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A NECESSARY EVIL

A History of American Distrust of Government

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MH	*The Writings of James Madison*, edited by Gaillard Hunt (New York: Putnam, 1900–1910), vols. 1–9
R	*The Documentary History of the Ratification of the Constitution*, edited by Merrill Jensen et al. (Madison: State Historical Society of Wisconsin, 1976–86), vols. 1–4, 8–10, 13–16
RL	*The Republic of Letters: The Correspondence Between Thomas Jefferson and James Madison, 1776–1826*, edited by James Morton Smith (New York: Norton, 1995), vols. 1–2

Introduction

Henry David Thoreau put in extreme form what many Americans want to believe about their government:

> I heartily accept the motto, "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe, "That government is best which governs not at all."[1]

Government is accepted as, at best, a necessary evil, one we must put up with while resenting the necessity. We want as little of it as possible, since anything beyond that necessary minimum instantly cancels one or other liberty. There is more to this attitude, in our culture, than the normal and universal resistance to authority. Americans believe that they have a government which is itself against government, that our Constitution is so distrustful of itself as to hamper itself. The great Supreme Court Justice Louis Brandeis pronounced, in 1926, that "the doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power."[2] So common is the assumption that the Constitution is deliberately inefficient that Chief Justice Earl Warren could echo Brandeis in 1965, saying that the Constitution was "obviously not instituted with the idea that it would promote governmental efficiency."[3]

Actually, as we shall see, efficiency was precisely the aim of the drafters of our Constitution. But in this whole area we live with a mythical history and jurisprudence. There is a positive determination to see even in the organs of government itself only anti-governmental values. Our whole history is read and invoked in this light. Hardly a modern controversy arises

without instant recourse to the founding fathers, and to a heavily distorted version of what they were up to when they drafted and ratified the Constitution. *The Federalist*, written mainly by James Madison and Alexander Hamilton, is not just yesterday's scholarship but today's weapon—as useful to the National Rifle Association as to U.S. Term Limits. We are pious toward our history in order to be cynical toward our government. We keep summoning the founders to testify against what they founded. Our very liberty depends so heavily on distrust of government that the government itself, we are constantly told, was constructed to instill that distrust.

Our government does this by checking and balancing itself, each of its three major parts being so equal that deadlock occurs unless all three are brought into guarded or grudging agreement. According to this view, said Walter Bagehot, the British constitutionalist, "a good whole is constructed not simply in spite of but by means of the counteracting defects of the constituent parts."[4] Eminent historians of ideas, including the founder of that discipline, Arthur Lovejoy, inform us that the American Constitution expresses a pessimistic view of human nature, of its inevitable corruptibility by power.[5] Since human nature cannot be trusted, power must be so insecurely seated that even slight opposition to it can stymie it.

We are faced with a zero-sum game. Any power given to the government is necessarily subtracted from the liberty of the governed. This formula is of continual service. Are Americans less protected against threats to their health than other citizens of industrial democracies? Say that is so—but are we to purchase health at the price of liberty? For that is what giving power to the government would mean, including power to provide medical care. If government has the power to take away guns, all our liberties are gone. If the states, as lesser units of government, cede power to the central government, tyranny impends. The power to regulate businesses is a power to crush them. Increasing the size of government inevitably decreases freedom.

I shall be arguing, in this book, that the historical and constitutional evidence constantly used in these debates is largely bogus. But that just raises another question. Whence comes this determination to distort the history of our legal system? The distortion began very early, when the arguments of Antifederalists *against* the Constitution were said, only a decade

or so after that document's ratification, to be embodied *in* the Constitution. People could stay loyal to the Constitution only if they felt it was structurally disloyal to itself.

The American attitude toward central power is rooted in the fact that the founding colonies had no central organ of expression. They had been established on different bases, with exiguous ties to each other through the distant British Crown. Differences of religion separated them, different economies, different cultures. Other peoples have had, from their earliest history, a central city or shrine, sanctified by long associations, belonging to the entire population. When our Constitution provided for an artificial capital to be imposed on the scene, sectional interests struggled over its placement. It was a source of discord rather than of unity, and its grubby appearance for a long time deflated rather than enhanced national pride (which was fitting in the eyes of many). The American separation of church and state, meanwhile, precluded agreement on a central shrine or symbol of worship. Our culture would not be centripetal but centrifugal—distrusting cities, yearning out toward nature's free space, to the frontier. Self-government by the individual was so intensely desired that government by others—even by legitimately chosen representative others—was, in many incremental ways, delegitimated.

Thus, to the arguments about the shape of our government and our history are added, always, certain attitudes that tend to come in a cluster, each reinforcing the other. After studying the ways our fear of government has found expression, I was struck by the persistence, through these different forms of opposition, of values that not only recurred but recurred in relatively stable proximity to each other. At times, these values uphold liberal positions, at times conservative ones. They can show up on the left or on the right; but wherever they show up, they bring along all or most of their fellows. They can be found in a hippie commune or a modern militia camp. These are all good American values, and it is no wonder that people want to uphold them, especially if they believe (as they often do) that government would weaken or obliterate them. That sincere belief is behind much of the need to oppose any increase in government.

Here are the values we shall find recurring wherever government is opposed: a belief that government, as a necessary evil, should be kept at a minimum; and that legitimate social activity should be provincial, ama-

teur, authentic, spontaneous, candid, homogeneous, traditional, popular, organic, rights-oriented, religious, voluntary, participatory, and rotational.

Values contrasting with those are not polar opposites, but distant points on the continuum of approaches to government—namely, a belief that government is sometimes a positive good, and that it should be cosmopolitan, expert, authoritative, efficient, confidential, articulated in its parts, progressive, elite, mechanical, duties-oriented, secular, regulatory, and delegative, with a division of labor. Ideally, I suppose, government should combine all these values in a tempered way, since the one set does not necessarily preclude the other. But as a matter of empirical fact I find that group after group in our history does treat the first cluster of values as endangered by the second, under siege from them. And a recognition of this fact helps explain things that look merely perverse or irrational unless one sees what values are at work and what are their interconnections.

When Martin Luther King Jr. demonstrated against segregation, he came up against fierce opposition, not only from bigots but from ordinary southerners who felt that segregation was so built into the fabric of their lives that it would ravel out everything they held dear, even their religion, to make such a fundamental alteration in the world their ancestors had given them. Tradition was at stake, the conception that they had treated blacks well despite the misunderstanding of outsiders. One of Ronald Reagan's favorite doctrines was that local government is best because the citizens at that level have the best grasp of their own complex circumstances. Outsiders will take an abstract view of what is organically related in the lives of people over many generations. It is arrogant for others, people not in the situation themselves, to judge and dispose of those who are in it. So all of the anti-government values I listed above were engaged in the defense of segregation. To southerners, neat arguments about equality, legality, and progress seemed beside the point.

This was an example of the clash between what Carol Rose, of the Yale Law School, calls "the ancient constitution" and the "plain vanilla" (or fits-all-sizes) constitution.[6] The former is made up of a dense weave of legal custom, immemorial practice, practical compromise, and shared memories. Its burdens do not seem burdens (at least to the local majority) because they are one's *own* practices. Government at this level does not have the impersonal air of dictation—what Thoreau called a decision by people he never met about the use of his tax money for purposes he never authorized. What I shall be calling anti-governmentalism is opposed to government in Thoreau's sense, the form of government that achieves efficiency by ignoring the messy particularities of everyday life. Such anti-governmentalism grew, originally, out of the localisms of colonial history and was prolonged into an anti-governmental reading of the Constitution. In conjunction, these two factors proved formidable allies, calling into question any accretion of power, making "big government" hostile to life as it is really lived. They helped create a Lockean orthodoxy in our political thinking, which equates the *forming* of any reputable government with the *limiting* of government. To question that orthodoxy is to be for unlimited government—that is, for despotism.

There is good reason to be suspicious of any approach to American history that sees it as a recurring clash between two principles. Some people—Henry Cabot Lodge, for instance, and Claude Bowers, and Franklin Roosevelt—used to maintain that America reenacts over and over the disagreement between Jeffersonians and Hamiltonians.[7] That claim has an element of truth, but it puts the matter too narrowly. Professor Rose comes closer, I think, with her clash between the concrete and the abstract experiences of government. We have to begin with an observable thing we *can* call a constant in American history—the fear of government, sometimes sensible, sometimes hysterical, but always pronounced. To call this Jeffersonian is to miss some of the related values I listed—religion, for instance, or traditionalism (neither a strong concern of Jefferson). What I am suggesting, and what has to be tested empirically in examples over a broad range of time and regions, is whether these values tend to occur in connection with each other. To do this, I have sifted the forms taken by the anti-governmental impulse in our past—by nullifiers, seceders, insurrectionists, vigilantes, by those who withdraw from government or commit civil disobedience—to see if the same attitudes recur in similar clusters. And if the anti-government values recur in this way, so do the pro-government values. When, for instance, sixties radicals adopted the anti-government values of authenticity and spontaneity and participation (and even religion of various mystical forms), the southern conservatives who normally espouse those values switched for a while to the whole cluster of government values, wanting duties imposed on the rebellious by authoritative efficiency

and confidential expertise (i.e., FBI spying). Those who denounced outsiders for coming into their community now wanted the government, both local and federal, to infiltrate and break up the communes and demonstrations of the hippies.

Certain anomalies in our history are better understood if we recognize in them the power of anti-governmental values, even when they are illogically invoked. America's business culture, for instance, lives by the values of the governmental attitude—efficiency, division of labor, impersonal expertise, the mechanics of the market, secular progress, and so on. But in resisting some forms of government regulation, the business community portrays itself as defending spontaneity and freedom (anti-governmental values). Thus its defenders insensibly attach most of the other values in that cluster. That is why men like William Buckley or Michael Novak can feel that religion is embedded in the very nature of capitalism, as southerners thought that religion was embedded in the very nature of segregation. The things they value are so deeply lodged in their hearts that they feel there must be some necessary link between them outside that enclosing chamber.

So traditionalists end up defending that ceaseless engine for change, capitalism. They portray the free market as spontaneous, giving a chance to the amateur inventor or aspiring amateur, when it imposes specialization and rewards expertise. They think of it as provincial, enriching a locale or the nation, when it is cosmopolitan, going wherever profit takes it. Thus big government and big business, which are partners more often than foes, are seen through distorting lenses, with preachers like Pat Robertson damning the former as heartily as they praise the latter. These confusions are not the result of rigorous analysis but of the tendency of the anti-governmental values to cling together—take one and you are likely to end up with most or all of them. Or so I hope to demonstrate, using a wide variety of examples of the phenomenon.

I cannot, of course, treat all the manifestations of the fear of government in a history so rich with examples of that fearful attitude as to make it an American tradition (almost, but not quite, *the* American tradition). What I have sketched out is a typology of examples, treating salient episodes to show the persistence of trends and attitudes. The same values, differently filtered through moral concerns, underlie such active resistance

to government as bombing an abortion clinic (see Chapter 18) and such passive resistance as refusing to vote (see Chapter 22). The same concerns can motivate civil disobedience from the right or from the left. In the 1980s, the anti-abortion activist Randall Terry told me that he took the civil rights demonstrators of the sixties as his model. In 1998, Paul Weyrich of the right-wing Free Congress Foundation told me that he, too, was considering sixties-like protest against his own party's moral indifference. The religious journal *First Things* could combine reverence for the founding fathers with a belief that the American "holocaust" (of unborn babies) might call for imitation of Dietrich Bonhoeffer (the Lutheran minister who considered assassinating Hitler).

Of course our ingrained fear of government does not normally take such extreme form. But many people find themselves surprised at the sympathy they can feel for even outrageous opponents of government—as was demonstrated when popular support blossomed for the anti-government forces holed up with David Koresh at Waco, Texas, or with Randy Weaver, who defied the FBI at Ruby Ridge, Idaho. I remember filmmaker Oliver Stone's telling me how much he sided with those underdogs. After all, much of what those groups said was just the equivalent of the Jefferson tee shirt worn by Timothy McVeigh, the bomber of Oklahoma City's federal building. But the real victims of our fear are not those faced with such extreme action—not even the 168 people killed (and many more injured) by McVeigh. The real victims are the millions of poor or shelterless or medically indigent who have been told, over the years, that they must lack care or life support in the name of their very own freedom. Better for them to starve than to be enslaved by "big government." That is the real cost of our anti-government values.

Before I can address the typology of resistance to government, I must address the misreadings of history that seem to give authoritative warrant to that resistance. I began this book in 1994, when the fear of government manifested itself in the off-year election of a Republican majority to Congress. Led by Newt Gingrich, and waving a Contract With America, the Republicans promised to dismantle whole agencies, undo regulatory boards, abolish long-term government service, and cut off government subsidies to the arts, to farmers, to welfare recipients. They grabbed the fallen banner of Ross Perot, who wanted to replace politicians and bureaucrats

with citizen amateurs. Though some people called these moves hard-hearted, their defenders cited the founding fathers' support for freedom from government interference and regulation.

Other concerns of that time were also centered on the founding period. Militias, for instance, were not only springing up in the anti-governmental culture but being studied and defended in new ways by legal scholars—and all this busy activity looked back to the famed minutemen of our Revolution. So did the National Rifle Association's defense of an unlimited right to private possession of firearms. As I began looking for parallels to such modern developments in our past, I noticed that the anti-governmental values are almost always buttressed, on the level of argument, by widespread but mistaken interpretations of the Constitution and its authors. The term limits movement, for instance, asserted that the founders had such a low opinion of politics that no honest man could make it his profession. These are good test cases of the connection between the anti-governmental values and arguments based on the founding period. Before sorting out various types of resistance to government, therefore, I look at the view of the Revolution and the Constitution that underlies most of them.

I.

Revolutionary Myths

Though I take up anti-government attitudes in a rough chronological order, as they manifested themselves in our history, the order is not genetic—later things did not necessarily grow out of earlier ones, despite shared attitudes expressed in them all. Nonetheless, events that surround the establishing of our Republic are brought up again and again by later opponents of central authority, since they are part of a national mythology we have all absorbed. If the nation's founders held a particular opinion, that is a strong incentive for us to adhere to it as well, like dutiful sons and daughters of our glorious forebears.

But our view of the founders' opinions is filtered through later attitudes, which both obscure and magnify certain aspects of their world. In particular, the revolt against king and Parliament in England has been romanticized as a revolution against central authority in general. So great was the Americans' impatience with being told what to do that they won their war and set up their government without needing a counter-authority to direct them. In a spontaneous and amateur way, they fought as individuals united by love of hearth and locality, not by external discipline. Though some political coordination was needed, it was provided by ad hoc committees of correspondence, in which ordinary citizens served for a time, taking turns at positions of trust, not forming a permanent class of rulers. The national government set up after the Revolution was meant to be just an extension of this kind of citizen activity, first under the Articles of Confederation, then under a Constitution drawn up by another ad hoc committee of men making a recommendation to the states and then dissolving itself.

Thus were born the complementary myths of the amateur soldier and the amateur politician, the Minuteman and the Short-Term Man.

IX.

A Necessary Good

If anti-governmentalism has been, in most cases, so unsuccessful, should we just congratulate ourselves on being lucky enough to have any kind of government at all and stop grumbling? Obviously not. Like any human institution—like the family, or the university, or the labor union—governments fail and become dysfunctional or destructive at times. Even the best of governments will show on occasion most of the faults that governments are accused of—becoming wasteful, inefficient, impersonal, rigid, secretive, oppressive. But when marriages fail, we do not think it is because marriage is an evil in itself. Government is a necessary good, not a necessary evil; and what is evil in it cannot be identified and eliminated from the good if the very existence of the good is being denied at every level.

The view that government is a necessary evil, a concession to human frailty and viciousness, is often buttressed by quoting James Madison: "If men were angels, no government would be necessary" (F 51.349). But if men were angels, they would need no sexual partners, no education, no cooperation to feed and raise families. An angel (that fiction) has no body, no ignorant youth to be enlightened, no need for others. We do not conclude from this that sex and the family and education are evil in themselves. Being human is not an evil condition, but one needing completion from others, in love and companionship, in teaching and learning, in mutual support and correction—in all of which government has a part to play.

Why is it so difficult for Americans to admit this fact? One reason is that the semi-official philosophy of government we absorb, with various degrees of conscious articulation, is a vulgarized theory of John Locke's social contract, which teaches that government is founded on a necessary *loss* of freedom, not on the *enhancement* of liberty. Another reason is that a prudent watchfulness over governmental pretensions *is* imperative, and

people fear that we will "let down our guard" if we grant that government is good in itself. To admit an essential goodness in government is not to say that everything governments do is good. But such a simplistic conclusion is encouraged as the only safeguard against a surrender to despotism. This section will consider these two matters separately—first the good of government in itself, then the need for vigilance against abuses of that good.

24.

The Uses of Government

The view that government is a necessary evil is assumed by many Americans because our dominant rationale for government in general has been a faded version of John Locke's theory of the social contract.[1] Our revolution leaned heavily on Locke's justification for what became the English Revolution of 1688 (bringing in a new monarch to replace the Stuart king, James II). Our popular conceptions subtly vulgarize Locke's theory since he said that human beings exchange a state of natural liberty for a state of social *liberty;* but his own language suggested—against his more nuanced views—that one was exchanging liberty for bondage:

> The only way whereby anyone *divests himself of his natural liberty and puts on the bonds of civil society* is by agreeing with other men to join and unite into a community, for their comfortable, safe and peaceable living, one amongst another, in a secure enjoyment of their properties and a greater security against any that are not of it (*Two Treatises* 2.8.95, emphasis added).

My students have taught me over the years that the way Locke is popularly misunderstood substitutes for his qualitative terms (one *kind* of liberty for another) merely quantitative ones: one gives up a part of one's potentially disruptive liberty in order to enjoy more security in one's possessions. If that is the case, then forming a government is a trade-off based on a continual calculation: how do I give away the least amount of my liberty, in return for the least burdensome amount of governmental security to life, limb, and property? This is a grudging grant—no matter how little

liberty is given up, that still amounts to a deprivation of freedom. Government, no matter how necessary, has to be seen as a necessary *exaction*. We play a zero-sum game: whatever power accrues to the state is subtracted from the citizen's powers. One must be constantly vigilant, therefore, to see that the state takes away as little of one's freedom as possible. Government labors under the constant suspicion that it will exact more from the citizen's freedom than its services are worth. A person must resist it, make it justify any increase of its energy, be fearful of its every move. This is the theoretical justification for what I have been calling anti-governmentalism, and a great many Americans—perhaps most—think that this is the only theory of government entertainable in a modern democracy. Old religious and monarchical views were different. But the social contract has replaced those, just as Locke's majoritarianism replaced the authoritarianism of his principal theoretical opponent, Sir Robert Filmer, the author of the 1680 *Patriarcha: The Natural Power of Kings*.

Social contract theory begins, in Locke's view, with an assumption that the individual in a hypothetical pre-social condition would be complete and self-sufficient, like an enclosed circle centered on private interest. It is only the rub and challenge of others, equally intent on self-interest, that makes the individual cut away a bit of his or her circular completeness, as a concession that not everyone can get his or her way in a free clash of selfish interests. The state's power is an accumulation of these sacrificed bits of self-sufficiency. Thus *the other* is an enemy even before the state is formed. The inner self is violated by other selves, forcing it to the negotiated compromises of the social contract. Others, everyone outside my individuality, intrude upon my personal domain and make me sacrifice part of it to the state, in order to accommodate some minimal part of their demands, which are different from mine even when not directly opposed to me. Let me repeat that this position is not true to Locke's theories, or even to Thomas Hobbes's. But it is the attitude taken by our popular Lockeanism, and it approximates the views of some Lockean thinkers.[2] It is so prevalent that my students are surprised to hear that another theory of government can be taken seriously as more than an ancient superstition (e.g., the divine right of kings). They are especially surprised to hear that most thinkers in our Western tradition thought of government as a necessary good, not a necessary evil.

Modern social contract theory is, in fact, a bit of a latecomer (arising in the seventeenth and eighteenth centuries), conditioned by some historically circumscribed assumptions about psychology and anthropology. An older and still vibrant approach involves what might be called a division-of-labor theory of government. According to this view, the individual in a pre-social state is not free, but is imprisoned by unsatisfiable needs—exposed to the ravages of storm and beast (the sole *human* individual does not exist, even in hypothesis, apart from the rest of nature), unable to aspire above the animal level because of the cruelly attritive struggle to find, make, expand, or preserve things necessary to mere survival.

We should not, of course, think of the pre-social individual on the model of Robinson Crusoe. Daniel Defoe's character was post-social, in the sense that he brought with him into his accidental isolation not only many artifacts of the culture that formed him—guns, an axe, saws, nails, etc. from the shipwreck—but also the skills and concepts formed in that culture, his calculation of times and seasons, of means to accomplish tasks without a long process of trial and error over what works and what does not. He had an accumulation of practical knowledge (which things are edible, which animals are useful, how to make and control fire, and so on). The society he left not only made his axe, which is so useful to him as weapon or tool. It made *him*. He knows what to do with the axe, how to build with it, keep it from rust, turn it to things it can accomplish most efficiently. He learned all those things through prior social intercourse, before he was isolated. In order to imagine a truly *pre*-social individual, we would have to think of a Crusoe with total amnesia about the world he had left and without any artifacts from that world. Would such a person in fact be freer than he was back in England, no matter how undemocratic the government he had been living under?

One of the first theorists of a division of labor as the basis of society was Plato. In a thought experiment on how a state could properly be formed, he had Socrates, in Book II of *The Republic*, ask a series of questions suggestive of this line of reasoning: Would a farmer be better off raising all his crops himself, making his own plow, watching his own herds, making his own clothes and shoes, spinning his own fibers, skinning animals to make his own leather, felling the timber and forging the tools to make his own house, and so on—or would he be better off relying on others to do most of

those things while he does the farming that they will rely on in exchange for the goods they supply him with? The answer is obvious, but Socrates indicates some of the reasons for this. Exigencies of time and season would make the farmer neglect his fields at crucial moments to do other urgent tasks. Unevenness of skill would make him waste time on things he does poorly and slowly, time wrenched away from tasks at which he is swifter and more productive. And no matter how productive he might be as a farmer, he could never create a surplus, since he must hurry off, once he had a sufficiency for his own immediate needs, to catch up with all the other tasks clamoring for his attention.

For Socrates in the dialogue, the pre-social individual is not a complete and enclosed system servicing one's own self. "The polity arises because each of us is not sufficient to our own needs, but deficient in many ways" (*Republic* 2.11). For him *the other* is not the enemy, something invading one's completeness. The other is needed to complete the individual's freedom. The self cannot be the self *without* the other. Richard Hooker was saying the same thing in the sixteenth century:

> But forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things needful for such a life as our nature doth desire, a life fit for the dignity of man, therefore, to supply those defects and imperfections which are in us, living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others.[3]

And this was David Hume's teaching in the eighteenth century. He writes in *A Treatise of Human Nature:*

> When every individual person labors apart and only for himself, his force is too small to execute any considerable work. His labor being employed in supplying all his different necessities, he never attains a perfection in any particular art. And as his force and success are not at all times equal, the least failure in either of these particulars must be attended with inevitable ruin and misery. Society provides a remedy for these three inconveniences. By the conjunction of force, our power is augmented. By the partition of employments, our ability increases. And by mutual succor we are less exposed to fortune and accidents. It is by this additional *force*, *ability*, and *security* that society becomes advantageous (3.2.2, emphasis in original).

What has been described so far is just the exchange of goods. Why does that involve a government, the state? Hume said that the state's first function is judicial, to adjudicate equity in the division of labor and fairness in the exchange of goods. Our popular mythology makes the state the enemy of the free market. But without the state the free market could not exist. Market exchange is a form of contract, and the contracts would not be binding without some authority to enforce them. A businessman cheated by another businessman cannot form a private police force, to haul the accused into a court which consists of the aggrieved person judging his own case, and then to compel submission to the verdict. A third party must do that, in whom a sanctioning power has been recognized. And the standards by which its judgments are handed down must be codified as rules acceptable to all sides—whence the legislature. And the penalties must be exacted, the rules implemented—by an executive. The state, far from being an enemy of the market system, is both the market's product and its perpetuator.

So far we have discussed mainly physical exchanges, the division of labor in matters of the economy. But Aristotle had another, higher conception of the division of functions. For him, the incompleteness of man is not so much a matter of physical need as of intellectual and spiritual separation. What sets man apart is language, and that necessarily calls for exchanges at a deeper level than the marketplace of exchangeable *things*. Without a partner to some dialogue, the individual is, simultaneously, a signal sent out without any receiver, and a receiver that no signal is reaching. A human being's highest capacity is frustrated, not given its function, if he or she is kept in isolation. Such people are like isolated chess pieces, without either a board to move on or other pieces to make their moves meaningful. That is why Aristotle defines the human being as an "of-the-polis creature." Without intellectual interchange one cannot explore the nature of one's own capacities and virtues, teach and be taught, and then exercise those virtues. All the higher forms of communication—music, dance, the plastic arts—depend on mutual instruction, training, and per-

formance based on language skills. Those who have traveled where there is no common language at all know how less-than-human one feels in such a situation. It is not that one cannot make one's physical needs known and satisfied—the currency of the place is itself a sign system that is easily recognized by all parties. Rather, the intimacy of communication of any but a fairly robotic nature seals off all that is best in human expressiveness and mutual enlightenment.

So far, on a kind of ladder of interchanges, we have moved up from physical marketing to intellectual dialogue as the basis for government. Is there a higher level to be reached? Without a stable society, where approachableness is assured by the disarming of apprehension, the benevolent instincts could not be satisfied. In that way the state makes love itself possible. As Hume says,

> In all creatures that prey not upon others and are not agitated with violent passions there appears a remarkable desire of company, which associates them together, without any advantage they can propose to reap from their union. This is still more conspicuous in man, as being the creature of the universe who has the most ardent desire of society, and is fitted for it by the most advantages. We can form no wish which has not a reference to society. A perfect solitude is perhaps the greatest punishment we can suffer (2.2.5).

For Hume, even deeper than the advantages society bestows in the form of physical satisfaction, there is a human sympathy that demands company and that works to make that companionship orderly. The need for love and affection shows that humans are incomplete without a respondent to that affection—as in Plato's myth that humans were primordially cut in two by Zeus and must seek out their other half through love.[5] The social order created by government is a necessary condition of that quest:

> By means of these two advantages in the *execution* and *decision* of justice, men acquire a security against each other's weakness and passion, as well as against their own, and, under the shelter of their governors, begin to taste at ease the sweets of society and mutual assistance (3.2.7, emphasis in original).

Saint Augustine, too, based the state on love. Since he felt that people were too divided (e.g., between Christianity and paganism) in ultimate orientation, he thought they could not base society, as Cicero maintained, on philosophical agreement. But even pagans and Christians can agree on their love for shared goods, and work together to protect them (*City of God* 19.24). The goods he is referring to are not only social peace and the treasured parts of one's cultural legacy, but the language of one's fellow citizens, along with the social amenities and comforts Hume listed. This shared love of what we possess in common is what we normally call patriotism, and even those who have anti-governmental instincts are often self-proclaimed patriots (an odd conjunction of attitudes).

On three levels, then, the physical, the intellectual, and the affectionate, the state can be seen as a positive good, not an invasion of the individual's domain but a broadening of his or her horizons—what Hume called the "expedient by which men cure their natural weakness" (3.2.7). All this may seem a little high-minded and vaporous to people who are complaining about their taxes, the bureaucracy, or business regulations. The arbitrary and petty acts of government are enough to make anyone grumble. But all human relationships grate or gall at times—which does not make us call the parent-child relationship, or the husband-wife bond, or friendship, mere necessary evils. They are necessary goods that do not uniformly please. Love itself is a bondage. But the inability to love would stifle and imprison far more cruelly.

Often people seem more resentful of government the slighter its intrusions are. I know men who feel they have lost their liberty if they are obliged to wear a seat belt or a motorcycle helmet. It is odd that they cavil at this while they submit to far more stringent restrictions. What could be more arbitrary, less founded on any point of justice or principle, than the order to drive only on the right side of the road (or the left, according to the country)? And that is just one of a series of disciplines imposed on drivers of cars or riders of motorcycles. You must be licensed by the state to engage in either activity, and you can be banned from the road entirely if you are not old enough, not able to read and write, too clumsy to pass a road test, too blind to see signs, or so defiant of such rules as to incur multiple violations. One must stop on the command of an inanimate red light or stop sign, yield to other drivers in a number of circumstances, drive at pre-

scribed speeds (a maximum speed imposed everywhere, though at different levels place by place, and a minimum speed set on some highways). We are told where we *cannot* drive (the wrong way on one-way streets, the sidewalk, certain bus lanes, certain downtown areas at certain times). Truckers are even more thoroughly regulated, and must stay off many kinds of thoroughfare. We are told exactly how much (how little) alcohol we can drink if we are to be allowed to drive. The very vehicle must be licensed, and the license periodically renewed. A car must have a mandated quantity and kind of lights, mirrors, windshield wipers, and unobstructed windows. Its width and turning capacity are determined by the state. It must have functioning brakes, mufflers, horn, and other parts. It must pass pollution tests. The car itself and its action upon others must be insured to prescribed levels. The accumulation of minor impositions is really quite staggering when one stops to add them up. Adding a seat belt seems trivial next to all this prior regimentation. How can we really be free when we are continually triggered to obey on so many fronts?

Actually, these rules are immensely liberating. On the first level of social intercourse, they reflect a high degree of divided labor. We do not have to build our own cars, create their safety features, test their efficiency. Standardization of requirements means that we do not normally even think about how many mirrors or lights we must have. They are provided us by the economy of scale achieved in the manufacture of cars and motorcycles to expected specifications. Second, we do not have to create our own roads, or trespass on the patchy efforts of other individuals at making their own roads, or bump across a roadless landscape. We have roads provided us, of engineered contour, with freedom of passage through or around private property—roads cleared, maintained, and lit at night. If we all woke every morning, took out cars of uncertain performance, and tried to drive every which way, not heeding (nonexistent) signs or a right-side requirement, any speed laws or rules of precedence at crossings, we would either be crashing constantly, or would be immobilized by a fear of crashing or being crashed into. Because specialized activity has provided the roads and the rules as well as the vehicles, we speed on efficiently.

So much for the physical advantage of regulated social teamwork. Can a higher claim be made for the road rules? Well, we have a special language, a sign system, made up of the car's stoplights and turn signals, the hanging stoplights and roadside signs, the rules governing the side of the road to drive on, the times and places for stopping, the permissions to proceed. We are not simply obstructed or ordered about by inanimate things. We use those things to talk to each other, signaling our intent by the side of the road we drive on, the way we make turns, the way we slow down. If we lapse in consciousness, we stop "talking" and others are alerted that something is wrong (if, for instance, I am driving on the wrong side of the road or speeding through a stoplight). All this is a quiet triumph of human communication. And it enables us to get to places we could not otherwise reach—to school, or work, the library, the concert. We are all intellectually enriched by the rules of the road. That applies, *mutatis mutandis*, to other forms of transportation—to the safety drills, and equipment, and right-of-way procedures for boats, or to the metal detectors and other procedures for airplanes. Air travel broadens our intellectual horizons.

Would it be going too far to say that the rules of the road foster the social affections that Hume and St. Augustine spoke of? If cars get us to the library, they also get us to Grandmother's house. Planes rush us to loved ones who are sick or need help. But, more fundamentally, observing the road rules is a way of expressing one's concern for others' well-being. I know a man who accidentally killed a person with his car. Without reason he felt a burden of guilt ever after. Absent rules of the road, we would all inflict suffering not only on those hit or hurt or killed, but on those who would have to live with the thought of having been the agent of another's death. It is an act of compassion and mercy to spare both the victim and the driver that kind of misery. That is itself a form of social affection.

I have deliberately taken something rather trivial to illustrate the blessings of government. We do not often reflect on the multiple ways that government insensibly affects (and improves) our lives. We tend to advert to rules only when irritated by some peripheral annoyance connected with them. Is it too much to freight minor rules, like those of the road, with such meaning? Not, I suppose, if you are a person whose loved ones were killed by people defying the rules. But my point was to bring down the grander philosophical insights of Plato or Aristotle to a humbler level. If the philosophers are satisfying enough in themselves, you can be content with

them. But I have employed these mundane examples just to work out, in a prosaic way, what G. K. Chesterton put in a brief parable, to show that social restraints can be liberating:

> We might fancy some children playing on the flat grassy top of some tall island in the sea. So long as there was a wall round the cliff's edge they could fling themselves into every frantic game and make the place the noisiest of nurseries. But the walls were knocked down, leaving the naked peril of the precipice. They did not fall over, but when their friends returned to them they were all huddled in terror in the center of the island; and their song had ceased.[5]

government ought to society so we can function as social beings.

25.

The Uses of Fear

Despite all the good things government can do, it often ends up doing harmful and destructive things. So regular is this occurrence that some critics *personify* it as an evildoer. "Government always aggrandizes itself. Government preys on the weak." They talk as if government were some hypostatized entity apart from the people who direct it. Government can do nothing of itself. It needs human agents—kings, elected officials, appointed committees—to act with and for it. One and the same act of government will be seen as edifying or destructive by people who are included or neglected in the benefits of the act. Most such acts are not completely good or completely evil, but uneven in their effect. Because so many people are affected by anything governors do, the reports on their activity are always contradictory.

There are many things that limit what services governments can perform. For one thing, we often impose conflicting demands on them. We want our government to be efficient yet we want it to be accountable. The one, if it does not preclude the other, continually impedes it. It slows anyone down if he has to keep explaining what he is doing while he is doing it. Our criminal justice system is complicated and laborious, because its procedures must be tested every inch of the way. Trials drag on, it seems, forever. It would be far more efficient just to lynch people charged with a crime. Our pharmaceutical companies could produce medicine at greatly reduced cost if they did not have to meet government regulations. Of course, in the one case you might lynch the wrong man, and in the other you might take medicines defective enough to be poisonous. That is the cost of efficiency divorced from accountability. The cost of accountability

divorced from efficiency has been demonstrated in a number of the investigations undertaken by the Office of the Independent Counsel.

Sometimes, of course, we get the worst of both worlds—no accountability *and* no efficiency. Senator Daniel Patrick Moynihan has provided many examples of this in his book *Secrecy*—cases of weapons developed or bought in secrecy so as to be more effective, but where the very secrecy hid from Congress and the public a *lack* of the weapons' effectiveness.[1] Secrecy has been the great enemy of accountability in our government since World War II, and the source of the greatest danger to democracy itself. It got an unmerited boost from the Manhattan Project, which developed the atom bomb during World War II. In most respects that project was a miracle of efficiency, precisely because accountability was suspended. The government did not have to explain or justify its commandeering of resources. It could order the nation's top physicists to give up their own research projects, report for work at Los Alamos, submit to military supervision (their phones were tapped, their mail opened), and perform as directed while cut off from their normal communities.

Though there was military accountability of the scientists and other workers to the officers over them, there was no political accountability to Congress or the voters—money was secretly devoted to the project, a project whose wisdom could not be discussed, reviewed, or made the subject of electoral approval. Of course, secrecy in wartime is normal, is so expected that it would have been extraordinary if the atomic project had not been kept secret. Nonetheless, just because it was taken for granted, the problem of secrecy has not ordinarily been addressed with regard to the Manhattan Project. It is worth asking just what was supposed to be accomplished by the secrecy.

The Constitution, which demands from Congress an open accounting of the money it dispenses and the debates it conducts, allows for "*secrecy* and dispatch" in the executive branch (F 64.434–46). The President must deal with foreign governments, both friendly and hostile, where confidentiality is needed in diplomacy (the prevention of war) and strategy (the waging of war). An actual enemy should be prevented, so far as that is possible in a free government, from knowing our military resources, intentions, and schedules. In the case of the atom bomb, German knowledge of

the state of our research and the intensity of our effort might have led to a new level of concentration on their own atomic research. (On the other hand, at a stage too late for others to catch up, knowledge of our capacity might have weakened the will to fight on.)

There was a further reason for keeping this new weapon secret from others, beyond our enemies of the moment. The bomb was destructive on such a scale that it could not be trusted to others, who might not use it as responsibly as we felt ourselves to be doing. Even a nation that could use the scientific capacity and economic resources to replicate our development might not bring itself to devote so much of its vital national treasure to this one effort, unless it were given a shortcut around all the initial obstacles by access to our secrets. This meant that the bomb would remain shrouded in secrecy even after the war, with most nations excluded from information about its creation.

There was a third reason for the secrecy, not part of its official rationale, that became more important as time went on, both during and after the war. If American politicians and voters knew what was going on at Los Alamos, they would probably, given the wartime atmosphere, have acquiesced in the project's purpose; but they would have wanted to know more about its chances of success, among other things to make sure men and materiel were not being diverted from other efforts of more certain outcome. Some might even have objected to the use of such a weapon on moral grounds (as they would have objected to the use of poison gas or bacteriological war). Having to explain or justify its action, the government would have disseminated information useful to the enemy. But even aside from that, the effort at justifying the task would get in the way of concentration on the task, accountability warring once again with efficiency.

Looking back at the secrecy of Los Alamos, we can see that it was only moderately successful in its first aim. The Germans knew about our atomic effort, but for the period when they might have done something about it, they did not suppose our success would come soon enough to win the war, and they knew that diverting their own attention to a matching effort would reduce the chance of prevailing with conventional arms, before we had time to produce a usable bomb. They were confirmed, in a sense—we did not have the bomb by the time war in Europe was over, though that

was the arena it was being designed for. Only the extra months of war with Japan gave us an opportunity to get the hoped-for return on our investment.

As for secrecy's second purpose, keeping knowledge of the bomb's manufacturing secrets from other countries (and especially from Russia, our distrusted but necessary ally), that was a stupendous failure. Klaus Fuchs and David Greenglass, working at Los Alamos, found ways to smuggle information to Russia by way of Julius Rosenberg and others. Another spy at Los Alamos probably did even more damage—Theodore Alvin Hall, whose role only recently became public knowledge, though the FBI had discovered it in 1950, by which time Hall was teaching physics in England.[2] Thanks to Fuchs and Hall, the Russians—who could have built the bomb on their own by 1948—were able to test a successful atomic explosion in 1947. In this area, despite the most thorough security procedures at Los Alamos, secrecy was a terrible flop.

But the third area was a total success—the American people were served without having to waste time explaining what was being done on their behalf. Since it was not known yet that some secrets were already stolen by Russia, the Manhattan Project offered a very tempting model for future government action. It seemed the way to accomplish great things in a hurry, behind a veil of "national security" that precluded scrutiny by outsiders, American citizens as well as foreign nationals. The American people had to be both excluded from knowledge of the bomb's secrets and convinced that continuing secret research (even though that posed dangers of radiation from domestic tests) was vital to their safety and power. The government embarked on a mission to "sell" the bomb. Our future as a superpower rested on our monopoly of this weapon, and it would have maximum effect only if we could make a credible threat to use it again. If it was moral to use it twice, a need for it could arise again.

Revulsion against the bomb, it was decided, should not be allowed to accomplish what was done after World War I with mustard gas—the banning of such a weapon from *all* future use. (We proposed, in the Baruch Plan, that *others* not be allowed to develop a nuclear capacity.) The elements of opposition to use of the bomb were emerging, to the horror of James B. Conant, the president of Harvard who had been a supervisor of the Manhattan Project. He quarreled with his admired mentor, the "realistic" theologian Reinhold Niebuhr, when the latter signed a statement by church leaders that use of the bomb on Hiroshima and Nagasaki was "morally indefensible."[3] Conant became more panicky when John Hersey described the horrors of Hiroshima in *The New Yorker* and Norman Cousins called for its total abandonment in *The Saturday Review*. Conant arranged for answers to be published—by MIT president Karl Compton (in *The Atlantic*) and by former secretary of war Henry L. Stimson (in *Harper's*).

The Stimson article was important because quasi-official. President Truman's endorsement of it was sought and gained. Conant would not leave the composition of it to the seventy-seven-year-old Stimson, who expressed great reluctance at writing it. Conant got a draft from Stimson by way of McGeorge Bundy, who was ghostwriting Stimson's memoirs. Then Conant thoroughly rewrote the draft, leaving out things like Stimson's suggestion that the Japanese could have been offered the chance to surrender while retaining their emperor ("the problem of the Emperor diverts one's mind from the general line of argumentation," Conant wrote).[4] The letter used a shamelessly inflated projection of American casualties if the bomb had not been used (a million men, *ten times* the military's own estimate for killed, wounded, or missing).[5] Conant, a university president, was afraid that professors would mislead students, so he engaged in some pre-emptive misleading, his way of guarding against people who are "sentimental and verbally minded and in contact with our youth." McGeorge Bundy gloated that the Stimson letter would silence such professors, "one or two of my friends who fall into Mr. Conant's unkindly classification of the 'verbal minded,' " and he concluded: "I think we deserve some sort of medal for reducing these particular chatterers to silence."[6]

Secrecy had been used to develop the bomb. Deception would be used to sell it. The American people would be told only what was good for them. In the testing of weapons over the next two decades, lies and evasions and cover-ups were used to minimize the effects of fallout. Stewart Udall has called this "the most long-lived program of public deception in U.S. history."[7] The purpose of such secrecy was not to deceive the Russians, who soon had their own fallout to measure, but to keep from the American people an awareness of the threat to their safety and health. This became the pattern of future secrecy. Fidel Castro knew that the CIA was plotting

and performing sabotage in Cuba before Soviet missiles were placed there. Nikita Khrushchev knew it, too. Only the Americans did not. And Kennedy had to lie about that, saying there was no American aggression to provoke Castro into such an act. Our enemies knew what we did not. Secrecy almost always entails not only the withholding of truth but also positive acts of deception, like Kennedy's.

The "secret bombing" of Cambodia in 1970 was no secret to the Cambodians. You tend to know about bombs when they are being dropped on you. But the American people had to be fooled, since they might have protested an action being taken in their name. In the same way, we could not be told when foreign leaders were ousted or assassinated with our government's complicity or control.

Who could be told? Only a band of initiates cleared to read classified information, the high priests of a mystical "national security." For years Americans were assured that they would see the wisdom of the Vietnam War if only they were qualified to know the secrets our leaders were privy to. When the Pentagon Papers were leaked, the Nixon administration tried to prevent their publication, not because of any secrets they could reveal to an enemy, but because they showed that our leaders did *not* have any clear and convincing rationale or justification for their bumbling into war. Once the priesthood is installed, preventing embarrassment to the initiates is a continuing reason for secrecy, long after the immediate occasion for it has disappeared. Being privy to secrets becomes not only a mark of distinction in itself but also a great reason for keeping out the uninitiated, who might see that the high priest has no clothes. When Admiral William Crowe, the former chairman of the Joint Chiefs of Staff, expressed doubt about President Bush's launching of the Gulf war to a Senate committee, Secretary of State James Baker told the committee that the admiral no longer had access to classified cables. That was supposed to be enough to disqualify Crowe's views. And if he, with his experience of government and the military, had no right to an opinion, then you and I, mere citizens, have less than no right. We have surrendered the entire decision-making faculty to the rituals of secrecy.

Often secrecy itself prevents the use of information gathered and stored away from the public. The government had evidence of the guilt of Alger Hiss and the Rosenbergs, but it was gleaned from Russian messages

published, long after, as the Venona intercepts—and the government would not disclose the information for fear of revealing that we had cracked the code. The recurrent irony works even here—the Russians already knew we had cracked the code because a cipher clerk, William W. Weisband, working at Arlington Hall, the Venona decryption station, had informed them.[8] As at Los Alamos, the government had locked the public out and locked a spy inside. Once again, only our citizenry was fooled.

When John Kennedy, campaigning against the Eisenhower administration, accused it of letting a "missile gap" widen, Eisenhower could not answer that U-2 flights had discovered there was no Russian missile superiority—there was, in fact, a great inferiority—because he did not want to reveal the existence of the U-2. The Russians knew about that plane. It flew above their rockets, but not above their radar. They were working to bring it down—and eventually did. We were kept in the dark so there could be no discussion of air rights. Not the enemy but the friend is to be deceived in such a case.

Senator Moynihan argues persuasively that misguided policies were formed and clung to in secret because the chance to air opinions about them, to hear criticism of them, to justify them in debate, was precluded. And once mistakes or crimes are committed, the urgency to conceal them becomes even more intense. Secrecy has an inner dynamic of inevitable growth. The more you have of it, the more you need. That is why the end of the Cold War did not, as one might logically have expected, lead to a decrease of secrecy but to "a stunning 62 percent *increase* in new secret documents."[9] When Augusto Pinochet was held in England for a possible trial for atrocities he committed in Chile, we could not fully cooperate with the world tribunal, since that would entail the revelation of our part in bringing down Salvador Allende to make way for Pinochet. Efforts to find out about the murder of Jesuits and nuns in El Salvador could lead to embarrassing discoveries about our actions there. We have an immense backlog of things to hide.

One of the things accountability is meant to do is reassure the public that its interests are being properly served. Withholding information creates a general air of suspicion that has corroded public trust in government, giving an especially bitter new edge to our tradition of anti-governmentalism. One of the reasons there are so many conspiracy theories about every-

thing from the death of President Kennedy to the downing of various airliners is that we have found, too late, that many things we thought we understood were actually the result of secret actions we were never supposed to know about. If it has happened so often before, why not again, why not now?

So, there is ample reason to fear and distrust government, to probe it, make it come clean, demand access. This is as true of the little lies of the bureaucracy, and the campaign managers, and the crooked congressmen, as of the big lies that we were fed during the Cold War. The necessary good is betrayed by those who work against its very nature as a representative system, who deny accountability. We can stand some inefficiency when it is the necessary concomitant of accountability. To get neither is the curse of a government machinery that protects itself more than the people it is meant to serve. But only paranoia can turn these truths into a belief that government is in itself a necessary evil, inevitable in its denial of freedom, to be attacked on all counts and at all times. The values that the opponents of government espouse—populist and rights-oriented authenticity—can be defended without assailing the other values that government can legitimately embody (expertise, division of labor, authority). The sterile opposition noticed in the examples I have given from history arises only when the government is perceived as always and in all things the enemy.

Most of the forms of fear and resistance traced in this book were futile. Some of them tried to meet force with force, and were outnumbered. Others tried to deny the power of government to do harm by denying it the power to do much of anything. A few tried to use secrecy themselves in order to fight secrecy. Others met poor performance on the government's part with indifference and abstention on their part, matching contempt for the government with a contempt for the people. The cures were worse than the ills they addressed.

The snobbish withdrawal from politics, the Menckenian cynicism, may at times be more corrosive than dramatic opposition of John Brown's sort. He at least began with a hope that citizens might respond to a moral appeal. Where he erred was in his manner of appealing to them, not in any belief that they should be the arbiters. Charles Dunlap, in his criticism of NRA appeals to a right of armed insurrection, makes an excellent point. He says it is not the armed citizen but the unarmed one who has been a real

threat to modern governments. Government power grows in an atmosphere of threat and violence, as recent tyrannies have shown. But unarmed protest throws those in government off balance:

> The civil rights struggles of the 1960s were won not by force of arms, but by peaceful protest and civil disobedience. Where the government tried to use force against unarmed resisters, the results were often counterproductive. The spectacle of fire hoses and police attack dogs employed against civil rights protesters galvanized public opinion against discriminatory practices. Similarly, when National Guardsmen fired upon unarmed students during anti-war protests at Kent State University in 1970, the tragedy became an important influence in reversing policy on Vietnam.[10]

No one had better excuse for distrusting or hating government than Dr. King, not only for its long history of racial injustice but because of its specific acts against him. He was spied on and bullied by the FBI, actively plotted against by local and state officials, sometimes abandoned by the federal government. But he appealed to the government itself, to its promises, to the Declaration of Independence, the Gettysburg Address. He never gave up his hopes for the government, though God knows he had reason (or at least the temptation) to do so. He never concluded that the proper response to hate is anything but love. The corrective to the flaws of government, that necessary good, is more good.

Logical + nice position, but kind of empty.

Conclusion

How are we to explain the deep-seatedness of the anti-government tradition in our history? I have suggested some of the confluent influences in the course of this book—the lack of a symbolic center (religious or political) at our origins, the air of compromise in our Constitution's formation (which made it vulnerable to the reversal of Federalist and Anti-federalist values), the Jeffersonian suspicion of the Constitution (which Madison abetted at one stage), a jostling of competitive states' claims (reaching a climax in the secession of the South), a frontier tradition, the "Lockean" individualism of our political theory, a fervent cult of the gun. All these were added, in overlapping layers, to the general anti-authoritarian instincts of mankind. Our history gave a particular twist to each strand in the skein of our past.

But the instinctive urge that kept all these forces quick to the touch was that cluster of anti-government values identified at the outset of this book. These grew out of the elements just listed, but they took on a life of their own, especially as they cross-pollinated in mutually confirming ways. Their strength came from the fact that no one can really challenge them as valuable parts of the human outlook. Who, after all, can deny that authenticity, amateurism, spontaneity, candor, tradition, rights, and religion are important to human society? But by persistently bringing these qualities to bear directly on debate over *government*, we indulged in a confusion of categories.

Take one of the more astounding assumptions of our political life, the belief that government should be inefficient. It is true that the citizenry in general, we political amateurs, should choose representatives to govern us, and that those who represent us should be "like us" in basic values. But it is a wild leap (though a common one) to think that our representatives

should be no more professional than we are in political matters. We should choose our own doctors, but we do so in the expectation that they are *unlike* us in their training and skills. We do not want inefficient doctors to treat us, inefficient lawyers to represent us, inefficient teachers to educate us, inefficient pilots to fly us. Why should we want inefficient politicians to govern us?

The answer too readily offered is that a government unable to do much of anything will be unable to oppress us. Inefficiency is to be our safeguard against despotism. History offers no warrant for this hope. Inefficient governments are often the most despotic. Just look at the Soviet Union, or at its tsarist predecessor. In your own observation of life around you, has inefficacy been a protection against the arbitrariness of an employer, the random vindictiveness of a teacher, the insecure bluster of a physician?

We turn money over to our government for certain tasks. Do we want that money to be wasted? Do we want inefficient soldiers and law enforcers? The government compiles information on the basis of which we make vital decisions. Do we want inefficient reports on air accidents, the healthiness of meat, the rate of unemployment, the growth of inflation? Whatever the virtues of the amateur in other areas of life, we want a certain expertise in these matters.

The same is true of the other anti-governmental values constantly brought to bear on political discussion, where they have less worth than elsewhere. Localism is a virtue in the social life of a community. But in any more extended government, being locked within the locale of one's residence creates a clash of local views without the release Madison found in a *removal* from local pressures. Religion is a vital aspiration of the soul; but government works best when it does not reach into the recesses of the soul, but keeps a secular practicality about it. This is proved by the fact that America, the first country to adopt the separation of church and state, is the most religious country in the industrialized West.

This should give us an important clue for dealing with the polarized values that kept asserting themselves in this history of our attitudes toward government. The "anti-governmental" value of religion is best protected by a "governmental" secularism in the state. The same will be found to be true with other values in our list. The anti-governmental values are protected within their proper sphere when governmental attitudes are stressed

more vigorously in the realm of the state. Spontaneity is safer in private life when there is predictability in the public order. "Authentic" emotion will find less vent for lynchings, in that case; and trials will be more impersonally authoritative; but freedom will be the greater for this "faceless" proceduralism.

Populism should give everyone a voice in government; but once that voice has elected certain officials, they become an "elite" (the word is just "elected" in French), and it makes no sense for the people to resent what they have themselves brought about. What they have a right to resent is an official who does *not* act like a professional chosen for his qualification to do a job. Who can attack a doctor for being too skilled?

What has crippled our political discourse is a long-indurated habit of demanding from government qualities that should be sought, primarily, in other aspects of our social life. Government plays a limited role in human activity, and it should have the aspects suited to its limits. It cannot be the family, the church, the local club, the private intellectual circle—all of which show the anti-governmental qualities some seek to impose on the state. When government does not show all the human virtues, it is rejected as contributing to none of them. That asks too much of government, as a preliminary to expecting nothing of it. This is admittedly an American tradition. But it is a tradition that belittles America, that asks us to love our country by hating our government, that turns our founding fathers into unfounders, that glamorizes frontier settlers in order to demean what they settled, that obliges us to despise the very people we vote for. Our country, our founders, our representatives deserve better. So do we, who sustain them all.

Notes

Introduction

1. Henry David Thoreau, "Civil Disobedience," in *Walden, and Civil Disobedience*, edited by Owen Thomas (New York: Norton, 1966), p. 224.
2. *Meyers* v. *United States*.
3. *United States* v. *Brown*.
4. Walter Bagehot, *The English Constitution* (Oxford: Oxford University Press, 1974), p. 2.
5. Arthur O. Lovejoy, *Reflections on Human Nature* (Baltimore: Johns Hopkins University Press, 1961), pp. 46–47.
6. Carol M. Rose, "The Ancient Constitution vs. the Federalist Empire: Anti-Federalism from the Attack on 'Monarchism' to Modern Localism," *Northwestern University Law Review* 84 (1990), pp. 74–105.
7. Henry Cabot Lodge, *The Works of Alexander Hamilton*, vol. 1 (New York: Putnam's Sons, 1903), p. ix. Claude Bowers, *Jefferson and Hamilton* (Boston: Houghton Mifflin, 1925). For Roosevelt's endorsement of the Bowers thesis (in the only book review he ever published), see Merrill D. Peterson, *The Jefferson Image in the American Mind* (New York: Oxford University Press, 1960), pp. 351–52.

Part I. Revolutionary Myths

1. Minutemen

1. William Pierce, the secretive author of *The Turner Diaries*, was a former assistant to George Lincoln Rockwell in the American Nazi party. See the 1995 Anti-Defamation League Research Report, *William L. Pierce, Novelist of Hate*.