

the **GREAT** DEBATE

In the final decades of the eighteenth century, America's founding generation initiated a bold experiment in self-government that continues to shape our world today. The United States of America is an ongoing exploration into the meaning and merits of democracy. Can the American people sustain a republic on a grand scale?

**Is it possible to have a nation
"of the people by the people
for the people"?**

History was not on the side of the American experiment. Greek city-states practiced a vigorous democracy, but on a small scale. The Roman republic ended before the birth of Christ. Some European republics in the Netherlands and Swiss cantons proved themselves viable. The world and the accomplishments of history, however, were dominated by monarchical government. Still, Americans, emboldened by the ideals of the Enlightenment, forged ahead and laid the foundation for the largest experiment in republican government the world has ever known.

America's founding generation reshaped the way people understood the individual's relationship with government. In the 1760s, Americans were subjects of the British monarch. The king was the embodiment of that government. In 1768, when the Virginia legislature protested the Townshend Duties, its petition to the king was written in the language of subjects. Describing themselves as "loyal and dutiful subjects," the burgesses gave "warmest assurances of their . . . inviolable attachment" to the monarch. Then, "prostrating themselves at the foot of your throne," they implored the king's "fatherly goodness and protection" and humbly reminded him that British monarchs had granted them the rights and privileges of Englishmen with access to all the "vital principles of the British constitution."

In May 1776, another Virginia legislature meeting in Williamsburg declared independence from Great Britain and in June articulated the first American declaration of rights. These representatives boldly asserted "that all men are by nature equally free and independent, and have certain inherent rights . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." They proclaimed "that all power is vested in, and consequently derived from, the people" and that "whenever any government shall be found inadequate" the people have "an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it." Virginians were no longer subjects of a government. They were citizens, and as such they were responsible for creating and shaping their own government. In this new world emerging in the summer of 1776, government was subject to the people. Philosophers had theorized about this relationship, but citizens had never before dared to implement that philosophy on such a large and complex scale.

Many modern Americans do not appreciate how remarkable this innovation was. The understanding that governmental power originates with the people is so inculcated into us that we accept it as second nature. We assume that it could be no other way. Only when we pause for a moment and count the number of dictatorships, aristocracies, and theocracies still in existence around the world can we understand the remarkable nature of our ongoing experiment in democracy.

SIGNED COPY OF THE CONSTITUTION OF THE UNITED STATES

The framers put the principles of the Revolution into practical form when they drafted a constitution. Or so they thought. Our evolving interpretations of the Constitution illustrate how every generation must find its own sense of how to balance our democratic principles.



The American experiment did not spring fully formed from the minds of our founders. The means of self-government were formulated state by state. Collectively, these diverse, independent states expressed a common understanding in the Declaration of Independence and the Articles of Confederation. When it became clear to some that the people needed a stronger central government, the founders returned to Philadelphia and, in 1787, crafted the U.S. Constitution. Their work was controversial and hotly debated. As soon as the Constitution was adopted, the founders began modifying it with amendments we now know as the Bill of Rights.

The founders, who had lived under three separate forms of government in their lifetimes—a British monarchy, the Articles of Confederation, and the U.S. Constitution—could not be sure of the success of their formulation. Yet, that government has been so successful that it is tempting to view the United States as if the American creed is a finished product and a settled issue—an exclamation point, or at least a period. Too often we present the American story in precisely that way to our children, giving them the mistaken impression that the work of forming our American republic is complete and that they need only maintain what they have inherited.

Citizens must understand the American experiment as a fascinating, perpetual question mark. It is a story that instills a pride based on the belief not that America is superior to all other countries but that it is unique, youthful, admirable, and open to unfulfilled human possibilities. The American experiment is, at its soul, an enduring debate. This debate is about how the American people will secure the fundamental rights guaranteed by the Bill of Rights, such as freedom of religion, freedom of speech, protection from martial law, immunity from illegal search and seizure, and fairness in our legal system, so elegantly stated in the Declaration of Independence as “life, liberty and the pursuit of happiness.”

We can better understand the nature of that great debate by examining four sets of “value tensions”:

law vs. ethics

private wealth vs. common wealth

freedom vs. equality

unity vs. diversity

While each of these pairs of values represents an inherent conflict, each also has a vital synergy. For example, we understand that laws are never good unless they are guided by a higher conscience or ethic, but the debate about how to balance the two values is often difficult. That was clear during the debates over slavery laws and Jim Crow laws. Private wealth is never fully realized, nor secure, unless individuals invest in communities, or the common wealth, but how much common wealth or infrastructure do we need and how much of our private wealth should we devote to obtain it? Americans celebrate their individual freedom but simultaneously understand that every person focused only on their individual freedom creates anarchy. Freedom must be tempered with some level of equality. The quest for cultural unity is inconsistent with democracy if it does not also recognize the rich diversity of individuals.

The ability to hold, concurrently, two seemingly contradictory ideals and see both as valuable and essential is the essence of the *democratic mind*. As the poet Henry David Thoreau put it, “Truth is always paradoxical.” Understanding, reconciling, and balancing these conflicting ideals is a skill that must be learned. The difficult decisions we make are not between good and evil. Rather, our challenge is to determine the relationship between worthy but conflicting ideals.



THE COMMITTEE OF CONGRESS DRAFTS THE DECLARATION OF INDEPENDENCE

(left to right) Thomas Jefferson, John Adams, Benjamin Franklin, Robert Livingston, and Roger Sherman. The high-minded ideals of the Declaration are perhaps our finest statement of American principles. From our founding, Americans have pursued their fulfillment.

Law vs. Ethics

Americans describe the United States as a nation of laws. We believe in the rule of law. We believe in the duty of citizens to be law-abiding. At the same time, nearly every important movement in our republic's history involved breaking some law. George Washington led a rebellion against his sovereign government. He was a traitor. Abraham Lincoln swore a presidential oath to protect and defend the Constitution, but he suspended habeas corpus and violated a Supreme Court ruling because he believed that breaking the law was necessary in order to maintain the union of American states. Rosa Parks broke the law on a Montgomery, Alabama, bus to advocate for civil rights. The tension between law and ethics can lead to a better legal system and a better society.

The Declaration of Independence highlights the tension between law and ethics and between statute law and higher law:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal. . . . That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government.

The Declaration called on Americans to rise above the corrupt laws of Great Britain and to honor the moral authority residing in "the powers of the earth" and "nature's God."

No one on the committee assigned to draft the Declaration (Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston) missed the paradoxes of their world. At the time the Declaration was written, the law permitted ownership of slaves, and women and anyone who did not own property could not vote.

Then and later, Americans debated the meaning of the Declaration's words. Abraham Lincoln recognized in a letter to Joshua Speed on August 24, 1856, that, "As a nation, we began by declaring that '*all men are created equal*.' We now practically read it 'all men are created equal, *except negroes*.' When the Know-Nothings [an anti-immigration political party] get control, it will read 'all men are created equal, *except negroes, and foreigners, and catholics*.'" The ethical ideals of the Declaration were in tension with the laws of the nation. As Lincoln engaged the enduring debate, he invoked a higher ethical principle, one that superseded the law of the land and helped lead the nation to abolish slavery.



ANTISLAVERY TOKEN FROM LINCOLN CAMPAIGN 1860

The ideal that "all men are created equal" became a promise to future generations: that, eventually, our laws would live up to our ethics.

A century later, another great American statesman, Martin Luther King Jr., reminded Americans that laws had been used to suppress the civil rights of certain citizens since the Civil War. America, he explained, "has defaulted on this promissory note." Speaking from the steps of the Lincoln Memorial on August 28, 1963, King appealed to higher ethical principles. "We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation," King declared, "so we have come to . . . demand the riches of freedom and the security of justice."

A great deal of mischief can be perpetrated in the name of the law. At the same time, stubbornly maintaining a "higher principle" can undermine order and stall the progress of the nation. Temperance advocates worked for a century to improve our communities by ending the sale of alcoholic beverages. Unfortunately, when the Volstead Act and the Eighteenth Amendment ushered in Prohibition, a period of unprecedented lawlessness reigned in the United States. So there is much to be gained by balancing the continuing tension between statutory law and ethics, and the vigorous debate strengthens the fabric of our democracy.



U.S. PATENT OFFICE IN
WASHINGTON, D.C.

The creation of the U.S. Patent Office in 1793 helped spur innovation in America by guaranteeing that inventors would be able to profit from their ingenuity. Americans' relentless creativity has produced enormous private wealth, but it has contributed to the nation's common wealth as well. It's a tricky balance.

Private Wealth vs. Common Wealth

Our forefathers and mothers acquired many of their principles and values on wealth from early Greek and Roman philosophers, reinforced by the Enlightenment philosophers. The notion of "civic virtue"—that individuals should serve their community, devoting themselves to improving the society and community in which they live—shaped distinctive American ideas of private wealth and common wealth that transcend simple material resources.

Americans recognize that we live in common society with each other and that by necessity must create a common infrastructure. That infrastructure includes physical things like roads and bridges but also economic systems, government, institutions, and even intangibles like patriotism and nationalism. Individual citizens build that infrastructure through innovation, work, deeds, support, and the ideals they embrace. As individuals we are rightly proud of those accomplishments and receive satisfaction for our accomplishments. Service—in the building of the common wealth—provides contentment. Roman emperor Marcus Aurelius in his *Meditations* argued that one should serve his city not because it is the right thing to do, or even the good thing to do, but because it is the joyous thing to do.

Americans' quest for private material wealth has been a driving force behind the nation's vast economic development. Extensive private investment in business and technology has made America a land of innovators and enriched the common community. But private wealth embodies more than material wealth. It embodies personal integrity and character. Americans measure themselves not just by our material possessions but also by the richness of relationships with family and friends, by individual knowledge and education, by our honesty, by our spiritual well-being, and by a host of other intangibles. These too are a measure of our individual worth. But just as the community is nothing without individuals, the wealth of the individual is nothing without the context of community.

There is a synergy between common wealth and private wealth. Developing and maintaining the common wealth enhances the private wealth. It is good for business. Investment in the public infrastructure helps business and industry to operate more efficiently, productively, and profitably. Schools and universities, streets and highways, electric and gas utilities, even parks, hospitals, libraries, and museums all benefit firms and their employees. At the same time, when private wealth increases, there is more to invest in common wealth.

Though we understand that private wealth and common wealth are best built together, we also recognize a healthy tension between the two values. Should government raise or cut taxes? How much should government spend on education? How much on health care? How much are citizens willing to publicly invest in maintaining water systems, electric grids, bridges, railroads, and other parts of the public infrastructure? Questions like these are part of the great debate over what goods and services should be left to decisions in private markets and what should be provided collectively through government.



THEODORE ROOSEVELT
GIVES A SPEECH IN
ASHEVILLE, NORTH
CAROLINA

As president, Theodore Roosevelt worked to rein in the unbridled freedom of corporations that he believed harmed the cause of equality. “We are not hostile to them,” he declared in his 1902 State of the Union address. “We are merely determined that they shall be so handled as to subserve the public good. We draw the line against misconduct, not against wealth.”

Freedom vs. Equality

Perhaps the pivotal tension throughout U.S. history has been between freedom and equality. The Declaration of Rights adopted by Virginia in June 1776 asserted that all men were granted individual freedom by the laws of nature, “the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” At the same time, “no man, or set of men, are entitled to exclusive or separate emoluments or privileges.” Democracy is a continuous struggle to balance these ideals. Like a pendulum, we have swung between the two, with one or the other more popular at any particular point of history.

When the conventional wisdom favors freedom, the power and resources of a society tend to flow into the hands of the few. Those in power justify this in the name of merit, efficiency, and economic growth. The mantra of individual freedom helped create the great entrepreneurs of the Gilded Age, men the likes of Rockefeller, Carnegie, and Pullman. Left unattended, this imbalance of wealth and power undermines democracy. The Gilded Age entrepreneurs were challenged by Progressive reformers like Teddy Roosevelt, labor unions, and social activists. Conversely, when the pendulum swings too far toward redistributing wealth, even in the name of compassion and social and economic justice, personal freedoms suffer. But even in the midst of Gilded Age excesses, the labor union movement and the Socialist Party led by Eugene Debs were not able to take hold and challenge American capitalism with the kind of revolution that had destroyed the Russian czar and created the Soviet Union.

Our founding generation struggled with these ideals. They created a system in which ability, not birthright, mattered. Historian Gordon S. Wood, in his *American Revolution: A History* (2002), suggested that equality is the most powerful idea in all of American history. But, Wood noted that “republican equality did not mean the elimination of all distinctions.” Republics would still have an aristocracy, but it would be, in Thomas Jefferson’s words, a “natural aristocracy.” Our aristocracy, or leaders, would be people of talent such as writers, painters, scientists, and creative statesmen: an aristocracy based on merit.

Not all of the founders were as sanguine about equality as Jefferson. George Washington once referred to the common people as “the gazing multitude.” John Adams spoke of the “common herd of mankind.” We have traveled a long, uneven, tortuous road over the past two and a half centuries. As a nation, we continue to mesh the powerful concepts of freedom and equality.



THOMAS NAST
CARTOON

Nast's 1869 cartoon portrayed an idealized vision of American unity, with diverse citizens gathered together to share Thanksgiving dinner. But in fact Americans after the Civil War were more concerned with Jim Crow laws and the Chinese Exclusion Act. Americans were suspicious of too much diversity in their communities.

Unity vs. Diversity

E pluribus unum. The Latin motto of our nation means “Out of many, one.” That is the American ideal. It is a nation that celebrates diversity while simultaneously cherishing the unity of the people. Reconciling these ideals has been difficult. The poet Emma Lazarus called out in the name of America, “Give me your tired, your poor, / Your huddled masses yearning to breathe free.” But we have not always welcomed immigrants, and we fall short of our melting pot ideal. Americans continue to struggle with our differences. Can we—or should we—blend the stories of Native Americans, German Americans, Italian Americans, African Americans, Mexican Americans, Asian Americans, and the like into our common national identity?

Our diversity is not just of race and ethnicity and gender but of values, beliefs, and thought. Is it possible to have a coherent and stable culture that allows freedom of religious, social, and political expression? Americans respond with a resounding “Yes!” At the same time, we understand that it is not easily accomplished. Democracy treasures individuality, but citizens must also identify when to embrace the unity represented by the Republic and use their individual talents to enhance the greater good. In the tension between diversity and unity, citizens attempt to balance the grand narrative of the Republic and the richness of individual and family stories.

This book explores how these value tensions—law and ethics, private wealth and common wealth, freedom and equality, unity and diversity—recurred throughout the major themes of our history and continue to recur in our world today. Contrary to the perception of many people, democracy involves much more than the freedom to do your own thing, acquiring what you want, or even showing up to vote on election days. It involves rigorous intellectual effort. It requires that each citizen vigorously engage in the great debate guided by facts, evidence, reason, and civility. That is the very fabric of our Republic. The value tensions examined here will help provide a framework to better understand our history and to act on the issues of our time.

