

## Virtual Democracy

by Thomas Fleming

Dittoheads were depressed at the end of April, when Rush Limbaugh announced his “trial separation from the Republican Party.” As in so many divorce cases, the charge was infidelity: the GOP had caved in on the minimum wage. Even though a good moral case might be made for the concept of a living wage, there is a great gap between a moral principle (such as “love thy neighbor as thyself”) and the decision to employ the instruments of state coercion euphemistically styled “policies,” “programs,” or “congressional legislation.” Rush was perfectly justified in his disgust, but what he and other Republicans must begin to realize is that the principles of economic conservatism are only secondary goals, which cannot be pursued as ultimate or absolute ends. If the minimum wage is merely inefficient or unfair in distorting the free relations of the marketplace, a sensible Republican politician will often (probably always) find it in his interest to vote for a little inefficiency in the short run. Politics, he will say, is the art of the compromise which aims at the possible, and if the ultimate goal is the most efficient and productive economy that is possible, then there can be nothing wrong with taking a zigzag course so long as every conservative zig goes a little farther than the liberal zag. That it only occasionally works like this, that conservative statesmanship is more often two steps back for every one step forward, is not a subject for polite discussion at Republican think tanks.

To oppose the minimum wage or price controls or AFDC payments requires an essentially moral understanding of the proper function of government. If the national state bears some responsibility for the personal welfare or economic condition of individual citizens, then liberals and conservatives can debate until the end of time just exactly how much money,

how much control, how much interference is justifiable in the name of some greater good. If, on the other hand, there are some areas of life into which the state may never legitimately intrude—marriage, birth, childrearing, private associations and agreements—then a “conservative” politician can no more agree to a national law on spanking or a minimum wage than he can countenance mandatory sterilization of “the unfit” or the slaughter of the innocent.

In their defense, some Republicans are pointing to opinion polls which seem to indicate that a majority of Americans favor an increase in the minimum wage. We live in a democracy, after all, and—in Mencken’s famous gibe—“Democracy is the theory that the common people know what they want, and deserve to get it good and hard.” Democracy, on this widely held understanding, is conceived of in positive terms, as the people’s right to do this or that. If Lincoln’s “government of the people, by the people, and for the people” means anything, it implies that political power in a democracy is exercised by the people (obviously through their representatives) in pursuit of their desires and self-interest.

This “positive” conception of democracy corresponds to the positive rights invented by 19th-century liberals on their pilgrimage to socialism. The doctrine of natural rights, vacuous as it is, remained relatively harmless so long as classical liberals had control of the definition. For Locke and his descendants, political rights were immunities against a sovereign who wished to deprive his subjects, without due cause, of their life, liberty, or other property. Like the threshold of a freeman’s house, negative rights marked the boundaries of private life into which government was not supposed to intrude. With the invention of positive rights, individuals were now possessed of positive

claims against the purse of their fellow subjects. Since a full life includes the possibility of achieving one's ambitions without the hindrances that are presented by entrenched social classes, then the right to lead a full life cannot be exercised without a minimum level of subsistence, medical attention, and education. Real liberty, in other words, requires socialism.

If negative liberties, like the Ten Commandments, are a series of "thou shalt nots" reflecting the highest political morality of the nation, positive liberties speak the language of empowerment. Whenever President Clinton or Senator Dole speak of "justice" or "social security" or what is "fair" to the American people, the simple translation is that they, the rich and powerful careerists who own the army and the police, are sticking a bayonet up your nose and robbing your children of their inheritance. That some small part of the money may be spent on something useful is irrelevant, if only because most tax dollars end up in the pockets of politicians, their employees, and their dependents. But even if politicians and bureaucrats were all altruists, most of what government does today would still represent an abuse of power.

The legitimate functions of all government are few and limited: protection from invasion, the maintenance of sound money, the enforcement of laws protecting persons and property. Despite the unchecked growth of governmental powers, our own national government refuses to defend our Southern border against an invasion of illegal immigrants. As for sound money, the federal government is the greatest counterfeiter on the planet, passing off its debt-scrip as legal tender, each dollar bill representing a notice of payment due that is awaiting our unborn grandchildren. The federal role in law enforcement consists, for the most part, of federal court decisions that enfranchise the criminal classes and shield them from the justice—and vengeance—they deserve.

Whenever these familiar arguments are made, the answer is sure to go something like this: But, my dear reactionary, this is a democracy, where the people rule. If you don't like this "government by the people," then you are free to emigrate. In other words, a temporary majority of voters has the right to do anything it likes. In Italy, a slim majority voting in an overheated plebiscite toppled the monarchy. Here in America, the demagogue Ross Perot has threatened that if elected, he would subject our most fundamental constitutional liberties to the whim of an electronic plebiscite—a virtual reality town meeting.

Considered in the abstract, positive democracy means the power of a majority to do as it likes, and since the majority is always less rich, less intelligent, less educated, and less beautiful than the minorities, it would also mean the dictatorship of the poor, the stupid, the ignorant, and the ugly who, in the name of equality, would persecute their superiors. It is the world of "Harrison Bergeron" and the Equal Opportunity cops in Washington. On the surface, the state of our current regime fulfills Thomas Aquinas's definition of democracy: "If a bad government is carried on by the multitude, it is called a democracy, i.e., control by the populace, which comes about when the plebeian people by force of numbers oppress the rich. In this way the whole people will be as one tyrant." The reality is that the people have a short attention span, and what looks like mob rule almost always turns out to be a stage-show manipulated by a ruling elite.

Thomas's definition echoes Aristotle. A legitimate govern-

ment of the people, according to Aristotle, is a *politeia*—a name common to all governments—and as examples both he and Thomas cite a group of warriors holding dominion over a city. A democratic commonwealth, then, is in the hands of the citizen soldiers of a Greek commonwealth like Sparta or Athens, the Roman Republic in its best days, or the Italian cities and towns of Thomas's own time. In none of them was power shared with women, children, foreigners, aliens, the propertyless. Unlike the Soviet Union of a few years ago or the United States today, none of these commonwealths aimed at the dictatorship of the proletariat.

What Thomas knew best, of course, was the medieval *civitas*, a chartered city run by a representative oligarchy. In a passage of the *De Monarchia*, Thomas argues (again following the Philosopher) that man is by his nature gregarious, if only because as an individual he is not complete. There is some self-sufficiency within a familial household which provides for its own nourishment and rears children; and even more within a neighborhood settled by members of one craft guild. However, a city, which is community brought to completion, is self-sufficient in all necessities of life.

We do not have to imagine what sort of political arrangements St. Thomas had in mind, because we know a fair amount about the organization of medieval cities and towns in medieval Italy, where the political structure was as decentralized as anything Jefferson might have wished. Each city was divided into well-defined neighborhoods based either on the parish or on the dominant craft guild. Kinfolks tended to locate in the same neighborhoods, and noble clans built their houses close together, connected with various passageways, and defended by strongly built towers that you can still see today in San Gimignano, Pisa, and elsewhere.

Any talk of "the state" or even of government would be very misleading. Thomas's *civitas* is a highly decentralized political community, and the government more like a corporation than a bureaucracy. His vision of a commonwealth, restricted by law and custom, not only finds fulfillment in the early American republic, but it also runs parallel, point for point, to Aristotle's discussion in both *Ethics* and *Politics*. The Greeks are often said to have "invented" democracy (for social scientists, coining a term is the same thing as discovering something), and there are still political intellectuals who say that ancient Athens—for all its limitations—came closest, of any commonwealth, to achieving democracy: the direct rule of the people.

The imperfections of Athenian democracy were well known to the men who drafted and ratified the American constitutions, and in the 20th century there is a widespread misconception that the Greek polis—whether Athens or Sparta—was a prototype for the total state, in which the state is all, the citizen nothing.

It is all too easy to recount the horrors and atrocities committed by the Athenians in the name of democracy: the condemnation of the victorious generals at Arginusae, the reckless attack on Syracuse, the brutal conquest—actually a genocide—of Melos, the execution of Socrates. Nearly all of these memorable outrages, however, including the trial and execution of Socrates, were immoral exercises of legitimate government functions in a period that witnessed a brutal war, a tyrannical oligarchy, and a civil war. Two of the worst oligarchs were friends of Socrates (and uncles of his chief disciple, Plato). The philosopher was condemned for playing Marcuse to a set of spoiled rich kids who ruined their country.

Nonetheless, what is most striking about Athens is not what the commonwealth could do (or even how it did it), but what it could not do, especially if she is compared with democratic regimes since the French Revolution—governments that redistributed wealth, subverted religion, and interfered in private and domestic life.

This generalization requires some justification. According to Thucydides' Pericles, it was an Athenian peculiarity to consider the man who took no part in public affairs not as a non-busybody (*apragmon*) but as a good-for-nothing, and this theme of public duty becomes a commonplace of Athenian politics. Nonetheless, one has to distinguish between a man's need to win honor in the public activities of war and politics from the private citizen's (or, for that matter, public official's) reluctance to meddle in the private affairs of another citizen and his household.

In the early fourth century, an Athenian citizen named Euphiletus was tried for murder, after he killed his wife's lover in her bedroom. The woman who informed on the couple prefaced her revelation with a disclaimer: "Euphiletus, don't think I am accosting you because I am a busybody. In fact, the man who is wronging you and your wife happens to be my personal enemy." In other words, minding your own business is the positive virtue; interfering has to be justified.

Even if there were Athenians who wished to use the powers of government as a wedge and crowbar to break down their neighbors' doors, Athens had no resources for coercion: there was no Athenian BATF to confiscate weapons of household defense, no schools to indoctrinate the children in filial disobedience, no police, even, to arrest a suspected burglar or break up a brawl. Virginia Hunter's recent book *Policing Athens* makes this point emphatically: "Private initiative and self-help were fundamental to policing Athens. . . . Athenians were bound to one another by ties of reciprocal dependency. In order to carry out the tasks of policing and law enforcement, they required a dependable network of kin and friends."

So far from being state-centered, Athens was a home-centered society, in which families and kin-groups were expected to discipline offenses within the group, rear their children, and provide for their own security. The Athenian house and property were more inviolable than an Englishman's castle, and marriage was an agreement between individuals and their families. The marriages were registered not with the city but with the formal kin-group, the *phratry* (ordinarily the husband's). Similarly, children were presented to the husband's *phrateres*, who might later be called upon as witnesses to the child's legitimacy (and therefore citizenship).

For the proof of citizenship, the Attic deme, which certified boys when they reached 18, was far more significant than the *phratry*. These 139 demes were subdivisions of the 1,000 square miles of territory within the boundaries of Attica. In the countryside, at least, these demes had traditionally been local centers; some of them, in fact, had been independent villages before all Attica was merged into Athens. Later, they functioned as the formal political units, something like a ward or district, of the Athenian polis.

Apart from registering and certifying citizens, the governments of the demes supervised local religious cults, levied taxes for local purposes, and in some cases arbitrated disputes. Demesmen fought together in the Athenian infantry and supported each other in a variety of ways. Thucydides and Aristo-

phanes both testify to the unhappiness of rural demesmen, forced to live in the city during the Peloponnesian War, and even when numbers of them did gravitate to Athens for business purposes, they seem to have stuck together. Socrates, on trial for his life, noted the presence of his fellow demesmen in the courtroom, and this regional sentiment in Attica lasted, as Raphael Sealey points out, down to the first century.

Athenian citizenship was rooted in the demes, much as Swiss citizenship is based on the commune and the canton. "An Athenian citizen was an Athenian citizen because, both logically and chronologically prior to that, he was a demesman." Such localism, says David Whitehead, the author of *The Demes of Attica*, stands in stark contrast with the United States, but this was not always the case. The states of the Union were, in the beginning, genuine states, and, as Tocqueville explained, those sovereign states themselves did little business: the life of 19th-century America was all in the towns and parishes that built schools and roads, raised posses and hanged horse thieves without bothering to ask permission from higher authorities.

Democracy in those days meant the very opposite of majority rule, that is, the tyranny of a fictitious majority constructed by the thieves and con artists who, because they will do no honest work, turn to politics. Democracy was the art of minding our own business, within our houses, our parishes, our towns, and our states. The government of Alabama had no more right to tell its citizens how to treat their children than the representatives of Massachusetts had to interfere in Alabama's internal affairs.

The federal structure of the Constitution and the Bill of Rights drew lines and imposed limits on the national government. Common law, common custom, and common sense dictated others. The ministers of George III had been tyrants, because they overstepped those limits; their soldiers had searched our shops and invaded our houses; their governors had infringed or suspended our charters. Never again, we said, and for nearly 100 years we made good on the promise.

Government kept within bounds by the force of law and custom: that is what is meant by a *politeia*. The polity's executive functions might be discharged by a representative council, a traditional aristocracy, or even a king, and the laws and customs might be good or bad, but the legitimacy of the polity arises not from the state's positive powers to make war or raise taxes but from the limitations imposed by custom and acquiesced in by the people. If the king wishes to impose newfangled burdens on the people, he is called a tyrant, and if a President decided that he had a mandate to impose socialized medicine, he too would be a tyrant, even if he were elected by 51 percent of the eligible voters instead of the mere 18 percent who supported Bill Clinton.

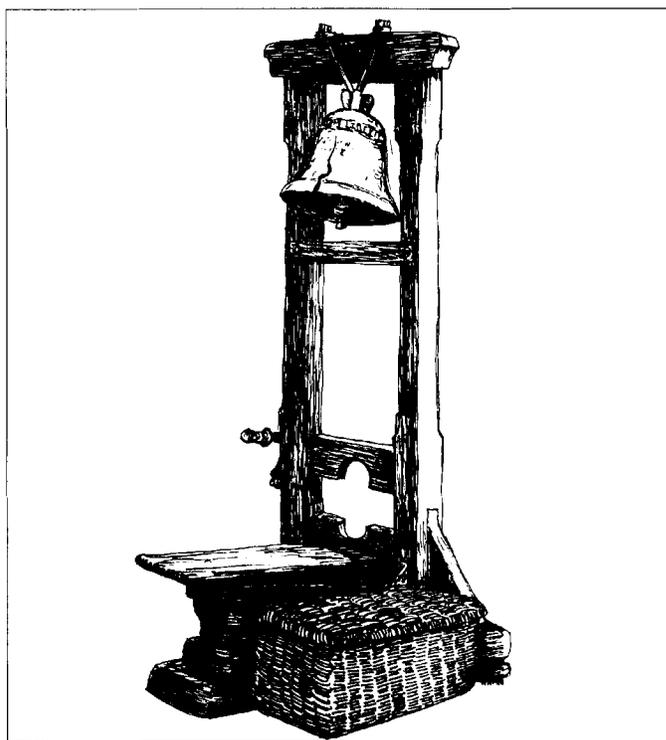
The legitimacy of a regime depends not upon what it does but on what it does not and cannot do. To the extent we still live under a government of laws and not of men, or rather, of precedent rather than of decrees, our national government is legitimate. What the ratio is, between tyranny and polity in the federal government, I do not know. But this much we all know, or ought to: until some party or movement begins using the solemn speech of justice and legitimacy, as opposed to the thieves' language of profits and efficiency, the ramparts against tyranny erected by our ancestors will continue, one by one, to fall to the invading army of judges, administrators, and democratically elected representatives.

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# The Long Apprenticeship

American Democracy and the Future of Europe

by François Furet



Il. Ward Strett

Prizes are a particular pleasure for people who engage in the peculiar *métier* of writing books, because they are reassuring. Writing in fact involves a great deal of anxiety both before, during, and after; rewards allow one, at least for a time, to put those anxieties to rest. But my gratitude for *your* prize has more to it than that, for you are awarding it to someone who has spent his whole life working on the French Revolution, which is, after all, a historical subject far from your shores. By demonstrating the international character of knowledge and the intellectual community, you are also bringing me the special satisfaction of being honored by a country other than my own, and in a city where I have been teaching for 15 years.

America is my home away from home, and I am connected to the extraordinary city of Chicago by a sort of local patriotism. That attachment is more than academic, since it was in Hyde Park that I met my wife. But it is also founded upon the admiration that I have for the quality of the University of Chicago and the many things I share with the little intellectual community that is the Committee on Social Thought. Chicago

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go has thus given me both an intellectual family and a family pure and simple. And now, you are crowning this happy story with your gracious recognition for which I am most grateful.

I have spent the majority of my life as a historian working on the period of the past during which France and America traversed the same fundamental experience. They were the first nations in the world to participate in the birth, or rather, the invention of modern democracy. That experience has joined our two nations around a common moral and intellectual heritage. The extraordinarily varied and even contradictory political practices that have grown out of that heritage, however, have also separated us. Think of the very opposite roles played in each of our traditions by such essential concepts as the state, administrative centralization, the relationship between the Constitution and the law, political parties, state regulation of markets, and so forth. For the historian, it is fascinating to see how the principles common to our two countries have managed to give rise to such diverse political civilizations. One result of that diversity has of course been that American politics are as mysterious to a Frenchman as French politics are to an American.

I cannot swear that we are completely on the other side of the age of reciprocal misunderstandings and ignorance, but I would venture that at this moment, in the late 20th century, our democracies are closer and more similar than ever before.