

Adam Wolfson

Public interest lost?

When the editors of *Dædalus* invited me, along with several others, to write an essay on the subject of the public interest, I will admit I had some qualms. For many years I edited a journal with Nathan Glazer and Irving Kristol by that very name, and so it was not wholly unfamiliar terrain. Yet what would be the result, I wondered, of asking intellectuals, of all people, to write on the subject – and in particular of asking them whether the thing even exists? Was that not inviting the fox to guard the henhouse? To the average American the idea of the public interest is, I suspect, perfectly sensible; and I also sus-

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pect that without such a notion politicians and government officials would find it difficult to perform their jobs. But what could the public interest possibly mean to an intellectual? If he even bothers to think about the idea it is probably to debunk it. What good would come from only more such debunking? Perhaps, though, I am being unfair to my fellow intellectuals. We live, after all, in uncertain and perilous times, times in which older, long-forgotten ideals may once again seem pressingly relevant. And so perhaps the editors of *Dædalus* were right to call for a reconsideration of this invaluable ideal.

However that may be, we need to begin from where we left off. The public interest as an ideal last received a full airing among scholars in the 1950s and 1960s. I will turn my attention first to this earlier discussion: I will try to capture the flavor of this debate while suggesting what may have gone wrong. It will be the burden of my argument that for all the rigor of their analysis, intellectuals are in fact ill-equipped to understand the public interest – in contrast to America's leading statesmen who live and breathe it.

Thus I will next cast my eye further back in time to consider the reflections of James Madison and Abraham Lincoln

on the public interest. The question of the public interest in America surely begins in some sense with Madison's formulation of it; but notwithstanding the vaunted reputation of his analysis as presented in *The Federalist*, No. 10, Madison arguably failed to offer an adequate conception, which is why I will turn next to Abraham Lincoln. It seems to me that Lincoln provided the Archimedean point for all thinking about the public interest in America, and that our current notions of it pale beside his more robust understanding.

When the subject of the public interest last received the close scrutiny of our intellectuals, in the 1950s and 1960s, it did not fare so well. Many of the leading lights of the day weighed in on the question, including Harold Lasswell, Herbert Storing, Brian Barry, Anthony Downs, Charles Frankel, James Buchanan, Gordon Tullock, Edward Banfield, and Robert Dahl. Numerous scholarly books were published on the subject, under such titles as *The Public Interest and Individual Interests* (Virginia Held), *The Public Interest: A Critique of the Theory of a Political Concept* (Glendon Schubert), *The Public Interest: An Essay Concerning the Normative Discourse of Politics* (Richard Flathman), and *Politics and the Public Interest in the Seventeenth Century* (John A. W. Gunn). The subject also became the focus of collaborative scholarly efforts. In 1959 the philosophers Wayne A. R. Leys and Charner Perry, after receiving written input from, among others, Horace Kallen, Richard McKeon, Joseph Cropsey, Peter Drucker, and Frank Knight, put together a scholarly monograph, titled *Philosophy and the Public Interest*, that sought to clarify the concept. A few years later, *NOMOS*, edited by Carl J. Friedrich, dedicated a volume of essays to the meaning of the public interest.

What especially preoccupied the scholars of this era was the question of definition: how to demarcate and classify the various theories of the public interest. These various definitions need not detain us here except to take note of how schematic and abstract many of them were. Edward Banfield came up with five differing conceptions – two unitary ones (“organismic” and “communitarian”) and three individualistic ones (“utilitarian,” “quasi-utilitarian,” and “qualified individualistic”)¹; Frank Sorauf also came up with five – “commonly-held value,” “the wise or superior interest,” “moral imperative,” “a balance of interest,” and “undefined”²; Glendon Schubert with three – “rationalist,” “idealist,” and “realist”³; and Virginia Held with three as well – “preponderance theories,” “common interest theories,” and “unitary conceptions.”⁴

Beyond the attempt at classification, the intellectuals of these decades grappled with the more fundamental question of whether such a thing as the public interest even existed. On this question both sides were argued, but looking back it does seem that the predominant

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1 Edward Banfield, “Supplement: Note on Conceptual Scheme,” in Martin Meyerson and Edward C. Banfield, *Politics, Planning and the Public Interest: The Case of Public Housing in Chicago* (Glencoe, Ill.: Free Press, 1955), 322 – 329.

2 Frank J. Sorauf, “The Public Interest Reconsidered,” *The Journal of Politics* 19 (4) (November 1957): 618 – 624.

3 Glendon Schubert, “Is There A Public Interest?” in *NOMOS V: The Public Interest*, ed. Carl J. Friedrich (New York: Atherton Press, 1962).

4 Virginia Held, *The Public Interest and Individual Interests* (New York: Basic Books, Inc., 1970).

view was that the public interest was at most a noble lie, one that was, however, no longer needed. Some of a more skeptical bent found the problem to be in the fact that the public interest could not be known; others in that it could be known to be a sham. Anthony Downs seemed to speak for many when he wrote in 1962 that “it soon becomes apparent that no general agreement exists about whether the term has any meaning at all, or, if it has, what the meaning is, which specific actions are in the public interest and which are not, and how to distinguish between them.”⁵ Or, as Robert Dahl wrote in a letter to Leys and Perry in the preparation of their monograph: “There is little philosophical mileage to be gained from using the term at all.”⁶ The assessment of Frank Sorauf seemed to capture the general tenor of sentiment: “The term is too burdened with multiple meanings for valuable use as a tool of political analysis,” and is anyway nothing but a “myth.”⁷

Certainly, there is a place for such theorizing and questioning; too often, however, the prevailing analysis seemed unfettered from the reality of political life at it is in fact lived. Why had the idea of the public interest become so opaque, even nonsensical, to mid-twentieth-century intellectuals? Why had it become so easy for them to conceive of self-interest or the interest of groups (“interest group theory”), but not the interest of the whole (however conceived)? Part

5 As quoted by Held, *The Public Interest and Individual Interests*, 2.

6 As quoted in Wayne A. R. Leys and Charner M. Perry, *Philosophy and the Public Interest* (Chicago: Committee to Advance Original Work in Philosophy, 1959), 17.

7 Sorauf, “The Public Interest Reconsidered,” 624, 638.

of the answer is to be found in the new intellectual currents of the day, from behavioralism in political science, to the fact/value distinction in sociology, to value relativism in political philosophy.

Another more prosaic part is to be found in the participants in this earlier discussion. They were almost exclusively scholars, in particular professional philosophers and social scientists; thus if it was an analytically rigorous discussion, it was also an oddly parochial one. Philosophical inquiries into the meaning of the public interest can be helpful, even necessary, but it is also the case that academics may not be in the best position to handle this question. Academics are – and now I will paint in admittedly overly broad strokes – more removed from the public’s business than most other Americans, spending the bulk of their time in the quiet of their studies writing books for their fellow academics. To the extent that academics interact with their fellow Americans it is in the college lecture hall – where they mingle with teenagers mainly (hardly a representative sample of the public). Few academics spend much if any time in government. The academic aspires to the virtues of the critic or gadfly, less so those of the citizen. We need our critics and gadflies, to be sure, but one can see how the modern intellectual’s alienation from public life may in some respects taint his view of the public interest.

If we wish to reopen the question of the public interest, therefore, we face a number of obstacles. We would have to begin by confronting and overcoming the philosophic developments that stymied interlocutors in the 1950s and 1960s; it is worth noting that these developments have become with the passage of time only more firmly entrenched in the academy. Meanwhile, other more recent intellectual trends,

such as postmodernism and multiculturalism, have succeeded in making the notion of the public interest seem, if anything, even more quixotic. What can be done on this score is not so clear.

However, our second obstacle, parochialism, may be more readily surmounted, simply by widening the discussion beyond the academy. We might begin, for example, by looking to those for whom the public interest is not some hoary concept but their very lifeblood – namely, among those who on a regular basis take up the public’s business. Unlike academics, America’s public servants and statesmen actually live and work in the public realm, and so they are more likely to have thought about the public interest and to have at least an intuitive sense for what it may mean. Now, not each and every bureaucrat and congressman has pondered the meaning of the public interest in any great detail, and it is certainly the case that self-interest and hypocrisy often color their understandings of the public interest. The politician’s hypocrisy, however, is much less of a threat to the public interest than is the academic’s debunking skepticism. The politician in his hypocrisy at least acknowledges the authority of the public interest, while the skeptical intellectual, consciously or not, seeks to dethrone it.

An additional consideration is to be kept in mind: America has been graced through much of its history with a number of genuinely thoughtful, even philosophic-minded politicians. In our own day the names of Daniel Patrick Moynihan, Ronald Reagan, and Franklin Roosevelt come to mind; pushing further back one thinks of Woodrow Wilson, Teddy Roosevelt, and Henry Cabot Lodge, or further still, Daniel Webster, Henry Clay, and John Quincy Adams, not to mention the Founders. In the writings and addresses of such leaders

one can see them making an effort to understand the public interest, and in their policies and programs an effort to bring it into being.

Of this class of exceptional statesmen perhaps none stand out in clarity of thought as much as James Madison and Abraham Lincoln. Both leaders thought deeply about the public interest, and importantly, they did so in the context of America’s two greatest crises, crises that would have destroyed the country in its infancy – namely, the Constitutional Crisis of the 1780s and the Civil War. These were, in the most fundamental sense, debates over the meaning of the public interest. And what is especially useful for our purposes is the way in which Lincoln entered into a dialogue, as it were, with Madison, attempting to correct what he viewed to be Madison’s faulty understanding of the public interest.

Madison’s *The Federalist*, No. 10, is the locus classicus for all thinking about the public interest in America. This short essay stands out as America’s greatest contribution in political theory, and it has by now received more commentary and analysis than perhaps any other piece of political writing by an American. I can hardly add to this great body of scholarly work. Instead, I propose to look at it strictly for the light it sheds on the problem of the public interest.

Madison had a mind ever alert to theoretical ambiguities and political conundrums. He was not one to hide his head in the sand. Where lesser politicians might be slow to see a problem, which would come back to haunt them, and where still other politicians might claim to have solved the problem, when in fact they had merely found a Band-Aid, Madison never sought the easy way out. He always followed an argument, no matter how intricate, and always wrestled with

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a political problem, no matter how apparently irresolvable, to the end. The public interest was one such problem for Madison, a problem that could be neither ignored nor wished away.

What drives Madison's analysis in *The Federalist* is his effort to reconcile two notions of the public interest – one of a more ancient pedigree and the other more decidedly modern. In a quasi-classical spirit, Madison argues in *The Federalist*, No. 45, that “the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object.”⁸ Madison uses such holistic, almost communitarian, terms throughout *The Federalist*, as when he appeals to “the essential interests of the whole” or “the comprehensive and permanent interest of the State” – or when he speaks of “the happiness of society” as government's true end.⁹ “A good government implies,” Madison states emphatically in *The Federalist*, No. 62, “fidelity to the object of government, which is the happiness of the people.”¹⁰

Madison was thus no blind partisan of democracy or republicanism, however either is defined; in Madison's view, we are to judge a government not so much by its form but according to whether it secures the public good – the public's true happiness. Madison uses, it is also worth noting, the older terminology of the public *good*, as opposed to the public *interest*. Government is not simply about

securing individual rights and interests but some more substantial and transcendent good.

At the same time, as even a cursory reading of *The Federalist*, No. 10, shows, Madison cleaved to the more modern, Lockean notion of the public interest, one in which the protection of private property looms large indeed. “Government has no other end but the preservation of Property,” Locke asserts categorically in the *Second Treatise*.¹¹ Madison, as did many of America's Founders, shared this view of government's purposes. “Government is instituted to protect property of every sort,” Madison wrote on another occasion.¹² The Declaration of Independence itself declares, somewhat more eloquently than did Locke, that we Americans “hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness,” and “that to secure these rights, Governments are instituted among Men.”

All of this is familiar enough, but in *The Federalist*, No. 10, Madison draws our attention to the deeper source of the right to property and what this right implies. As Madison puts it: “The rights of property originate” from “the diversity in the faculties of men.” In other words, something stands behind the right to property, namely, “diversity in the faculties of men.” And thus, as seen through Madison's eyes, when Locke declared that “Government has no oth-

8 *The Federalist*, No. 45, in Clinton Rossiter, ed., *The Federalist Papers* (New York: Mentor, 1999), 257.

9 *Ibid.*, 247, 264, 247.

10 *The Federalist*, No. 62, in *ibid.*, 348.

11 John Locke, *The Second Treatise of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 329.

12 James Madison, “Property,” in *The Founders' Constitution*, ed. Philip B. Kurland and Ralph Lerner (Chicago: University of Chicago Press, 1987), I:598.

er end but the preservation of Property,” he necessarily meant that government has the duty to protect more than mere property; it has, putting Locke and Madison together, ‘no other end but the preservation of the diversity in the faculties of men.’ Or to use Madison’s actual words in *The Federalist*, No. 10, “The protection of these faculties is *the first object of government*” (emphasis added).¹³

In framing the matter this way, Madison came up against a great difficulty in how to think about the public interest, one that he did not attempt to finesse: he espoused two different, even colliding, understandings of the ends of government. On the one hand, government’s “supreme object” is the public good; on the other hand, government’s “first object” is the protection of the diversity of faculties. Well, we might ask Madison, which is it? And can these two different ends, the public good and private rights, always be reconciled? Can we really protect, without one giving way to the other, both the happiness of the whole people *and* the happiness of each individual as expressed in their unequal capacities for amassing wealth? Or will these two ends in some instances be in tension, if not open conflict?

A lesser mind might have denied that any problem existed. But such was not Madison’s way. Instead, he faces squarely up to the problem, stating unambiguously that, yes, it is indeed the case that the property right foments faction: “From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; *and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different*

interests and parties” (emphasis added).¹⁴ It is precisely the government’s sanctioning of the property right that leads to different interests and eventually to what Madison describes as “the violence of faction” – out of which grows in turn “instability, injustice, and confusion.”¹⁵ The end point is the eclipse of the public interest followed by the destruction of popular government.

Madison states in *The Federalist*, No. 10, that it is his aim to solve this problem, to square the circle, as it were, and in such a way that it will be possible “to secure the public good and private rights . . . and at the same time to preserve the spirit and form of popular government.”¹⁶ The solution, he believed, is to be found not in a religious discipline of self-sacrifice, nor in public and private virtue, at least for the most part, but instead in such institutional devices as representation and the separation of powers, as well as, most famously, the extended sphere of the Union.

Did the solution work? Did Madison’s auxiliary precautions enable the country to protect the property right and at no expense to the people’s welfare? It is not my aim to consider in any detail his solution, which is known well enough and has received countless commentaries, nor is it my aim to render judgment about whether Madison succeeded. There can be honest disagreement about the theoretical plausibility as well as the relative historical success of Madison’s project. Instead, I would like to move forward nearly seventy-five years to examine how Abraham Lincoln saw the problem.

¹⁴ Ibid.

¹⁵ Ibid., 45.

¹⁶ Ibid., 48.

¹³ *The Federalist*, No. 10, in Rossiter, ed., *The Federalist Papers*, 46.

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Lincoln lived in what we might call a post-Madisonian epoch, in which all of Madison's various devices for containing the mischiefs of faction, such as representation, the separation of powers, and the extended sphere, had seemingly failed. It was a time in which the right to property had become synonymous, at least to some Americans, with the right to own human chattel; a period in which many thought that slavery was in the public interest; an age in which "the extended republic" hoped for by Madison had become the crisis of "the house divided" foretold by Lincoln.

Public deliberation and persuasion could, under the circumstances, accomplish only so much – and as Lincoln said "the war came." Yet Lincoln did not take the necessity of war and the urgency of victory as excuses for avoiding serious reflection on some of the perhaps more obscure but no less important causes of the crisis. Such causes, if not addressed, would continue to haunt even a reunited America. That is, Lincoln 'the war president' did not neglect the responsibilities of statesmanship – in this case, the responsibility of explaining to the American people the deeper sources of the conflict. He did this over the course of his presidency, particularly in such speeches as the Gettysburg Address and the Second Inaugural; but for our purposes I would like to focus on his July 4, 1861, "Message to Congress in Special Session."

What is particularly interesting about this speech is the way in which it addresses many of the same problems Madison had wrestled with – and given the outbreak of hostilities had arguably failed to resolve. Indeed, Lincoln's speech seems almost to take direct aim at the solution offered in *The Federalist*, No. 10. The tenor of the contrast between their views is reflected in the fact

that whereas Madison admonishes in *The Federalist*, No. 51, that men are not angels, Lincoln in his First Inaugural appeals to "the better angels of our nature."

To remind ourselves: For Madison "the first object of government" is the protection of the diversity of faculties of men, which by his own admission led to the problem of ruinous faction and the eventual obliteration of the public good. Lincoln took up a similar constellation of issues in his war message to Congress, but his proposed solution did not involve Madison's auxiliary institutional precautions. Instead, Lincoln sought to contain the problem of faction by replacing what Madison called "the first object of government" with what Lincoln called government's "leading object":

This is essentially a People's contest. On the side of the Union, it is a struggle for maintaining in the world, that form, and substance of government, whose leading object is, to elevate the condition of men – to lift artificial weights from all shoulders – to clear the paths of laudable pursuit for all – to afford all, an unfettered start, and a fair chance, in the race of life. Yielding to partial, and temporary departures, from necessity, this is the leading object of the government for whose existence we contend.¹⁷

For Lincoln the leading object of government is not the protection of men's unequal faculties for acquiring property, which, as Madison himself acknowledged, creates different interests, contending parties, a factious spirit – and the snuffing out of any sense of the public good. It is instead to elevate the condition of all men. The property right,

17 Abraham Lincoln, *Selected Speeches and Writings* (New York: Vintage Books, 1992), 313.

with its basis in human nature, would still be protected in Lincoln's alternative; Lincoln was no proto-Socialist. However, Lincoln grounds democratic government, almost as if in response to Madison, in the positive project of improving the condition of every American, of affording to all "an unfettered start, and a fair chance," rather than the negative one of sanctioning inequality. Such a revised conception of the public interest – one that arguably all Americans of whatever station in life, and whatever their given faculties, could support – was intended to head off the problem of faction that had so confounded Madison. It also no doubt gave birth to what became known as America's civil religion, which would involve not merely a defense of our given empirical interests, but an aspiration toward something more ennobling at the sociological level. In such a Lincolnian conception of the public good, one sees in embryo not only the argument against slavery but also for a more active role for government in the maintenance and promotion of equal rights – of "a fair chance" – for all.

Lincoln's more capacious, democratic, and forward-looking understanding of the public interest would not eliminate the problem of faction, which had so bedeviled Madison; but Lincoln's view, once firmly rooted in American public opinion, may have served historically to dampen the formation of rival ideological parties, parties that would have irreconcilably and violently disagreed on the very definition of the public interest. It may not be a stretch to suggest that Lincoln's reformulation made possible the liberal consensus in America so remarked upon by twentieth-century political scientists.

We can dig a bit deeper still into Lincoln's understanding of the public inter-

est. In the passage immediately preceding the one quoted above, Lincoln invites us to make a comparison of another sort. He points out that the states of the Confederacy had designed new declarations of independence. Absent from these, he notes, are "the rights of men and the authority of the people." In their declarations of independence there is no mention, as in the original, of the laws of nature and of nature's God, nor of human equality. And just as disturbing, Lincoln observes, is the Confederacy's rewriting of the U.S. Constitution's Preamble. I will quote the two preambles side by side, first the original and then the Confederacy's, so as to make Lincoln's concerns absolutely clear.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God do ordain and establish this Constitution for the Confederate States of America.

Gone from the latter, Lincoln observed, is the authority of the American people. Gone as well is the aspiration to provide for "the common defense" and to promote "the general Welfare." And the Confederate constitution not only deletes but adds something: having rejected the American people and the laws

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of nature as its sources of authority, it looks elsewhere, invoking instead “the favor and guidance of Almighty God.” (It is worth noting that an effort was underway in the North as well to acknowledge in the Constitution’s Preamble the biblical God as the source of political authority.) In these dueling preambles, we can see that Lincoln’s Civil War was over more than that geographical entity known as the Union; it was to renew and reinvigorate the ideal of the public interest as embodied in the Declaration of Independence and the Constitution. Lincoln’s war was over what it means to be an American.

Today Lincoln is honored with a monument, a temple almost, on the Mall in Washington, D.C., while Jefferson Davis is all but forgotten. And yet, one wonders, the Confederacy’s cause is dead, but perhaps not its pinched and hidebound spirit. For in many ways the Confederate preamble is more congenial to modern sensibilities than is the Preamble defended by Lincoln.

I would observe, in passing, that the Preamble’s invocation of “the common defense” seems just as remote to many of America’s political and cultural elites now as it did to the drafters of the Confederate constitution who had it deleted. We are today, as in Lincoln’s time, two (or more) nations in possession of radically differing views of the common defense. There is at present no bipartisan understanding in defense and foreign policy on how to prevail in our post-9/11 world. National security – which by necessity has to be the primary, most elemental responsibility of any political community – has become, in modern-day America, as contested and unsettled as the public interest.

The public interest itself has few defenders today, whether among liberal or

conservative intellectuals. Nowadays, it seems, we are all Confederates. Conservatives and liberals, both taking pride in their ‘realism,’ argue that the notion of the public interest is nothing but a figment – conservatives in the name of the rights of the individual, and liberals in the name of the rights of the group. For conservatives, the rights of the individual trump all; for liberals, it is the rights of the group. A rigid individualism, on the one hand, and an ideological multiculturalism, on the other, have hollowed out the public good.

In this sense, it is worth noting, too, that both Left and Right are closer to a one-dimensional, deformed Madisonianism than to Lincoln’s view. Conservatives admire Madison for his categorical defense of the property right, overlooking his concern for the general welfare, while liberals look to him as the founder of the school of pluralism (and thus, mistakenly, as a distant forebearer of the multicultural ideal). These theoretical constructs have come to shape opinion and policy, with the result that there is increasingly no ‘us’ in consideration – only individual ‘atoms’ or disparate ‘identity units’ cutting along the lines of race, ethnicity, religion, class, and gender. The public interest ideal, caught as it has become by this pincer movement between individualism and multiculturalism, can no longer inspire a shared sense of purpose. Indeed, the ideal may well disappear entirely in the decades to come, the consequences of which would be the likely demise of liberal governance. For we should consider that it was probably no accident that the Confederacy, in expunging the general welfare and the people’s authority from its national charter, felt the need to inject the Almighty God as a source of its authority and legitimacy. The public was to be supplanted by the Holy. One can

sense in this gesture a deeper relation: namely, that the public interest is to the social contract what God's revelation is to the church. It gives it its form, content, and end, not to mention its sanctity. And thus in abandoning the public interest we risk dissolving the liberal social contract, making way for alternative social and political forms.

I do not wish to conclude on such a pessimistic note, however, for our situation is surely not as dire as was Madison's or Lincoln's. There is something about the public interest, and our quest for it, that prevents it from being simply forgotten. It may be fashionable in certain circles to dismiss the public interest as a meaningless term, a talisman at best, more suited to the age of witch doctors than of modern science or post-modern irony. However, the public interest is no less real than the manifold interest of individuals and groups, and in times of crisis, its necessity will at the very least be felt.

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