nation. This large and fascinating topic, however, I must leave for another occasion.)

Why do we need an emotion like this? The very particularity and eroticism of patriotic love make it ripe for capture, it would seem, by darker forces in our personalities.

Mazzini's answer was that our lives are immersed in greed and self-interest; we need a strong emotion directed at the general welfare to inspire us to support the common good in ways that involve sacrifice.²² But to have enough motivational strength, this emotion cannot have a purely abstract object, such as "humanity": it must have more concreteness. The idea of the nation, he thought, was that sort of idea: sufficiently local, sufficiently ours, sufficiently concrete, or at least susceptible of being made concrete, to motivate us strongly, and yet large enough to involve our hearts in an object beyond greed and egoism.²³

Psychology has shown by now that Mazzini is correct.²⁴ Like some other animals (apes, elephants, probably dogs) human beings are capable of compassion for the suffering and the needs of others. We have an innate capacity to take up the perspective of another person, and to see the world from that point of view. And we also seem to have evolutionary tendencies toward a genuine altruistic concern for the well-being of at least some people outside ourselves. In other species, however, altruistic emotion operates in a very restricted compass. The kinship group is typically its limit, although in the case of elephants concern may extend to other members of the species, and in the case of dogs concern may cross the species boundary to include symbiotic members of other species. The ability of animals to occupy distant perspectives is evidently quite restricted, and experimental work with young children shows that the human ability is similarly narrow. If people are to be willing to sacrifice for

²² Mazzini, *Thoughts upon Democracy in Europe* at 3 (cited in note 10).

²³ See *id.* at 8–9.

²⁴ For more on this topic, see Nussbaum, *Political Emotions* (cited in note 11). For a very impressive defense of patriotism in motivating sacrifice, see David Miller, *On Nationality* ch 3 (Clarendon 1995). I discuss Miller's arguments at greater length in my paper, *Kann es einen 'gereinigten Patriotismus' geben?*, in Matthias Lutz-Bachmann, Andreas Niederberger and Philipp Schink, eds, *Kosmopolitanismus: Zur Geschichte und Zukunft eines umstrittenen Ideals* 242–76 (Velbrück 2010). For a much shorter version of this paper, see Martha C. Nussbaum, *Toward a Globally Sensitive Patriotism*, 137 *Daedalus* 78 (Summer 2008).

people whom they don't know, the moral imagination will need to be extended, somehow, beyond the confines of our animal heritage.

How could concern be extended? Here we arrive at another problem. The moral imagination, it seems, is highly particularistic, moved to emotion and thence to helping action by the vivid imagining of another specific person's plight. For many years psychologist C. Daniel Batson has done experimental work on altruism that shows that a reliable way to trigger altruistic emotion in human adults is to ask them to listen with vivid involvement to another person's story of woe.²⁵ Without such a narrative, subjects fail to experience emotion, and helping behavior is not triggered. Moreover, the specific trumps the abstract: when people are aware of an abstract principle of fairness, for example a policy for allocating scarce organs, but then hear a specific tale of woe concerning one person, they get involved in that one person's fate and are willing to move that person to the top of the list, violating the principle of fairness that they have accepted. What this shows us is that abstract attachments have less motivational power than attachments made vivid through specific history and narrative.

If altruistic emotion is to have motivational power, then, it needs to hitch itself to the concrete. The idea of the nation, if we follow Batson's research, needs to hook us in through several concrete features: for example, named individuals (founders, heroes), physical particulars (features of landscape, and vivid images and metaphors), and, above all, narratives of struggle, involving suffering and hope.

Patriotic emotion typically does all this: it seeks devotion and allegiance through a colorful story of the nation's past, which points, typically, to a future that lies still in doubt. Indeed, the idea of a nation is, in its very nature, a narrative construct.²⁶ To say what a given nation is, is to select from all the unordered material of the past and present a clear narrative that emphasizes some things and omits others, all in the service of pointing to what the future may hold—if people care. In one of the most insightful and justly influential discussions of the idea of the nation, French philosopher Ernst Renan argued that a nation is not simply a physical location, it is an idea, a “spiritual principle.”²⁷ This spiritual principle involves, on the one hand, a story of the past, usually a story of adversity and

²⁵ See generally C. Daniel Batson, *Altruism in Humans* (Oxford 2011) (representing a monumental work summarizing a career of rigorous experimental research).

²⁶ See E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* 12 (Cambridge 1990).

²⁷ Ernest Renan, *What Is a Nation?*, in Homi K. Bhabha, ed, *Nation and Narration* 8, 19 (Routledge 1990). This chapter is taken from a lecture delivered at the Sorbonne in 1882.

suffering, and then a commitment to the future, a willingness to live together and face adversities for the sake of common goals. The two sides are linked: the story of the past has to tell people what is worth fighting for in the future. Renan remarks that the past has to have in it something great or glorious, but it also needs to have loss and suffering: “Where national memories are concerned, griefs are of more value than triumphs, for they impose duties, and require a common effort.”²⁸ Meditating on the glories and sufferings of the past, people think, “Yes, for those great ideals I too would be willing to suffer.” Or, in Renan’s words, “One loves in proportion to the sacrifices to which one has consented, and in proportion to the ills that one has suffered.”²⁹ Following Batson, we will add that a good story of a nation’s past will involve not only abstract ideals, but also particular individuals; not only a conceptual space, but also physical places.

The need for emotions of loving concern becomes even more apparent, and their contours more clearly demarcated, when we consider another area of psychological research: disgust.³⁰ Human beings are eager to transcend the animality that everyday experience makes plain: the evident fact that we are not pure spirits, but have bodies that excrete a variety of smelly, sticky substances and that will ultimately die and decay. Strategies to avoid contamination by animal substances coming from our own bodies form a great part of social life. But then, apparently in a further strategy to keep ourselves free from animal contamination, human beings create subordinate groups of humans whom the dominant group identifies as quasi-animal, as smelly, base, animal-like—and then considers those humans contaminating. If contact with those subhuman humans can be avoided, they are that much further away from being what they are, namely, animal and mortal.

This dynamic can be seen in virtually every society, although the subordinated groups are not always the same. We see its operations in European anti-Semitism, in the Indian caste hierarchy, and in many forms of misogyny and racism. American racism provides a handy illustration. White racism portrays African Americans as “lower,” as quasi-animals, projecting onto them properties such as bad smell, hypersexuality, and other animal traits that are really

²⁸ Id.

²⁹ Id.

³⁰ I have gone into great detail about this in two books: *Hiding from Humanity* (Princeton 2004) and *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford 2010). References to the psychological literature should be sought there, as well as in Nussbaum, *Political Emotions* (cited in note 11).

present in all humans. Whites then say, because you have these traits you are contaminating, we must not eat with you, share swimming pools and drinking fountains with you, or have sex with you. (Of course, sex across racial lines was ubiquitous, but it was legally forbidden.)

Such emotions and ideas constitute a great threat to national projects, if they involve the notion of altruistic sacrifice for a common good: for they divide the nation into hierarchically ordered groups that must not meet. What “common good” could cross those lines? Given that separations motivated by disgust are so common in real societies, strategies promoting common efforts need to find ways to surmount this problem. It seems unlikely that abstract principles on their own can do this job. Given that the other has already been vividly depicted in one way, as subhuman, the antidote to that way of imagining must itself come via the imagination, in the form of experiences of seeing the other as fully human. If the other has been dehumanized in the imagination, only the imagination can accomplish the requisite shift. For example, having formed the view that gay men are loathsome hypersexual animals and sources of unspecified contagion and decay,³¹ people will see them differently only if they have narratives of their lives that portray those lives differently—as fully human, and as close to those people’s own lives and purposes. Any call to altruism that fails to deploy the imagination and emotions in this way leaves in place powerful forces of division that are very likely to subvert any common labor.

Disgust might be counteracted in the private sphere, without recourse to national ideals. But one way to overcome it is surely to link the narrative of the full humanity of the denigrated group to a story of national struggle and national commitment in Renan’s sense.³² We’ll see later that one of Martin Luther King Jr’s great achievements was to promote this emotional transformation in his audience.³³ If educators can portray the denigrated group as part of a “we” that suffered together in the past and suggest that “we” are planning together for a future of struggle, but also of hope, this makes it far more difficult to continue to see the “other” as a contaminating and excluded outsider. In patriotic emotion, citizens embrace one another as a family of sorts, sharing common purposes; thus stigma is overcome (for a time at least) by imagination and love. In this way, patriotic emotion appears to be crucial for a further

³¹ For examples of this way of talking about gay men in the pamphlet literature, see Nussbaum, *From Disgust to Humanity* at 1, 94 (cited in note 30).

³² See note 27.

³³ See notes 84–88 and accompanying text.

reason: because emotion is needed to get people to see the whole as a whole, rather than as a balkanized set of hierarchically ordered parts.

III. SCYLLA: EXCLUSIONARY VALUES, COERCED CONSCIENCE, UNCRITICAL HOMOGENEITY

“Scylla” represents a variety of dangers of strong patriotic passion gone awry, the set of dangers most frequently associated with appeals to patriotic love. We need to describe and confront them if we are to defend the claim that there is a form of patriotic love that avoids them. Because these dangers are heterogeneous, the many-headed monster Scylla is an apt metaphor.

The first and most obvious danger is that of *misplaced values*. If we are going to whip up strong passions, we want to make sure we don’t generate enthusiasm for the wrong thing. And it is easy to see that patriotic love has served a range of unwise causes: foolish and/or unjust wars, racial or ethnic hatred, religious exclusion. It is on such cases that people usually focus when they express horror at the very idea of patriotic love.

It is a little difficult to know what, precisely, this objection is supposed to be. Does the objector think that there is any inherent tendency in patriotism that leads to the support of bad rather than good ends? If so, this analysis needs to be presented. One could, for example, imagine an argument that it is always unwise to whip up disgust in public life, given the specific tendencies of that emotion to lead to the stigmatization and subordination of vulnerable groups. Indeed, I have made such an argument.³⁴ However, we are talking here about love, not disgust, and it is much more difficult to see what argument could be given for the claim that love is always likely to be unwise, or connected to bad policy choices.

Maybe the objection, instead, is to the idea of the *nation* as object of love. Some believe that the very idea of the nation is a primitive one, to be superceded ultimately by the universal love of all humanity (and, presumably, the creation of a world state). But then, that argument itself needs to be stated and examined. I myself have argued that even in a world dedicated to the pursuit of global justice, the nation has a valuable role to play, as the largest unit we know so far that is sufficiently accountable to people and expressive of their voices.³⁵

³⁴ See generally Nussbaum, *Hiding from Humanity* (cited in note 30).

³⁵ See Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* ch 5 (Harvard 2006).

Most often, though, the *misplaced values* objection is probably to be parsed as follows. Emotions are always dangerous: look what trouble they have caused in this case and in that. We can do without them as we pursue our good values. So we'd better do that. There are quite a few problems with this very common way of thinking. First, the objector typically lists the bad goals that emotions have supported (Nazism, religious persecutions, unjust and unwise wars) and not the good (the abolition of slavery, the civil rights movement, the cause of greater economic justice, just and wise wars). Does the objector believe, for example, that Hitler could have been defeated without strong passions connected to the idea of the survival of one's own nation, whether it be Britain or the United States? Second, as this example already suggests, the objector just assumes that good goals propel themselves into existence and sustain themselves without any strong emotional motivation. History, I believe, proves that picture wrong. When people don't care enough about something to endure hardship for it, things usually go badly. Third, the objector seems to forget that the bad goals and bad emotions don't disappear as we calmly pursue the good: so the question of what happens to the emotionless good in competition with the emotion-laden bad is not posed. (Once again: imagine combating Hitler's Germany without any sources of love or emotional motivation.)

The best response to give to this group of objections is that we must be extremely vigilant about the values we encourage people to love and pursue, and we must encourage continued vigilance by the cultivation of a critical public culture, the teaching of history in a critical mode, and the teaching of critical thinking and ethical reasoning in the schools. I shall elaborate all of this in Part VI.

One way to avoid this danger is to make sure that the narrative of the nation's history and current identity is not exclusionary, and does not emphasize the contribution of a single ethnic, racial, or religious group to the exclusion of others. A national narrative may, and frequently is, based on a set of political ideals that can embrace all citizens, including new immigrants. Conceiving of the nation in such a way (as both the United States and India have done, but most of the nations of Europe have not) helps avoid the danger of ethnocentrism, a crucial aspect of the danger of misplaced values.

One more version of this objection remains. The objector now says that if, as suggested, the emotions are particularistic, then we cannot utterly depend on them to generate evenhanded policies that treat people as equals—even when the object of strong love is the entire nation. This seems to me to be the best objection of the *misplaced values* type, because it identifies a genuine tendency in the

emotions (well demonstrated in Batson's recent research on compassion³⁶). And history shows many cases in which the appeal to the nation is uneven and even exclusionary, defining certain groups and people as not really part of the nation.³⁷ We shall shortly see how patriots from Lincoln to Gandhi address this problem. But one should acknowledge, too, that a crucial role in any decent society is played by institutions that take matters out of people's hands in some key respects. Compassion, however altruistic, can't run a fair tax system. So, we turn many things over to institutions and laws. Nonetheless, these institutions and laws will not sustain themselves in the absence of love directed at one's fellow citizens and the nation as a whole, as current events are showing. The erosion of the New Deal results from an imaginative and emotional shift, and this shift is prompting major changes in institutions and laws. So it isn't sufficient to create good institutions and then run away and hide. We have to get our hands dirty by entering the feared emotional terrain.

The second head of Scylla has deep historical roots, and yet it is relatively easy to answer. Indeed, it has already been decisively answered. At one time in our history, as we saw at the opening of this paper, the urgent importance of patriotism was understood to justify coercion of the young: many states required the Pledge of Allegiance and the flag salute, and they suspended or expelled children who refused to join in.³⁸ In a terrible catch-22, the parents of these children were fined or even jailed for contributing to the delinquency of a minor, since their children were not in school.³⁹ In at least one case, that of Russell Tremain, the parents lost custody of their child as a result, and little Russell was placed in a children's home, where he was compelled to recite the Pledge.⁴⁰

More than one religious group objected to the Pledge as a form of "idolatry," but the Jehovah's Witnesses were the most publicly influential such group, because they were willing to engage in litigation, whereas some other groups (including the sect to which the Tremains belonged) saw litigation as incompatible with their pacifism.⁴¹ Lillian and William Gobitas⁴² offered convincing and

³⁶ See generally Batson, *Altruism in Humans* (cited in note 25).

³⁷ See Ellis, *To the Flag* at 106–07 (cited in note 6).

³⁸ See *Minersville School District v Gobitis*, 310 US 586, 595–600 (1940).

³⁹ See Ellis, *To the Flag* at 93 (cited in note 6).

⁴⁰ See Martha C. Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* ch 5 (Basic Books 2008).

⁴¹ *Id.* at 203–04. For an excellent history of the key role of Jehovah's Witnesses in this period, see generally Shawn Francis Peters, *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* (Kansas 2000).

articulate⁴³ testimony that the Pledge was, to them, a violation of religious requirements.⁴⁴ Nonetheless, the local school board had no sympathy for their arguments, contending that their objections were not genuinely religious.⁴⁵ Eventually their complaint reached the US Supreme Court, where they lost.

*Minersville School District v Gobitis*⁴⁶ is one of the most infamous cases in the history of the US Supreme Court. A number of factors explain the result. Joseph Rutherford, leader of the Witnesses, argued the case himself and did a very bad job.⁴⁷ More important still, Justice Felix Frankfurter's strong views about patriotism carried the day. Justice Frankfurter stressed throughout—both in his majority opinion here⁴⁸ and in his later dissent in *West Virginia State Board of Education v Barnette*⁴⁹—his personal sympathy with the situation of the Gobitis children. “One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution,” he wrote, at the time the lone Jew on the Court.⁵⁰ Nonetheless, his strong views about the limits of judicial power, combined with his fervent patriotism,⁵¹ led him to conclude that the regulation requiring the Pledge was not unconstitutional.⁵² His patriotic fervor outlived the controversy over his two opinions: in 1944, as speaker for the District of Columbia's “I am an American Day” celebration, he compared love of country to romantic love, saying that it was too intimate an emotion to be publicly expressed except in poetry.⁵³ He then read a rather

⁴² The correct spelling of the name, misspelled as Gobitis in later court documents. Peters, *Judging Jehovah's Witnesses* at 19 (cited in note 41).

⁴³ Lillian wrote out her points as a numbered list, mentioned the biblical texts by number only, and stressed the constitutional as well as religious arguments. Billy wrote a long discursive paragraph, quoted the relevant biblical texts, and mentioned his love of his country. *Id.* at 37.

⁴⁴ For the background, and a detailed account of the case, see Nussbaum, *Liberty of Conscience* at ch 5 (cited in note 40). See also Ellis, *To the Flag* at 91–105 (cited in note 6); Peters, *Judging Jehovah's Witnesses* at 19–36 (cited in note 41); Peter Irons, *The Courage of Their Convictions* 25–35 (Free Press 1988) (containing an interview with the adult Lillian). See generally Peters, *Judging Jehovah's Witnesses* at ch 1–2 (cited in note 41).

⁴⁵ Peters, *Judging Jehovah's Witnesses* at 37–39 (cited in note 41).

⁴⁶ 310 US 586 (1940).

⁴⁷ Peters, *Judging Jehovah's Witnesses* at 48 (cited in note 41).

⁴⁸ See *Gobitis*, 310 US at 594.

⁴⁹ 319 US 624, 646 (1943) (Frankfurter dissenting).

⁵⁰ *Id.* Despite his allusion to Judaism here, however, Frankfurter was never very Jewish-identified, in contrast to Brandeis, an influential Zionist.

⁵¹ He was known to whistle “The Stars and Stripes Forever” in the halls of the Court, and he told his biographer, on his deathbed, “Let people see . . . how much I loved my country.” Peters, *Judging Jehovah's Witnesses* at 52 (cited in note 41).

⁵² *Gobitis*, 310 US at 600.

⁵³ Peters, *Judging Jehovah's Witnesses* at 53 (cited in note 41).

sentimental ode to the flag by Franklin K. Lane, which included the lines, “I am not the flag, not at all. I am but its shadow.”⁵⁴ It is understandable, if not commendable, that the world situation in 1940 led him to take this enthusiasm too far.

In *Gobitis*, Justice Frankfurter grants that the First Amendment entails that restrictions on conduct expressive of religious conviction can be justified only by “specific powers of government deemed by the legislature essential to secure and maintain that orderly, tranquil, and free society without which religious toleration itself is unattainable.”⁵⁵ He then argues that national unity and cohesion supply the state with “an interest inferior to none in the hierarchy of values.”⁵⁶ The school board’s view that requiring the pledge is crucial to promote that central interest is plausible, since the flag is “the symbol of our national unity, transcending all internal differences, however large.”⁵⁷ He does not, however, address the real question in the case: Is it plausible to hold that national unity and cohesion require enforcing the pledge rule against a small number of children with sincere religious objections? He focuses on the general issue of national unity in a time of danger, rather than the conscientious acts of two respectful teenagers who certainly would not be imitated by their scoffing peers. So Justice Harlan Stone pointed out in his stinging dissent: “I cannot say that the inconveniences which may attend some sensible adjustment of school discipline in order that the religious convictions of these children may be spared, presents a problem so momentous or pressing as to outweigh the freedom from compulsory violation of religious faith which has been thought worthy of constitutional protection.”⁵⁸

Justice Frankfurter was wrong and Justice Stone was right, as the nation soon agreed. The decision was immediately greeted with a storm of criticism.⁵⁹ At the same time, escalating violence against Jehovah’s Witnesses was to some extent blamed on the Court, as if the decision had given sanction to the popular idea that Jehovah’s Witnesses were a “fifth column” subverting our nation from within.⁶⁰ Several Justices gave indications that they might have changed their

⁵⁴ *Id.*

⁵⁵ *Gobitis*, 310 US at 595.

⁵⁶ *Id.*

⁵⁷ *Id.* at 596.

⁵⁸ *Id.* at 607 (Stone dissenting).

⁵⁹ Nussbaum, *Liberty of Conscience* at 212 (cited in note 40).

⁶⁰ See note 8 and accompanying text. See also Nussbaum, *Liberty of Conscience* at ch 5 (cited in note 40) (discussing a variety of cases in which fear motivated discrimination against religious minorities throughout American history, including Jehovah’s Witnesses).

minds;⁶¹ and changed membership on the Court⁶² suggested that the other side might now prevail. The Court shortly accepted another case raising the same issues. In *West Virginia State Board of Education v Barnette*, the Court found in favor of the Witness plaintiffs.⁶³ Justice Robert Jackson's majority opinion has become one of the defining landmarks of US political life. Treating the case as a compelled-speech case rather than one falling under the religion clauses, he offers a resonant defense of the idea of freedom of dissent:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.⁶⁴

He adds that compulsory unity is not even effective: "Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard."⁶⁵

Barnette gives the right reply to our second objection. Patriotism and respectful dissent are not incompatible. Indeed, our particular tradition emphasizes the freedom of dissent, and we should take pride in that defense of liberty. Given values of a particular sort, emphasizing individual liberty and the rights of conscience, the second objection can be straightforwardly answered: our values preclude such burdens on conscience, unless a national security interest is far stronger and more immediate than it was in this case. In general, children may not be burdened against their conscience by required patriotic rituals in the schools.

Today the idea of noncoercion is well understood, and even its subtler aspects have had sympathetic attention. In *Lee v Weisman*,⁶⁶ for example, the Court understood the subtle coercion that might be present if a student were required to stand during a middle-school graduation prayer, especially when the only alternative was not to attend her own graduation.⁶⁷ Justice Anthony Kennedy's opinion focused on the dangers of coercive pressure to conscience and

⁶¹ Nussbaum, *Liberty of Conscience* at 212 (cited in note 40).

⁶² *Id.*

⁶³ *Barnette*, 319 US at 641.

⁶⁴ *Id.* at 642.

⁶⁵ *Id.* at 641.

⁶⁶ 505 US 577 (1992).

⁶⁷ *Id.* at 592.

enforced orthodoxy in the schools.⁶⁸ So central is this decision in current Establishment Clause jurisprudence that, in the abortive case involving the words “under God” in the Pledge, Justice Clarence Thomas would have upheld even a noncompulsory public recitation of the Pledge primarily by denying the incorporation of the Establishment Clause and thus discarding this and numerous other precedents.⁶⁹

The *coercion* objection is no longer a serious issue. Young people may not find their conscience burdened in the schools. Its legacy, however, is a more subtle form of peer pressure. Lillian Gobitis recalls how, when the school bus drove by their home, children jeered and threw things at them.⁷⁰ So it is not just legal imposition of conformity that we have to worry about in schools, it is the tyranny of peer pressure, an all-too-ubiquitous human tendency, as psychologist Solomon Asch has effectively shown.⁷¹ Therefore teachers and other school officials need to be vigilant in their defense of minorities—religious and political, as well as racial and sexual. The problem of bullying, however, is hardly unique to the issue of patriotism, and it supplies no reason not to teach patriotism that is not also a reason not to educate children in groups at all!

The question of peer pressure brings us to our third objection on the side of “Scylla”: Won’t a culture in which patriotic emotion is a major theme be likely to be all too solidaristic, all too homogeneous, lacking free spaces for individual expression and for dissent? As with the second issue, we should begin by saying that this is not a problem peculiar to patriotism. Human beings are all too prone to defer to peer pressure, as Asch showed,⁷² and to be obedient to authority, as Stanley Milgram showed.⁷³ As Socrates argued, the Athenian democracy was all too prone to ignore critical argument, making its decisions by deference to tradition and other unthinking forces. To Socrates, this meant that democracy was not conducting its business well, and needed to be awakened by the “gadfly” sting of his critical reasoning.⁷⁴ So the problem is one that has beset democracy ever

⁶⁸ See especially *id.*

⁶⁹ *Elk Grove Unified School District v Newdow*, 542 US 1, 49–51 (2004) (Thomas concurring).

⁷⁰ Irons, *The Courage of Their Conviction* at 25–35 (cited in note 44).

⁷¹ See Solomon Asch, *Opinions and Social Pressure* (Panarchy 1955), online at <http://www.panarchy.org/asch/social.pressure.1955.html> (visited Oct 30, 2011).

⁷² See *id.*

⁷³ See Stanley Milgram, *Obedience to Authority* 3–5 (Harper 1974). For my discussion of both Asch and Milgram, see *Political Emotions* at ch 6 (cited in note 11).

⁷⁴ James Riddell, ed., *The Apology of Plato: With a Revised Text and English Notes and a Digest of Platonic Idioms* 30E–31C (Oxford 1867).

since democracy began to exist. But certainly, strong patriotic emotion might be one area in which people seek to silence critical voices. How might this danger be headed off?

Justice Jackson gives us the best path to follow: we must insist that the truly patriotic attitude is one that repudiates orthodoxy and coercive pressure and celebrates liberties of speech and conscience.⁷⁵ His stirring rhetoric is one example of a patriotic statement that can move people powerfully, even while making them think and endorsing the value of thinking. In general, we need to cultivate the critical faculties early and continuously, and to show admiration for them, insisting that critical freedom, not herd-like obedience, is the mark of the true patriot. This can be done in many ways, and some of them involve strong emotions. Children are herd creatures, but they are also, at other times, dissenters, and the joy of freedom and critical dissent can be encouraged from the beginning of a child's life. I am sure that my own early love of that young girl who rode farther than Paul Revere was a love of the idea of the break with tradition, the pursuit of freedom, that the American Revolution represented. The idea of America, for me, was characterized from the beginning by a strong flavor of dissent and experimentation, even defiance. Many beloved parts of the American literary and filmic canon, from *Twelve Angry Men* to *To Kill a Mockingbird*, valorize the lone dissenter as the true patriot.

We can have no better example of the way in which patriotic emotion can focus on the value of critical freedom than the song "Ekla Cholo Re" by Rabindranath Tagore, which was the favorite song of Mahatma Gandhi and became a linchpin of his freedom movement:

If no one answers your call, then walk on alone.
 (Walk alone, walk alone, walk on alone.)
 If no one says a thing, oh you unlucky soul,
 If faces are turned away, if all go on fearing—
 Then opening up your heart,
 You speak up what's on your mind, you speak up alone.
 If they all turn back, oh you unlucky soul,
 If, at the time of taking the deep dark path, no one cares—
 Then the thorns that are on the way,
 O you, trampling those with bloodied feet, you tramp on alone.
 If a lamp no one shows, oh you unlucky soul,
 If in a rainstorm on a dark night they bolt their doors—

⁷⁵ For an example of Jackson's passionate majority opinion in *Barnett*, which emphasized the importance of dissent, see note 95 and accompanying text.

Then in the flame of thunder
Lighting your own ribs, go on burning alone.⁷⁶

The music expresses determination: there is a rhythm as of walking on, which continues throughout. It expresses solitude and exposure: the single vocal line, the sense of passionate risk in the voice. But above all, it also expresses joy. It is in fact a very happy, even delighted, song, full of gusto and affirmation. People love this song, and their love was highly relevant to the success of Gandhi's resistance movement. As he walked along with his walking stick and his simple loincloth—and his childlike delight in life, so often observed by those who met him—he seemed to embody the spirit of that song, and the fusion of artistic image with living exemplar was (and is) powerfully moving. That's how the spirit of solitary dissent—combined with joy—can galvanize a population.

Patriotism of the right sort can, it seems, avoid the three dangers represented by Scylla. But still, one might ask, why play with fire?

IV. CHARYBDIS: “WATERY MOTIVATION”

Given these dangers, one might wonder whether it is not a better idea to dispense with patriotic love altogether, in favor of sentiments more principle-dependent, cooler, and therefore, it might seem, more reliable. Two leading political thinkers of the twentieth century, John Rawls and Jürgen Habermas, take this course.⁷⁷ Both, however, fail to cultivate strong sustaining emotions because they are insufficiently alert to the problem of “watery motivation.” They propose solutions that are simply too abstract to command the love of real people.

The name “watery” motivation comes from Aristotle's criticism of Plato's ideal city. Plato tried to remove partiality by removing family ties, and asking all citizens to care equally for all other citizens.⁷⁸ Aristotle says that the difficulty with this strategy is that “there are two things above all that make people love and care for something, the thought that it is all theirs, and the thought that it is the only one they have. Neither of these will be present in that city.”⁷⁹

⁷⁶ Rabindranath Tagore, *Ekla Cholo Re*, in *Of Love, Nature, and Devotion: Selected Songs of Rabindranath Tagore* 305–07 (Oxford 2008) (Kalpana Bardhan, trans). I have not followed all of Bardhan's use of spacing and indentation, which are valuable to give a sense of the rhythm of the original, but only if one is familiar with her system.

⁷⁷ John Rawls, *A Theory of Justice* 479–504 (Belknap 1971); Jürgen Habermas, *Citizenship and National Identity: Some Reflections on the Future of Europe*, 12 *Praxis Intl* 1, 14–18 (1992).

⁷⁸ Aristotle, *Politics* at 1262b25–30 (cited in note 14).

⁷⁹ *Id.* at 1262b22–23.

Because nobody will think of a child that it is all theirs, entirely their own responsibility, the city will, he says, resemble a household in which there are too many servants, so nobody takes responsibility for any task.⁸⁰ Because nobody will think of any child or children that they are the only ones they have, the intensity of care that characterizes real families will simply not appear, and we will have, he says, a “watery” kind of care all round.⁸¹ In short, to make someone love something requires making them see it as “their own,” and, preferably also, as “the only one they have.”

Patriotic love can be lofty, and it can in some sense cultivate an impartial altruism, by asking people to love the nation as a whole, and thus all of its people. But it had better do so by getting people to love something that is all their own, and, preferably, the only one they have.⁸²

V. GOOD EXAMPLES: LINCOLN, KING, GANDHI, NEHRU

I now turn to history. There are many constructions of patriotism that negotiate the narrow strait between Scylla and Charybdis, promoting particular love while not silencing the critical faculties. Let us look at two very different cases: the attempt to end the injustice of slavery and racial discrimination in the United States, and the attempt to forge a new Indian nation that would be dedicated to combating economic inequality. In each case I shall focus on political rhetoric—not because I do not believe that sculpture, music, the planning of public parks, and many other things are also very important,⁸³ but simply because that is a good preparation for the discussion of schools to follow, since these documents are also pillars of education for patriotism in their respective nations.

As we consider them, we must remember Renan and Hobsbawm: a nation is not an entity whose essence is simply given, but a “spiritual principle” that is constructed out of many possible ingredients. These speakers are, then, not so much alluding to a preexisting national identity as they are constructing it out of the materials made available by history and memory; some realities are

⁸⁰ Id at 1261b35–38.

⁸¹ Id at 1262b15.

⁸² For a discussion of this question in greater detail in the SSRN version of this paper, analyzing Rawls’s and Habermas’s proposals and looking at the related ideas of Roman Stoic philosopher (and Emperor) Marcus Aurelius, see generally Martha C. Nussbaum, *Teaching Patriotism: Love and Critical Freedom* (University of Chicago Public Law and Legal Theory Working Paper No 357, July 2011), online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1898313 (visited Oct 30, 2011).

⁸³ See Nussbaum, *Political Emotions* at ch 7 (cited in note 11).

made salient, others downplayed or omitted. Our task will be to see how these people perform that task in a way that enables them to avoid both Scylla and Charybdis, inspiring strong love of a particular without coercive homogeneity or misplaced values.⁸⁴

Abraham Lincoln signed the Emancipation Proclamation in 1863. One hundred years later, its promise was not fulfilled. Martin Luther King's great "I Have a Dream" speech, delivered in Washington, DC, on August 28, 1963, is, like Lincoln's great speeches, among the formative documents of American education, and all young Americans have heard it thousands of times, recited in the moving cadences of King's extraordinary voice. Nobody could doubt that it is a masterpiece of rhetoric, and that its achievements go well beyond the abstract sentiments that it conveys. Its soaring images of freedom and revelation, its musical cadences, all give the bare ideas of freedom, dignity, inclusion, and nonviolence wings, so to speak.

Let us now examine the way in which King appeals to the history and traditions of the nation, constructing sentiments connected to an idea of America that is, once again, critical and interpretive, bringing forward valuable general ideals from the past and using them to find fault with an unjust reality:

Fivescore years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. . . .

But one hundred years later, the Negro still is not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination

So we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the

⁸⁴ For a discussion of Lincoln's "Gettysburg Address" and "Second Inaugural Address" within the framework that follows, see Nussbaum, *Teaching Patriotism* at *21–23 (cited in note 82).

“inalienable rights” of “life, liberty and the pursuit of happiness.”

It is obvious today that America has defaulted on this promissory note, in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked “insufficient funds.” We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation.

...

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds.

Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force.

...

[After the prophetic “I have a dream” sections]:

This will be the day when all of God’s children will be able to sing with new meaning—“my country ‘tis of thee,” sweet land of liberty, of thee I sing; land where my fathers died, land of the Pilgrim’s pride; from every mountainside, let freedom ring”—and if America is to be a great nation, this must become true.

So let freedom ring from the prodigious hilltops of New Hampshire.

Let freedom ring from the mighty mountains of New York.

Let freedom ring from the heightening Alleghenies of Pennsylvania.

Let freedom ring from the snow-capped Rockies of Colorado.

Let freedom ring from the curvaceous slopes of California.

But not only that.

Let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi, from every mountainside, let freedom ring.

And when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children—black men and white men, Jews and Gentiles, Protestants and Catholics—will be able to join hands and sing in the words of the old Negro spiritual, "Free at last, free at last; thank God Almighty, we are free at last."⁸⁵

The speech begins with an allusion to the Gettysburg Address, positioning itself as its next chapter, so to speak. Just as Lincoln looked back to the Founding as a moment of commitment to ideals that he sees as gravely threatened, so King looks back to Lincoln's freeing of the slaves as a moment of commitment whose promise is still unrealized. He uses a very mundane, and very American image for that failure: the nation has given the Negro people a bad check that has come back marked "insufficient funds." This insistent appeal to fiscal rectitude is also a way of alluding to America, since Americans so love to think of themselves as characterized by that virtue.

Throughout the speech, King sounds a note of urgency: the "sweltering summer of the Negro's legitimate discontent" means that there will be no peace in America until justice is done. But he also cultivates in his followers a patriotism that is restrained and critical of violence: they must, in Gandhian fashion, attain moral superiority by forgoing violent deeds. Like Gandhi, he makes nonviolence seem high, "majestic," and violence look sordid. And he also, like Lincoln, appeals to trust between the races, reminding his followers that many white people are present and have joined the struggle for justice. "We cannot walk alone." By cultivating hope and trust, along with legitimate anger, he defuses the urge to violence.

The visionary "I have a dream" section of the speech, so well known, is central to its construction of an image of a future nation in which all may join together on terms of equality. But then, immediately following upon this vision of a new America, King returns to national memory and national tradition by quoting in full the famous song "America," or "My Country 'Tis of Thee." Very significantly, he now says, "And if America is to be a great nation, this must become true." In other words, the song, which people usually sing complacently, as the account of a reality, is itself

⁸⁵ Martin Luther King Jr, *I Have a Dream*, in James M. Washington, ed, *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* 217, 217–20 (Harper 1991).

prophecy, and its words of freedom must be *made* true by committed action for justice. Even that complacent song, then, is turned into an exercise of the critical faculties.

The next section of the speech can best be described in the language of jazz, as a series of riffs on the song, as freedom is asked to ring from a series of regions of America. What is going on here? Several very interesting things, I think. First, the image of America is being made concrete and physical by being linked to well-known features of geography. Second, geography itself is being moralized: the mountains of New York are now not just mountains, they are sites of freedom. Third, the body of the nation is being personified in a sensuous, indeed sexy, way: the “heightening Alleghenies,” the “curvaceous slopes.” (Thus the invitations to disgust so ubiquitous in malign patriotism are replaced by an embrace of the sensuous, reminiscent of Walt Whitman.) But also: the end of the Civil War is finally at hand, as freedom is asked to ring from a series of sites in the South. In a manner reminiscent of the Lincoln’s second inaugural,⁸⁶ King expresses malice toward none and charity toward all. The note of sly humor, as he gets in his dig at Mississippi (“let freedom ring from every hill and every molehill of Mississippi”⁸⁷) is a reminder that bad behavior has not been forgotten—it has, however, been *aufgehoben* into a surge of joy whose object is the nation of the future.

Like Lincoln’s speech, King’s ends on a global note: the victory of integration in America will “speed up that day when *all* of God’s children” will enjoy freedom.⁸⁸ Thus critical patriotism melds naturally into a striving for global justice and an inclusive human love.

Lincoln and King express, and inspire in others, a profound love of America and a pride in her highest ideals. They do so, however, while constructing a narrative of America that is aspirational, foregrounding the best values to which America may be thought to be committed, and also deeply and explicitly critical, showing that America has failed to live up to her ideals. Both sound a note of critical yet hopeful rededication. The speeches seem made for pedagogy, for they lead naturally into classroom discussion: Where did America go wrong? What might be good ways of realizing the

⁸⁶ Abraham Lincoln, *Second Inaugural Address*, reprinted in Melvin I. Urofsky and Paul Finkelman, eds, *Documents of American Constitutional and Legal History, Volume I: From the Founding to 1896* 487, 487–88 (Oxford 3d ed 2008) (reflecting upon the tragic events of the Civil War that occurred since the first inaugural, but encouraging all Americans to recover together “with malice toward none, with charity for all”).

⁸⁷ King, *I Have a Dream* at 220 (cited in note 85).

⁸⁸ Compare id at 220 (emphasis added) with Lincoln, *Second Inaugural* (cited in note 86).

dream inherent in national ideals? How, even today, are we falling gravely short of the promise in our founding documents?

Let us now turn to India. This case is different from the case of the United States because it concerns the founding of a nation. There are in that sense no canonical documents or traditions, no memories of long-past struggles, that can command the agreement and the sentiments of all. Indeed to this day a struggle continues over the proper image of the nation and its history, as partisans of the Hindu Right endeavor to characterize that history as one of indigenous Hindu peace and alien domination, first by Muslims and then by Christians.⁸⁹ Gandhi and Nehru, setting out to forge the image of a pluralistic India, united by commitment to a truly shared history of struggle for self-rule and by a shared commitment to the nation's people, had an uphill battle, since colonial oppression bred in many a strong desire to perform deeds of manly aggression, countering perceived humiliation with tough-guy domination.⁹⁰ Their struggle involved, then, not just a set of ideals that were controverted by other more exclusionary ideals, but a conception of true manliness and truly strong patriotism that was controverted by a more warlike form of patriotism.

This struggle is neatly exemplified by the struggle, which is ongoing, over which of two songs should be the national anthem of India. The actual national anthem of India, "Jana Gana Mana," was written (both words and music) by poet, novelist, and theorist of global justice Rabindranath Tagore, a determined critic of most existing forms of nationalism and patriotism.⁹¹ Written in a highly Sanskritized Bengali, so as to make it maximally available in a nation of many languages,⁹² its addressee is an immortal spirit of righteousness, equivalent to the moral law:

Thou art the ruler of the minds of all people,
Dispenser of India's destiny.
Thy name rouses the hearts of Punjab, Sind,
Gujarat and Maratha,
Of the Dravida and Orissa and Bengal;
It echoes in the hills of the Vindhya and Himalayas,

⁸⁹ See Martha C. Nussbaum, *The Clash Within: Democracy, Religious Violence, and India's Future* ch 5–7 (Belknap 2007).

⁹⁰ See *id.* at 199–200.

⁹¹ See generally Rabindranath Tagore, *Nationalism* (Greenwood 1917) (collecting lectures delivered in 1917). "Jana Gana Mana" was not written as the national anthem; it was written much earlier, as Tagore's form of indirect protest against the visit of George V to India. See Nussbaum, *Political Emotions* at ch 3 (cited in note 11).

⁹² India has twenty-two official languages, and over three hundred that are actually spoken. Nussbaum, *The Clash Within* at 7 (cited in note 89).

Mingles in the music of Jamuna and Gange and is
Chanted by the waves of the Indian Ocean.
They pray for thy blessings and sing thy praise.
The saving of all people waits in thy hand,
Thou dispenser of India's destiny.
Victory, victory, victory, Victory to thee.
Your call is announced continuously, we heed
Your gracious call
The Hindus, Buddhists, Sikhs, Jains, Parsees,
Muslims, and Christians,
The East and the West come, to the side of Your throne,
And weave the garland of love.
Oh! You who bring in the unity of the people!
Victory be to You, dispenser of the destiny of India!⁹³

The Tagore anthem puts beautiful, sensuous poetry and music underneath inclusive and egalitarian moral sentiment. Its notion of victory is a moral, not a warlike, notion. “Jana Gana Mana” asks for the victory of this ideal principle—as a result of the passionate love of all the people. In one sense it is obviously a song of resistance and the freedom movement. More generally, though, it is a call for a nation that is moved to its depths both by the beauty of nature and by moral ideals, and that sees the two as somehow fused together. Unlike the competing idea that India should declare itself a Hindu nation, moreover, this India is plural through and through, including all of India's regions and religious groups.

Musically, “Jana Gana Mana” is very easy to sing, ranging over just an octave, so people really do sing it with pleasure. It has a swaying rhythm, rather like a dreamy dance, and suggests nothing of the martial. People naturally put arms around one another, or hold hands, or simply sway to the music. It goes naturally with the contemplation of nature, as one can see from the beautiful version by film composer A.R. Rahman (a convert to Sufi Islam, who formerly had the Hindu name Dilip Kumar⁹⁴), released as the official government version on the occasion of India's fiftieth anniversary, and easily found on YouTube. This version wonderfully embodies the spirit of the song, showing people (individuals or small groups) from many different backgrounds and walks of life playing instruments (both Indian and “Western”) in different stirring and beautiful sites in the Indian landscape. Following the instrumental

⁹³ I cite only the first two stanzas; the entire anthem is further discussed in Nussbaum, *Political Emotions* at ch 3 (cited in note 11).

⁹⁴ Ben Sisario, *Slumdog Fusionist in Oscar Spotlight*, NY Times C1 (Feb 20, 2009).

version, the anthem is sung by a group of artists deliberately varied in ethnicity, religion, gender, and age, with evident joy, and sinuous hand gestures that go well with the music; at the end they are all shown together.⁹⁵

There is something very odd about the way the anthem ends. As *jaya he*, “victory to thee,” rises to the subdominant, we expect a resolution into the tonic, but we are denied that resolution. When I hear or sing it, I always hear it as unfinished, beckoning to a resolution that is deferred, not yet available. Nor is my experience the mere creation of a Western musical education. My colleague Dipesh Chakrabarty reports to me that when he sang the song in primary school, he and all his classmates kept going on, by returning to the refrain, *bharata bhagya vidhata*, and thus reaching what seemed like a more appropriate resolution on the tonic—until the teacher corrected them. I feel that it is not at all implausible to hear this unfinished cadence as the expression of the same idea that Nehru conveyed in his “tryst with destiny” speech,⁹⁶ that national pride is most appropriately expressed by emphasizing the unfinished work that lies before the nation: “And so we have to labour and to work, and to work hard, to give reality to our dreams.”⁹⁷ “Jana Gana Mana,” in a bold violation of musical expectations, gestures toward a future of work. Chakrabarty says that this idea makes sense to him, and it makes the invocation of “victory” more appropriate, in the context of continued suffering, than it otherwise would be. The critical spirit has even been built into the music of a national anthem—and, thence, into the ritual performance of singing it daily in schools, as the teacher repeatedly corrects the children and tells them that the anthem ends on an unfinished note.⁹⁸

Because the anthem is addressed to a spirit of righteousness, and because it was known to have been a song in protest of George V, by an author who had returned his knighthood to the crown in protest over British atrocities at Amritsar,⁹⁹ its content as well as its musical form strongly awakens the critical spirit: How can a newly free India surmount the ills of colonial oppression in a truly righteous way? Indeed, it is closely linked to “Ekla Cholo Re,” which, as we already

⁹⁵ It is significant that this is the version of the national anthem that the government of India chose to put forward as its official birthday version, with its message of interreligious and interethnic harmony.

⁹⁶ Jawahrlal Nehru, *Independence and After: A Collection of Speeches, 1946–1949* 3–4 (Day 1971).

⁹⁷ Id at 4.

⁹⁸ See text accompanying notes 64–65.

⁹⁹ Nussbaum, *The Clash Within* at 13 (cited in note 89).

saw, praises the wide-awake critical spirit voyaging on alone.¹⁰⁰ Combined, the two songs construct a vigilant, critical patriotism that is still joyous and full of love. This love is connected to its inclusiveness of all of India's people.

Compare the anthem preferred by the Hindu Right, known as "Bande Mataram" ("Hail Motherland"), taken from a novel by the nineteenth-century Bengali novelist, and early nationalist, Bankimchandra Chatterjee.¹⁰¹ I cite it in the well-known translation by philosopher Sri Aurobindo:

Mother, I bow to thee!
 Rich with thy hurrying streams,
 Bright with thy orchard gleams,
 Cool with thy winds of delight,
 Dark fields waving, Mother of might,
 Mother free.
 Glory of moonlight dreams
 Over thy branches and lordly streams,
 Clad in thy blossoming trees,
 Mother, giver of ease.
 Laughing low and sweet!
 Mother, I kiss thy feet,
 Speaker sweet and low!
 Mother, to thee I bow.
 Who hath said thou are weak in thy lands,
 When the swords flash out in twice seventy million hands
 And seventy million voices roar
 Thy dreadful name from shore to shore?
 . . .
 Thou art wisdom, thou art law,
 Thou our heart, our soul, our breath,
 Thou the love divine, the awe
 In our hearts that conquers death.¹⁰²

The Chatterjee anthem, still championed by the Hindu Right, which would like to displace "Jana Gana Mana," cultivates an attitude of uncritical religious devotion to the motherland, which is portrayed in exclusionary Hindu terms as a range of Hindu goddesses. (Thus the not-too-subtle suggestion is that India is a

¹⁰⁰ See Tagore, *Ekla Cholo Re* at 205–07 (cited in note 76).

¹⁰¹ Nussbaum, *The Clash Within* at 11 (cited in note 89). Chatterjee is one of the targets of Tagore's mordant critique of warlike nationalism in his 1916 novel. See generally Rabindranath Tagore, *The Home and the World* (Penguin 1985) (Surendranath Tagore, trans).

¹⁰² Nussbaum, *The Clash Within* at 11–12 (cited in note 89).

Hindu nation, in which Muslims will always be outsiders.) It also cultivates aggression against the foes of the nation. It constructs a nation that is exclusionary and a patriotism that is submissive, thus running right into the heads of Scylla, albeit avoiding (in its capacity to inspire strong passion) the whirlpool of Charybdis.

There is a parallel debate about the Indian flag.¹⁰³ The existing flag has at its center the wheel of law, a symbol associated with the Buddhist emperor Ashoka, who fostered religious toleration. It is then a symbol of religious inclusiveness, nonviolence, and the supremacy of law. If a flag can suggest the critical spirit, this one does so. The flag preferred by the Hindu Right is the saffron banner of the eighteenth-century Maharashtrian hero Shivaji, who conducted a briefly successful rebellion against Muslim rule.¹⁰⁴ It is an aggressive and exclusionary symbol, a symbol that says that Hindus will strike back against centuries of humiliation and seize power for themselves, subordinating others. And it is closely associated with the oath of loyalty taken every day by members of the Rashtriya Swayamsevak Sangh (RSS), as they raise that saffron banner:

I take the oath that I will always protect the purity of Hindu religion, and the purity of Hindu culture, for the supreme progress of the Hindu nation. I have become a component of the RSS. I will do the work of the RSS with utmost sincerity and unselfishness and with all my body, soul, and resources. And I will keep this vow for as long as I live. Victory to Mother India.¹⁰⁵

The patriotism engendered by “Bande Mataram” deliberately silences the critical faculties. “We worship the saffron flag as our guru,” young group leaders tell filmmaker Lalit Vachani. “We bow before you, we are prepared to serve your cause.”¹⁰⁶

There was no more canny creator of critical patriotism than Mohandas Gandhi. Let us now turn to his career, in order to pursue this contrast in patriotisms further. Gandhi wrote copiously, but his success in forging an activist and yet critical patriotism for the new nation, a vast majority of whose inhabitants could not read and write, owes little to his writings. What Gandhi brilliantly did was to make his own body a living symbol of a conception of the nation that was at one and the same time traditional and revisionary, stirring and highly critical. In keeping with his idea that the essential site of

¹⁰³ See *id.* at 154–55.

¹⁰⁴ *Id.* at 154.

¹⁰⁵ *Id.* For more on the RSS, see *id.* at ch 5.

¹⁰⁶ Nussbaum, *The Clash Within* at 152–54 (cited in note 89).

national struggle is inside each person, a struggle to conquer greed and anxious desires for domination of others, in favor of compassionate concern, he portrayed himself as someone whose entire life focused on that struggle against greedy desire.¹⁰⁷ He did not fashion himself in a vacuum: he relied heavily on traditional Hindu images of the ascetic sannyasi,¹⁰⁸ and he therefore had to be very careful lest his image of the nation seem Hindu in an exclusionary way. Consequently, throughout his life, he took care to put Muslims in central positions in his freedom movement and to turn to them at what we might call key ritual moments. Thus, his famous fast unto death in 1947 was broken when he turned to Maulana Azad, a Muslim cleric and Congress party leader, asking him for some orange juice and some bread.¹⁰⁹

He thus broke totally with traditional Hindu ideas of purity, which were exclusionary along lines of both caste and religion. Wielding the enormous power of traditional asceticism, he at the same time diverted it to an utterly new cause.

At the same time, Gandhi constructed his body as a symbol of unity across lines of wealth and caste. If one examines the change in his physical appearance between the early days in South Africa and the height of his influence in India, what one sees is a deliberately cultivated solidarity with the lowest and poorest, into which the force of his moral authority also led the elites around him. Moreover, this solidarity was joyous and full of delight in life, not ominously severe. To see an elite Kashmiri Brahmin such as Jawaharlal Nehru spinning his own thread, or marrying his daughter Indira in a homespun *sari*, is to see the magnitude of the transformation Gandhi was able to accomplish. His half-naked persona, draped only in a loincloth and propped up by a walking stick, etched itself indelibly into the mind of the nation, and the world.

Gandhi also constructed a new form of patriotism through his theater of civil resistance. Both supremely moral and supremely strategic, Gandhi knew that when the eyes of the world were on India, dignified nonviolent behavior both seemed and was both strong and self-governing, and that British thuggishness seemed and was puny and ugly by contrast.¹¹⁰ He knew how to theatricalize the moral superiority of the India cause—for example, by arranging

¹⁰⁷ Id at 333.

¹⁰⁸ A sannyasi is a thinker who renounces worldly ties for religion reasons. See Henk W. Wagenaar, et al, *Allied Chambers Transliterated Hindi-Hindi-English Dictionary* 1022 (Allied 1993).

¹⁰⁹ Rajmohan Gandhi, *Gandhi: The Man, His People, and the Empire* 646 (California 2008).

¹¹⁰ See, for example, id at 265.

episodes of civil resistance that would surely lead to countless Indians getting beaten up by British soldiers whose violence looked increasingly desperate and small. In the process, he made both his followers and countless others see manliness in a new way: the body that stood with dignity, taking blows, looked strong and proud. The body that kept dishing out the blows looked utterly at sea, hopelessly weak, not able to touch what it was trying to control. These acts of civil disobedience were often accompanied by the Tagore song “Ekla Cholo Re,” a reminder that true national love requires constant critical vigilance and the willingness to defy convention.

Gandhian patriotism asked a lot of people. It asked the rich to live in solidarity with the poor and to make huge sacrifices of personal comfort. It asked all men to adopt a new type of nonviolent manliness that entailed a great deal of sacrifice, since revenge is pleasant. Only the use of symbols, Gandhi repeatedly said,¹¹¹ could succeed in making people willing to take on these difficult tasks. Fortunately, he was a brilliant forger of symbols, symbols that moved because they were old and yet included because they were utterly new. And, to return to a subtheme, he was also a brilliant wielder of humor, who found ways to include it through a kind of loving childlike play. Thus, a common reaction to meeting him was to be surprised that he was not forbiddingly austere or saintly, but puckish and delightful.

Gandhi’s version of patriotism was controversial, and it led to his death. His assassin, Nathuram Godse, proclaimed an alternative version of patriotism, exclusionary and aggressive.¹¹² Gandhi’s version, however, is the one that won out, enshrined in India’s constitution and in the founding principles laid down in Jawaharlal Nehru’s famous speech on the night of India’s independence.¹¹³

* * *

Our examples show us that patriotism can be inspiring, making the nation an object of love, while also activating rather than silencing the critical faculties. Such achievements are always unstable, since love needs to be cultivated anew in each generation,

¹¹¹ See, for example, Letter from Mahatma Gandhi Letter to Prithvi Singh (May 21, 1939), in *75 Collected Works of Mahatma Gandhi Online* *413, 413–14 (GandhiServe Foundation), online at <http://www.gandhiserve.org/cwmg/VOL075.PDF> (visited Oct 30, 2011).

¹¹² See Nussbaum, *The Clash Within* at 166 (cited in note 89). For a fuller discussion of Godse’s statement of self-justification, see Nussbaum, *Teaching Patriotism* at *31 (cited in note 82).

¹¹³ The longer version analyzes that speech. See Nussbaum, *Teaching Patriotism* at *31–32 (cited in note 82).

and kept alive throughout people's lives. Let us now ask how schools can contribute to this mission.

VI. PATRIOTISM IN THE SCHOOLS: CONTENT AND PEDAGOGY

In one sense, the topic of teaching patriotism in the schools is nothing less than the topic of forming citizens in the schools, a topic that would require us, as I've long argued, to talk about the importance of the humanities and arts for a decent public culture.¹¹⁴ Our larger question about the formation of a citizen who is both loving and critical requires an entire account of how critical thinking is taught at various ages, how Socratic pedagogy complements that content, and how the imaginative ability to inhabit the points of view of people different from the self can be refined and cultivated at different ages. All this I have tried to present elsewhere,¹¹⁵ and so I shall confine myself here to a very narrow understanding of my topic, speaking only about the formation of emotions explicitly directed toward the nation and its story. Rather than a synthetic account, I shall present a list of maxims that ought to guide instruction in patriotism. These maxims are but a supplement to the historical examples given above, which give a good idea of how a critical yet loving patriotism works; those examples would be prominent in any education for patriotism in the schools of those two nations.

1. *Begin with love.* Children will not be good dissenters in or critics of a nation unless they first care about the nation and its history. My own education did this very well, hooking me in by the dramatic tale of Sybil Ludington in the Revolution, a character who resonated with my love of adventure and my ambition to be something daring, and a girl who did what girls usually don't do.¹¹⁶ By the time I was seven, I already loved the American Founding and saw myself in it—but, and this is important—in a way that laid the groundwork for a lot of criticism later on, since I saw the story of America as a story of dissent, of the rejection of false values and the search for freedom. Something as abstract as political liberty acquired motivational force through its embodiment in the persona of a little girl whom I wanted to be, riding horses and pursuing a remarkable adventure. She was a defiant girl, not a submissive traditionalist, and so I linked love of country to that spirit of

¹¹⁴ See generally Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Harvard 1997); Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton 2010).

¹¹⁵ See generally Nussbaum, *Not for Profit* (cited in note 114).

¹¹⁶ See note 1.

autonomy. We might say that the abstract values of liberty and individualism were eroticized—connected to things such as my father’s love and admiration, and the lovely feeling of riding a horse. This was an excellent starting point for further investigations. So start with love, but it’s great if from the beginning love can be linked to good values that can become, later on, a basis for criticizing bad values.

2. *Introduce critical thinking early, and keep teaching it.* As I showed in *Not for Profit*, there is a lot of research on the teaching of critical reasoning, and it shows that young children can learn skills of reasoning with joy, indeed love, if it is presented cleverly and in an age-appropriate way.¹¹⁷ So the dangers begin to be headed off here. At first critical thinking can be taught with any content, but at some point it is good to move it onto the stage of the patriotic narrative itself, getting children to think about the reasons why the patriots fought, about the difficult struggle of the Civil War, and so forth. It is natural to mingle these two parts of the curriculum: thus, when visiting the Lincoln Memorial, and when deeply moved by Lincoln’s grief and humility, one might study the “Gettysburg Address” and ask questions about its argument, and about the reasoning of the two sides before, during, and after the war.

3. *Use positional imagination in a way that includes.* Since one of the big dangers in the *misplaced values* department is underinclusiveness, and another is stigmatization and disgust, it is important to teach patriotism in a way that keeps students actively imagining the situation of various minorities: slaves and ex-slaves, new immigrants, religious dissenters (such as Lillian Gobitas, a very nice story for elementary school), and even acting those roles in classroom theatricals. When the imagination is drawn to something, one naturally wants to act it out; but children often shrink from the difficult roles, and it’s important that they all get a turn to be the outcast, the stigmatized, Rosa Parks in the back of the bus.

Teachers should connect the struggles over inclusion in American history to the ongoing efforts of the classroom to confront issues of stigma and bullying, since every classroom has such issues. Are there people in the classroom who are experiencing a little bit of what Rosa Parks suffered? If her treatment was un-American, in the light of our evolving concept of America, what about the treatment we mete out to others?

As children come to love an America that really stands for inclusiveness (reading such lines as “Give me your tired, your poor”

¹¹⁷ See Nussbaum, *Not for Profit* at 72–77 (cited in note 114).

in Emma Lazarus's "The New Colossus,"¹¹⁸ they had better ask disturbing questions about what America is doing about poverty today, and whether some things about America in the present might not be un-American in the light of some of the accounts of patriotism the class has been learning. There will naturally be much debate about this, and it should continue. Not all the positions taken will be congenial to all students and parents. (My father threatened to withdraw me from school, much later, when I came home defending Franklin D. Roosevelt and the New Deal. He said that I had been brainwashed by my teachers. But really, I had learned about dissent and critical argument from Sybil Ludington, with his strong encouragement, long before I ever met them.)

4. *Show the reasons for past wars without demonizing.* Since the beginning of the modern nation, one of the serious reservations about patriotic sentiment has been that it leads people to demonize other nations and their people and to charge out unwisely to make war against them. Johann Gottfried Herder, writing at the end of the eighteenth century, proposed, in this connection, a "purified patriotism" that would teach a horror of war and of a "false statecraft" that would lead to war.¹¹⁹

Here we arrive at one of the most delicate areas of our topic. On the one hand, one of the purposes of patriotic sentiment is to fortify people to endure the hardships of war, when they must. So we don't want people to think that war is always wrong. Here we must reject the guidance of Gandhi, who rejected the Second World War, and suggested reasoning with the Nazis in a nonviolent manner.¹²⁰ On the other hand, we do not want children to learn to rush into wars as if they were occasions for glory rather than bitter struggle. So, learning about the horrors and pains of war is altogether appropriate, despite the fact that it is not always popular with parents. The Lincoln Memorial, like Lincoln's rhetoric, testifies to the terrible tragedy of war, and this is a crucial thing to learn early.

It is also appropriate to learn about the pain that one inflicts upon others. Thus objections to a critical exhibit about Hiroshima

¹¹⁸ Emma Lazarus, *The New Colossus*, in David Lehman, ed, *Oxford Book of American Poetry* 184, 184 (Oxford 2006).

¹¹⁹ Johann Gottfried von Herder, *Letters for the Advancement of Humanity*, in Michael N. Forster, ed and trans, *Philosophical Writings* 374, 404-09 (Cambridge 2002) (arguing that peace may only be obtained by inculcating in the public certain general emotions toward war and the nation that otherwise allow for war to result).

¹²⁰ See, for example, Letter from Mahatma Gandhi to Margarete Spiegel (Nov 15, 1940), in *79 Collected Works of Mahatma Gandhi Online* *383, 383 (GandhiServe Foundation), online at <http://www.gandhiserve.org/cwmg/VOL079.PDF> (visited Oct 30, 2011) ("If Hitlerism is to be destroyed, it will be destroyed through non-violence, and in no other way.").

and Nagasaki at the Smithsonian Institute in 1994 were misplaced. (Unfortunately, the concessions made by the museum led to alterations in the exhibit¹²¹ and to uncontroverted statements that misrepresented the historical record.¹²²) Teachers and students should debate vigorously in the classroom the case for and against the use of nuclear weapons, but we must begin by acknowledging the terrible toll they took. It is all too easy to stigmatize foreign nationals as subhuman, and to justify war against them in that way. Any wise policy in the area of war and peace begins from the acknowledgment that the people on the other side are fully human.

Finally, as the example of Nehru and Gandhi shows, it is important to emphasize that all the world's nations share some goals, such as the eradication of poverty, toward which we can and must strive together.

5. *Teach a love of historical truth, and of the nation as it really is.* One of the problems of patriotism, which can often abet misplaced values, the stigmatization of minorities, and uncritical homogeneity, is historical distortion. So one of the most important aspects of teaching patriotism in the schools is teaching how to evaluate historical evidence and how to construct, criticize, and defend a historical narrative. Students need to learn that the past is not self-evident, that it must be painstakingly put together from materials that are not self-interpreting. And yet, that not all narratives are equal, that some are terrible distortions and evasions. Unfortunately, political groups sometimes now try to capitalize on postmodern attacks on historical truth to commend their own slipshod and error-ridden tales. India's Hindu Right has become especially adept at this practice, both in India and in controversies in the United States over the teaching of Hindu history.¹²³ So, we should make students alert to the fact that any historical narrative is created by humans situated somewhere, often with interested motives. But we must also prevent them from concluding that anything goes, it's just your narrative against mine, and there's no such thing as what really happened. As historian Tanika Sarkar said of the attempt by the Hindu Right to deny the rapes and killings of Muslims in Gujarat in 2002:

There can be no political implication, no resource for struggle, if we deny the truth claims of these histories of sadism, if we . . . denigrate the search for true facts as mere positivism, a

¹²¹ AP, *Smithsonian Alters Plans for Its Exhibit on Hiroshima*, NY Times A17 (Aug 30, 1994).

¹²² See Historians' Committee for Open Debate on Hiroshima, *Historians' Letter to the Smithsonian* (July 31, 1995), online at <http://www.doug-long.com/letter.htm> (visited Oct 30, 2011).

¹²³ See Nussbaum, *The Clash Within* at ch 9 (cited in note 89).

spurious scientism. For the life and death of our political agenda depend on holding on to the truth claim . . . to that absolute opposition to their proclamation that they will make and unmake facts and histories according to the dictates of conviction. . . . We need, as a bulwark against this, not simply our story pitted against theirs, but the story of what had indubitably happened.¹²⁴

This point is especially urgent. Patriots often dislike reality, preferring a glorified version of the past and present. They fear that presenting the nation as it is will undercut love. But really, what they are saying is that the human heart can't stand reality, that lovers can't stand the real bodies of those they love. Though sometimes true in sad cases, this is a terrible starting point for the education of a nation's children. Indeed, if particular children do show difficulty loving others once the signs of their bodily reality are manifest, schools should worry about those children and intervene. The mind hooked on perfection is destined to despair.

VII. INSTITUTIONAL SUPPORT STRUCTURES

Schools do not exist in a social and political vacuum. Attempts to teach a patriotism that steers clear of both Scylla and Charybdis will be much more likely to succeed in societies that surround the schools with a set of institutional safeguards. Given the unreliability of majority sentiment, we would be well advised not to trust entirely to the goodwill of local school boards, or even state legislatures, to keep good traditions of patriotism going. Law and institutional structure are essential props to the good in patriotism, and we can mention three factors that will contribute to our getting the good out of patriotic education without the bad.

1. *Constitutional rights, an independent judiciary.* Constitutional rights are bulwarks for minorities against the panic and excess of majorities. Because minorities are always at risk from patriotism, which can often whip up majority sentiment against them, patriotism needs to be advanced in conjunction with a firm and comprehensive tradition of constitutional rights protecting all citizens, and an independent judiciary, detached from public bias and panic, as these rights' interpreter.

2. *Protections for the rights of immigrants.* Patriotism always risks veering into xenophobia, and xenophobia often takes new immigrant groups as its targets. In addition to protections for

¹²⁴ Tanika Sarkar, *Semiotics of Terror: Muslim Children and Women in Hindu Rashtra*, 38 *Econ & Pol Weekly* 2872, 2876 (2002).

minorities who already enjoy citizens' rights, a decent patriotism needs to be taught in conjunction with firm protections for the rights of legal immigrants who are not (or not yet) citizens, and rational and consistent policies and laws concerning illegal immigrants.

3. *Freedoms of speech and press.* Perhaps the most important factor of all is the one emphasized by Immanuel Kant in all of his works about the prospect of a peaceful international community: strong legal protection of the freedom of speech and dissent, and of the freedom of the press; more generally, protection of the voices of intellectuals who play leading roles in shaping a critical public culture.¹²⁵ To the extent that a nation succeeds in building such a culture, to that extent it has in every town and region built-in safeguards against the excesses of patriotism run amok. *Barnette* shows us the importance of the press and its critical freedom to the relatively happy ending to the *Gobitis* story of patriotism run amok.

Obviously, patriotism in and of itself is not a good thing, and very often indeed it is a very bad thing. It can be taught very badly, and that bad teaching can do great damage. What I have argued, however, is that a nation that pursues goals that require sacrifice of self-interest needs to be able to appeal to it, in ways that draw on symbol and rhetoric, emotional memory and history—as Lincoln, King, Gandhi, and Nehru all successfully did. If people interested in relief of poverty, justice for minorities, democracy, and global justice eschew symbol and rhetoric, fearing all appeals to emotion and imagination as inherently dangerous and irrational, people with less appetizing aims will monopolize these forces, to the detriment of democracy. The emotions can be very bad; but they are an essential part of human life, including the struggle for justice, so we should try to imagine how they can become the best that they can be.

¹²⁵ See, for example, Immanuel Kant, *Idea for a Universal History with a Cosmopolitan Purpose*, in Hans Reiss, ed, *Political Writings* 41, 50–52 (H.B. Nisbet, trans) (Cambridge 1991).