
ON CIVIC FRIENDSHIP

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A society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated ... Among individuals with disparate aims and purpose a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association.

John Rawls
A Theory of Justice (5)

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

Preamble, US Constitution

The United States of America is a multi-cultural, multi-ethnic and multi-religious nation-state.

So too are Northern Ireland, Lebanon, Bosnia and Kosovo.

So why is the United States, unlike these unfortunate countries, not suffering tribal turmoil? Why are we and most of our fellow citizens at least moderately safe in our homes, possessions and persons?

I certainly do not wish to suggest that we have achieved an acceptable level of personal safety and domestic tranquility, or that one can not identify enormous room for improvement. In numerous countries we find noticeably greater civility and tranquility among the citizens -- New Zealand,

England, Switzerland, The Netherlands, and the Scandinavian countries immediately come to mind. Continuing racial tensions, the conditions of our inner cities, the impoverishment of our children, are national scandals. And our continuing love-affair with firearms makes each of us more than seven-hundred times more likely to be killed by gunfire than our British cousins

Even so, we Americans are separated by one-hundred and thirty-five years from our one and only civil war. Our Constitution is the oldest continuously operative political charter in the civilized world. There is no armed rebellion against the government, or armed conflict by one racial, ethnic or religious faction against another. Occasional acts of violence against the government or the social order, such as the Oklahoma City bombing, are universally recognized as aberrations, and the belief of the perpetrators that such acts will "set off" a mass rebellion against the established political order are immediately recognized as delusional. Principled civil disobedience, such as the civil rights movement of the sixties, succeeds on the foundation of the common principles of political morality, in particularly equal rights and human worth, as proclaimed in our founding documents. Racial segregation collapsed when the aggrieved victims dramatized the moral contradictions of their oppressor's doctrine. "Separate but equal" was thus proven a moral absurdity.

Thus, we enjoy moderate "domestic tranquility," thanks to our shared concepts of justice and personal worth, and our sense that we belong to a unified community -- we are all, despite all our differences, compatriots -- we are "Americans." Accordingly, in our fortunate society, we are bound by "civic friendship" in what John Rawls calls a "well-ordered society."

All this advantage is now under threat by an emerging ideology: that of the "private society."

The Well-Ordered Society

The personal moral probity of each citizen (or, more realistically, of most citizens), is a necessary condition of a well-ordered society. But it is not sufficient.

Suppose that several families comprised of saintly individuals, unknown to each other, were to simultaneously enter an uninhabited region and set up a village. While each was trustworthy, each would not know if his next-door neighbor were a saint or a scoundrel, and so each would prudently be on his guard. Thomas Hobbes saw this "state of nature" as a desperate situation, to be solved only by the surrender of individual personal freedom to the "sovereign," who would then impose peace and order on the commonwealth.

Historical experience suggests a more benign solution. For as each individual in our hypothetical settlement becomes better acquainted with his neighbors, as each learns that they share conceptions of justice, fair play, and mutual respect, bonds and expectations of trust are established. When interests compete and conflict, mutually acknowledged modes of adjudication are applied, leading to amicable resolutions. The "well-ordered society" emerges and is maintained.

In short, "good order" is established, not only when I act morally, but also when I understand that your conduct is governed by the same principles of justice and the same respect for the dignity of

persons. But that is not quite enough: for in addition, each must understand for himself and recognize in the other, this mutual obedience to moral principles and this immediate sentiment of mutual respect. I not only know that I will treat you fairly and honorably, but you also know that I will do so; and conversely, I also know, as you do, that you too will treat me likewise.

Perhaps the closest achievement of this ideal is found among mutual-interest communities. For example, when I encounter a stranger on a wilderness trail or on a wild river, I feel no threat and fall immediately into a friendly conversation. In stark contrast, I would never be so foolish as to walk alone at night in Central Park or South Bronx, where I would, for good reason, fear the worst from my next encounter with a stranger.

Clearly, what we are describing here is an ideal and flourishing *community*-- an association of individuals sharing, "*in common*," moral ideals, a sense of justice, and a respect for the humanity of each and of all. Each member recognizes the community -- "*our club*," "*our profession*," "*our faith*," "*our country*," and (dare we hope) "*our planet*" -- as an entity of value apart from the totality of constituent individuals.

In failed communities such as Ulster, Bosnia, Kosovo and Uganda, tribal loyalties blind the individual to the worth, even the right to life, of "those others."

The Private Society

In contrast, there is a conception of "society" that has little use for shared communal values. Rawls calls it "the private society," and describes it thus:

Its chief features are first that the persons comprising it ... have their own private ends which are either competing or independent, but not in any case complementary. And second, institutions are not thought to have any value in themselves, the activity of engaging in them not being counted as a good but if anything as a burden. Thus each person assesses social arrangements solely as a means to his private aims. No one takes account of the good of others, or of what they possess; rather everyone prefers the most efficient scheme that gives him the largest share of assets. (*A Theory of Justice*, 1971, 521).

Margaret Thatcher endorsed "the private society" with stark simplicity and brevity, when she proclaimed: "There is no such thing as society, there are only individuals and families."

A moment's reflection will indicate to us that this is the kind of "society" described by the neo-classical economist and recommended by the libertarian.¹ To the neo-classical economist, *society* is exemplified by "the perfect market" populated by egoistic "utility maximizing" *homo economicus*. To the libertarian, popular government has no legitimate function other than the protection of personal life, liberty and property.

¹I expand this point in "*Twentieth Century Alchemy*" and "*With Liberty and Justice for Some*", both at my website: www.igc.org/gadfly under "Shameless Liberalism."

When this conception of "the private society" was celebrated a generation ago by the novelist Ayn Rand, it was generally regarded as too outlandish to be taken seriously. A kindred ideology, presented by Barry Goldwater, was soundly rejected by the voters in the 1964 Presidential election. Through the persistent and lavishly funded efforts of a few true believers, the dogma of "the private society" has become the dominant political ideology of our time. It is heard, time and again, in the political and media complaints against the "evils" of "big government," and also the rarely questioned faith that social problems will best be solved by "the free market" unconstrained by "government interference."

The Stakes in the Contest

The contrast between the idealized "well-ordered society" and the "private society" is exemplified in most of the public and political issues of our time. In public discourse, these competing positions are designated (very roughly) as "liberal" and "conservative." ("Very roughly" since, for example, "conservatives" and "libertarians" are often mistakenly associated with each other. However, while they both endorse "free market" solutions to economic issues, they differ radically on issues regarding personal conduct -- e.g., abortion, pornography, gay rights, drug use).

Consider, for example, the contrasting approaches to these public issues:

Criminal Justice: To the "conservative," the purpose of incarceration is *retribution and punishment*. The offender is to be separated from society as long as possible -- hence mandatory sentencing, "three strikes," and minimal preparation for a successful re-entry into society upon release. To the "liberal," the purpose of incarceration is *rehabilitation*, so that the individual might be successfully rejoin the community upon his release.

Gun Control: The conservative advocates a return to the frontier system (more of popular legend than of history), with each individual his own defender. Hence "concealed weapons laws" and "Second Amendment absolutism." The liberal believes that greater security is to be found in a disarmed society, where each citizen might be confident that the next stranger he or she meets will not be "packin'."

Civil Society: In the well-ordered society, voluntary associations of *citizens* flourish and proliferate -- groups of individuals who come together as equals, face-to-face, through common faith, through common interests (garden and kennel clubs, bowling leagues, Rotary and Kiwanis Clubs, etc), and through shared concerns (environmental action groups, political action groups, etc.). In private society, individuals are regarded as autonomous "utility maximizers" -- as *means* (qua workers or consumers) to further one's private ends.

Art and Culture: To the libertarian, an individual's taste in art, music and literature is strictly that person's own business. Government support of the arts or art education or public broadcasting, by "taking" the property of one person through taxation to subsidize the preferences of another, amounts to simple *theft*. The liberal is convinced that, left to "market forces" alone, public taste will degrade and the popular culture will be coarsened. Aesthetic taste and a refined intellect, he insists, do not

emerge, *ex nihilo*, from the mind of the growing child; rather, these are qualities that are absorbed from the culture and acquired through deliberate modes of education. Put simply, the cultural liberal feels that it is better to live in the company of fellow citizens who listen to Mozart and Beethoven and who are familiar with Shakespeare and Dostoyevsky, than to live amidst individuals who know only gangsta rap and acid rock, and slasher films and video games.

Primary Education: Until recently, the US public school system was one of our most successful and unifying institutions -- until, that is decades of miserly financial support and the declining status of the teaching profession began to take its toll. Amidst the clamor of criticism today, we have forgotten that earlier in this century, and at the close of the previous century, the public school system was the gateway through which the flood of immigrant and first-generation children learned of our history and our political ideals, became fluent in our common language, acquired the skills to be assimilated into our labor force -- in short, became "Americanized." Thus the public schools were crucially important instruments in the maintenance of our "civic friendship." But now, rather than repair the public schools, the conservatives propose to abandon them through "privatization" -- a system of "vouchers" that would drain the talented and well-behaved children from the public schools, withdraw the support of the parents of these fortunate children, and leave the public system in ruins, thus casting away the ladder of advancement out of poverty and destitution.

What does this have to do with "privatism?" A recent event in my own community, replicated throughout the land, makes the point. We had a school bond issue last month. In the local paper, several citizens complained that the schools had no right to tax them, since they had no children of school age, or (alternatively) that their children were in private schools. The notion that the education of others' children was a public benefit was furthest from their minds. Even so, fifty-five percent of the voters cast their ballots for the bond issue, which was nonetheless defeated. And why was it defeated? Because, in a previous "tax revolt" (Proposition 13 of 1979), the voters of California decided that the majority does not necessarily rule. Additional tax assessments, they decided, must be approved by a two-thirds vote.

Higher Education: According to "the private society" view, an individual's education is, of course, of advantage to himself. However, no attention, much less public investment, need be made to alleged "social benefits" of others' education. Fortunately, this was not the opinion of the enlightened legislators in the early twentieth century who expanded the system of public higher education. A paradigm case was the City University system in New York City, whereby a resident youngster of sufficient talent and motivation, however poor, could continue his education through graduate school. Thousands of doctors, jurists, engineers, and scientists from impoverished immigrant families emerged from that system. Similarly, what Jefferson called a "natural aristocracy of talent and virtue" took advantage of the University of California system -- until recently, the finest system of public higher education in the world. However, this was not good enough for the "conservatives," and so public higher education in California has become increasingly "privatized," as tuitions have soared, state support has fallen, and a large part of the "slack" has been assumed by corporate-funded research. And with the abolition of "affirmative action" in California, still more talented and motivated youngsters, who had the bad luck of choosing poor and minority parents, will be deprived of the opportunities that might have been enjoyed by their parents or grandparents.

Government: To the libertarian, government "is the most dangerous institution known to man" (John Hospers). "Big government" whittles away at our "natural rights and liberties" by imposing burdensome regulations upon our commercial activities ("capitalist acts between consenting adults" -- Robert Nozick) , and by confiscating our property, through taxation, to support other people's children (welfare), others' education (the public schools), and others artistic and literary tastes (public broadcasting, museums, the National Endowment for the Arts). To the liberal, government is the one institution which can legitimately act in behalf of all, treating each citizens as an equal before the law. Thus government can legitimately act to protect the numerous poor and weak from the few who are powerful and wealthy. At its best, government protects the rights of each individual citizen and embodies and enforces the principles of justice which, when publicly acknowledged and shared, are the foundation of the well-ordered society.

In General: Citizens of a "well-ordered society" regard the private economy, the shared social institutions, and the popularly elected government and body of laws as "ours." In the "private society," those outside "the establishment" (the corporate boardrooms, the fellowship of lobbyists and legislators, the media), regard the economy and the government as "theirs." These unfortunates are alienated from the forces that control their lives and which devastate their hopes. The incomes of the privileged soar, while the incomes of the ever-shrinking middle class stagnate, and the prospects of the poor decline. Fewer and fewer citizens bother to vote in elections in which the "opposing candidates" are ideological clones, who conduct campaigns made up of images rather than ideas.. The media fail to inform, but instead they entertain and distract with saturation coverage of Presidential peccadillos custody fights, and unsolved murders. (Sound familiar?) The cement of social union dissolves, as the individual is encouraged to arm himself, is told not to trust his government, and as he retreats into his own home, encountering the outer world (more likely a fantasy world) through his TV or computer screen.

Can an Ulster, Bosnia, Kosovo and Uganda be far ahead along this lonesome road?

History, as Will Durant points out, may suggest the answer:

"... the mind of Rome, at the close of the Antonine age [with the death of Marcus Aurelius, 180 AD], sank into a cultural and spiritual fatigue. The practical disfranchisement of first the assemblies and then the Senate had removed the mental stimulus that comes from free political activity and a widespread sense of liberty and power. Since the prince had almost all authority, the citizens left him almost all responsibility. More and more of them, even in the aristocracy, retired into their families and their private affairs; citizens became atoms, and society began to fall to pieces internally precisely when unity seemed most complete." (The Story of Civilization: *Caesar and Christ*).

No Free Gift

If one listens long enough to the conservative entrepreneur, one may begin to suspect that he attributes all that he has accomplished to his energy, intelligence, initiative, and willingness to accept risks. "Government," as Richard Cheney famously remarked in his Vice-Presidential debate, "has had nothing to do with it." Nothing, that is, except perhaps to block him from even greater accomplishments. (This means, by implication, that since he is solely responsible for his accomplishments, the conditions of society are irrelevant, and that he thus could have done as well in any society with a "free market" economy).

What colossal conceit!

That entrepreneur, in fact, could accomplish nothing without an educated work force available to him, educated, for the most part, at public expense. He applies technologies developed by others, built in turn on "impractical" basic scientific research, which only the state will support (since no profits are foreseeable). His patents and copyrights are secure under protection of law, and he is confident that if they are violated, he can appeal to the courts in the expectation that the body of law, not the highest bribery bid to the judge, will settle the dispute. Finally, he is reassured that if his "enterprise" is imperiled by the increasing monopolization or unfair trade practices of a competitor, the law will protect him.

Moreover, the well-ordered society is economically efficient, since the costs of securing the libertarian triad -- *life, liberty and property* -- are inversely proportional to the degree of "civic friendship" -- of mutual trust and respect, and the manifest adherence to shared principles of justice and fairness.

The well-ordered society does not happen by accident, nor is it maintained through indifference and neglect. It is not a free gift.

To receive it, a generation must be preceded by others who have fought and perchance died for it and who have nurtured and protected it. If it is to survive to the next generation, the well-ordered society must be maintained by loyalty, by a pride of shared history and institutions, by mutual respect and a celebration of diversity, by adherence to shared principles, by education -- and yes, by the expenditure of cash. All segments of society must believe, with justification, that they have a "stake" in the well-being of their community, thus the least fortunate must be cared for. All citizens must learn, from their youth, to cherish their shared political ideals, and thus the youth must be taught their history and their politics. Because the artistic and literary refinements of culture will not simply "fall out," unintended, from the profit-motivated purveyors of popular culture (quite the contrary!), institutions such as public broadcasting and the National Endowment for the Arts and the Humanities must be supported with public funds. Because "impractical" basic research (in fact, the well-spring of applied science and technology) and "unprofitable" social criticism are unlikely recipients of corporate funding, such essential activities must be supported by public funding, through such agencies as the National Science Foundation and the National Endowment for the Humanities. All this requires an expenditure of public money, which means *taxes* -- "what we pay for civilized society" (Oliver Wendell Holmes).

There is ominous evidence that we are not collectively making full payment for what our Constitution has bequeathed to us: *justice, domestic tranquility, ... the general Welfare, and ... the blessings of Liberty*. Without full payment, history may find us in default, and these advantages may be lost to us.

The price of renewal is no mystery:

- we must increase our investments in education, and afford teachers a respect commensurate with their social importance,
- we must assure that no citizen will go hungry, will be unable to find employment, or be deprived of medical care,
- we must insist that the broadcast media pay the public for the use of the public airwaves by devoting considerable time to the analysis and discussion of public issues,
- we must demand civility in political debates and punish the offenders by depriving them of public office.
- we must hold entertainment conglomerates responsible for the "collateral" social effects of their depictions of violence,
- we must put an end to the privatization of legislative government by establishing effective campaign finance laws,
- we must end the relentless attack upon the legitimacy of our governmental institutions and the public servants who labor therein.
- we must acknowledge and celebrate the common humanity that we share with our fellow citizens who may have different religious faiths, political convictions, or ethnic origins.

"Conventional wisdom," steeped at length in the culture of privatism, dismisses this agenda as "bleeding heart liberalism." Might it not be time, at last, to pause for a moment, to reflect, and to assess the "wisdom" of this convention?