

Gary Hart

The commonwealth: our public legacy

The Founders were, virtually to a person, steeped in the ideals and theories of the classic republics. Like John Adams and James Madison, Thomas Jefferson employed his knowledge of ancient Greek and Latin to study the original texts of the classical republican writers, including Herodotus, Thucydides, Plutarch, Polybius, and Cicero. America's Founders had in mind to create a republic along classical lines, and to do so in a way never before tried, a republican federation with a reasonably strong central government.

But the foundation of our republic did not rest on formal structural elements alone. It also relied upon the disposition of the citizens who would inhabit it. Fortunately, according to the historian Gordon Wood, "all the notions of liberty,

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equality, and public virtue were indelible sentiments already graven upon the hearts of Americans who realized fully the fragility of the republican polity." "Republicanism after all," he continues, "involved the whole character of the society."¹

The character of this new society manifested itself in adherence to at least four republican principles: popular sovereignty, resistance to corruption, civic virtue, and a sense of the commonwealth. "We, the people," the opening phrase of our Constitution, assumes the sovereignty of the people; indeed, today it is taken too much for granted. Corruption has unfortunately come to be seen as old-fashioned bribery rather than as it was originally conceived, as the act of placing special interests above the common good. For the purposes of this essay, I will focus on the last two: civic virtue, which we would today call 'civic duty' or citizen participation, and the sense of the commonwealth, from which civic virtue emerges.

Concern for the public interest, the sense of the commonwealth, is largely

1 Gordon S. Wood, *The Creation of The American Republic: 1776 - 1787* (Chapel Hill: University of North Carolina Press, 1969).

confined these days to high school civics courses, to the degree they are even offered. An effort by a political leader today to reawaken this ideal would be met with curiosity at best and a good deal of skepticism at worst. We find ourselves, after all, in an age of personal achievement, if not self-aggrandizement; with regard to money in particular, we inhabit an era of devil-take-the-hindmost. Anything suggesting collectivism, let alone collectivization, is highly suspect.

Yet, particularly among the young, there is a lingering feeling that we are all in this together, that we have a lot more in common than we often realize. This latent sense of community is often very near the surface. It springs forth usually in periods of national peril, such as September 11. At those times, we salute the sacrificial hero, the individual who places the interest or safety of others above his or her own. These salutes occur rarely enough to be notable.

A more tangible recognition of the common good lies within Article I, Section 8, of the Constitution, which empowers Congress, *inter alia*, to “provide . . . for the General Welfare.” After enumerating specific Congressional powers, this article gathers all unenumerated powers into the broad category of the general welfare, allowing posterity to determine in its own time and manner how it will define and achieve the general welfare. The general welfare clause represents an enormous exception to the fragmentation that the Tenth Amendment – which guarantees the various states all powers not enumerated in the Constitution – otherwise invites.

The interpretations of the general welfare clause by a variety of federal courts over more than two centuries are, at least from a judicial point of view, a valuable substantiation of the public inter-

est. But we can also distinguish concrete features of the public interest when we take note of how much we share. For instance, we breathe the same air and drink the same water. Harm to either is cause for concern across classes. We also live within the same borders; breach of those borders by those who wish us ill is a threat to all. Moreover, the health of our currency affects all of us to varying degrees. So the public interest includes a stable currency, secure borders, and clean and safe natural resources.

The public interest also encompasses, more specifically, parks and recreation areas, public lands, and mineral resources; public transportation and highway systems; public education systems; national security forces and public safety networks; public health systems; and a host of other facilities of which the vast majority of Americans do not consider themselves to be the proprietors.

Based on this list, it appears that to fall within the ambit of the *public interest*, an interest must transcend class, gender, race, and generation. It must be a concern of all. It must also be greater than a mere collection – even an extremely large one – of private interests. And an interest may be in the public interest even if an individual or the public is not particularly aware of its existence.

Unfortunately, in the current era, the idea of a public interest seems to have little impact on our everyday lives. Society finds itself in a period of individualism at the expense of the common good. Though these need not be competing visions, they currently are. There is no shortage of culprits to blame: Our educational system does not feature civic education. Our families generally do not cultivate civic virtue. Our political, business, and religious leaders do not stress citizen participation or duty enough.

Some events can immediately conjure up national feeling. Terrorist attacks and engagement in foreign conflict (at least in its early, successful phases) are the most vivid stimulants of national unity. When our country is under threat or in combat, political leaders, regardless of ideology, feel at liberty to call upon our patriotism. But these leaders do not find important challenges such as climate change, endemic poverty, uninsured masses, or poor education as interesting or as profitable to employ as social adhesives. Even Social Security, as an 'entitlement' program, unites society only as a pool of tens of millions of individual, self-interested accounts. Seemingly, only national security, in the shape of the threat of terrorism (the replacement for the threat of Communism), can stake a clear claim on the public interest.

Today's political leadership must find ways to unify a complex, diverse, mass democracy behind efforts to address national threats that are not immediate or visible. But anyone with experience in public governance knows that mobilizing the mass, or even just a majority, of people is extraordinarily difficult if the threat is not immediate; if it is not shared equally and by all; or if it cannot be solved swiftly and with sheer force, but instead requires from each person some measure of sacrifice, whether in the form of increased taxes or government regulation.

Climate change is one such threat. It is manifestly in the public interest to prevent major, long-term damage to the environment. Nevertheless, it does not threaten all equally. Coastal property owners have more at stake than those in the Rocky Mountains do. Further, it is a global concern – one that the United States alone cannot deal with even if there were, as there is not, a national commitment to act. Climate change is

also less a threat to the current generation than it is to future generations.

Where the public interest is concerned, three questions always arise: does it exist; if so, how is it defined; and, finally, how can it be mobilized. The first is an issue of political philosophy, the second political theory. The last is a matter for political science. As one who believes the public interest does exist, I consider the primary goal of political leaders is to awaken a healthy regard for the commonwealth, even in the absence of an immediate, common, and tangible threat.

How are we to bridge the gap between the public interest, which is largely an abstraction, and the interests of individual citizens, which are mostly practical? What means exist, other than fear for their personal security, to induce people to care about the public interest?

The answer may rest in a version of Adam Smith's famous dictum on economic self-interest in *The Wealth of Nations*: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves not to their humanity but their self-love, and never talk to them of our necessities but of their advantage." Likewise, if we can show the average citizen – the butcher, brewer, or baker – how achieving what is best for the public works to his or her advantage, we might be able to succeed at motivating citizens to tackle the important challenges facing our society.

Understandably, mobilization is easier when the threat appears in the figure of a terrorist letting loose a highly contagious pathogen at a crowded sports event than in the form of millions of commuters releasing tons of carbon dioxide into the atmosphere. The instru-

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ments of destruction alike cannot be seen, but we can easily demonize one agent, the terrorist, but not millions of respectable vehicle drivers. And in the first instance the destruction of human life is immediate while in the other it occurs over time.

Nonetheless, we can capitalize on at least one powerful human instinct in order to rouse civic sentiment: the desire to provide a better life for one's progeny than what oneself enjoyed. People in a capitalist society invest staggering amounts of energy, intellect, and skill in personal wealth production – and ultimately in their private legacy, the wealth they leave their children. Regrettably, it is not unusual for these same intelligent, energetic, and skillful people to neglect their public legacy entirely.

But consider this question raised in the New Testament: “What doth it profit a man if he gains the whole world and loses his own soul?” A less spiritual version of this question might prompt self-interested citizens to consider the public interest as integral to their own: “What does it profit a man if he leaves millions of dollars and valuable property in a gated community to his children, and they live in a polluted, corruptly governed, atomized world?”

Still, even if an individual believes that a definable public interest – and some ethical obligation to promote that interest – exists, the means to act in the public interest are now obscure, if not remote beyond access. How can one meaningfully exercise civic virtue in a democracy of three hundred million people? Are not the levers of power, and therefore sovereignty, so far removed from all but the financial and political elite that civic duty is a hollow ideal?

Before we can begin to answer these questions, we must think about scale:

does the size of the polity dictate, or at least circumscribe, the level and methods of citizen participation? For well over two centuries, two visions of America have competed to define the scope of the public interest. One notion is that of the Hamiltonian republic of centralized power, in which leadership is drawn from the great and the good, if not also the rich and the powerful. The other is the Jeffersonian republic of local self-government, in which responsible land-owning citizens govern their own community affairs. The former views the public interest through the prism of concentrated wealth, self-selected elites, and industrial interests. The latter believes the public interest would be best served by diverse communities sharing commitments, including education, safety, and care for the local poor.

A century ago, author and editor Herbert Croly, as keeper of the Hamiltonian flame, proposed wholesale dedication to the “national purpose.” Croly thought that it would involve “the nationalizing of American political, economic, and social life” and an “increasing nationalization of the American people in ideas, in institutions, and in spirit.”² A product of the Progressive movement and a precursor of Franklin Roosevelt (whose presidency encompassed the New Deal and World War II), Croly strongly resisted what he (wrongly) believed to be Jefferson's belief in antifederalism, decentralization, and fragmentation.

Croly's conception of nationalization takes the notion of the public interest to a far, if not its furthest, extreme. The public interest should not become a convenient excuse for ‘nationalizing’ political life. Regardless of where one resides on the centralization versus decentral-

2 Herbert Croly, *The Promise of American Life* (New York: Macmillan Company, 1909).

ization spectrum, acting in the public interest arguably does not necessitate concentrated political power. Philip Pettit, the Australian political theorist, puts it this way: "A state would not itself dominate its citizens – and could provide a unique protection against domination by the private power of internal or external enemies – provided that it was able to seek only ends, and employ only means, that derived from the public good, the common weal, the *res publica*." He continues: "The state had to be constrained as far as possible to track the common interests . . . of its citizens."³

Pettit cites domestic harmony and external defense as examples of common interests. In doing so, he approaches a workable definition of the public interest: those goods that are best provided by citizens together in pursuit of a shared enterprise, goods that individual citizens cannot provide for themselves. But today, there are people who can provide for most, if not all, of their needs, and thus lack concern for the public interest, as well as a surprising number of citizens who will never reach this lofty station, but nevertheless think (or more likely, hope and pray) that they will be able to someday.

Aristotle's vision of society as "a partnership of free men" supplies the missing ingredient in both Croly's and Pettit's conceptions. While acknowledging that "the state cannot be defined merely as a community dwelling in the same place at the same time,"⁴ Aristotle argued that civic virtue, rather than centralized state power, is necessary to convert a community of proximate dwellers into a partnership of free people: "All

those . . . concerned about good government do take civic virtue and vice into their purview. Any state that is truly so called and is not a state merely in name must pay attention to virtue; for otherwise the community becomes merely an alliance."⁵

What setting is most conducive to the exercise of civic virtue? Surveying what she believed to be a surprisingly conservative American revolution, Hannah Arendt found that "only Jefferson among the men of the American Revolution ever asked himself the obvious question of how to preserve the revolutionary spirit once the revolution had come to an end."⁶ His solution, she said, rested in the ward, or elementary, republic, in which citizens would govern locally but under the benign protective umbrella of a federated republican government. The assumption underlying Jefferson's republics, wrote Arendt, "was that no one could be called happy without his share of public happiness, that no one could be called free without his experience in public freedom, and that no one could be called either happy or free without participating and having a share in public power." For Jefferson, the public interest was irreducibly identified with participating and sharing in the power of government.

If one accepts the idea that the greater the distance between an individual and his or her government, the more difficult it is for that citizen to identify with the public interest, it should not be surprising that today in the United States the public interest has become an abstraction. At the very least, our situation leads us to wonder whether, two hun-

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3 Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997).

4 Aristotle, *Politics*, III, iv.

5 See also Aristotle, *Nicomachean Ethics*, I.1099b.

6 Hannah Arendt, *On Revolution* (New York: Viking Press, 1963).

dred years ago, Thomas Jefferson might have been right. Perhaps our founders, in their reliance on Montesquieu's idea of a federated republic based on representation, overlooked (or simply sacrificed) the key republican attribute of direct citizen participation in government.

If citizens are too distanced from government to care about the public interest, then who is defining the public interest in our day? Unfortunately, right now, thousands of special interests in Washington, D.C., are purporting that their agendas are compatible with, if not a part of, the greater public interest. But if one rejects, as I do, the notion that the public interest is merely the sum of all private interests, then we must question their claim. In reality, this clamor for special consideration obscures rather than reveals the public interest. In contrast, organizations such as Common Cause and The Concord Coalition solicit citizen membership in exchange for representing the broader public interest in the halls of power. By joining these organizations, a citizen may feel that he or she is contributing to the common good, as those organizations define it.

Though, at least in theory, we could call a constitutional convention to define the public interest for our time, this measure to reconnect the average citizen to the commonwealth is highly unlikely to take place. Instead, our best chance to reignite civic virtue is through the "elementary" or "ward" republics, where citizens can actively participate in defining the public interest in their communities. And though this country still has regional differences, there is a strong likelihood that the composite public interests, devised by tens of thousands of local republics across the nation, are surprisingly uniform. Were it made clear in local deliberations that we are all citizens of one nation with common hopes,

and that the interests of all and not the few must be brought to bear, this conclusion would be doubly true.

One of the ironies of trying to inspire dedication to the public interest in the United States is that at the core of our democracy is a system of rights – and among them is the right to be left alone. Not all democracies espouse this right: for example, some democratic nations make voting mandatory, a practice I find difficult to imagine the United States, with its strong streak of libertarianism, ever adopting. The limits to the ability to compel adherence to our commonwealth probably extend only to a certain amount of taxation as well as to some military service during a national crisis. So while we may conclude that a public interest exists, and have some common notion of what it includes, we have scant power to require citizens to contribute to it, protect it, or even pay respect to it.

The public interest has little hope of regaining its rightful place in the public consciousness in an age that values rampant self-interest. But there is every hope for this restoration if we recapture the principle that we must earn our rights by performance of our duties. The Cambridge philosopher Quentin Skinner put it best: it is "open to us to meditate on the potential relevance of a theory [of the republic] which tells us that, if we wish to maximize our own individual liberty, we must cease to put our trust in princes, and instead take charge of the public arena ourselves."⁷

7 "The Republican Ideal of Political Liberty," in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner, and Maurizio Viroli (Cambridge: Cambridge University Press, 1990).