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PART I

ORIGINS

## I

### The Concept of Citizenship

Some features of American politics stand out clearly. There are fifty states, which exercise substantial powers according to the Constitution. Congress has two houses, one with 435 members, the other with 100, and both must agree before bills can become national laws. The president serves a four-year term, and perhaps another, is charged with administering various government agencies, and has a commanding role in foreign affairs. The federal courts work through districts and circuits, and the Supreme Court sits in a marble palace in Washington. The details are endless, but one knows more or less what to look for and where.

Good citizenship is less tangible, more difficult to study, and sometimes overlooked in the national roster of political institutions. Americans admire good citizenship. But they are not always sure what citizens should do on behalf of the communities in which they live. This is so even though many people believe that, when civic practice does not measure up to its ideal, a vital element is missing from the national landscape.

In truth, the concern for good citizenship, no matter how imprecisely defined, takes aim at something very important. That is, Americans understand not only that government officials should work properly but also that citizens must help assure the quality of public life. The point is self-evident: In a democracy citizens rule, yet if they rule badly, all will suffer. Thus it is no exaggeration to say that not just constitutional checks and balances but also the practice of good citizenship has helped the nation to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure liberty.

### A General Concern

Many Americans worry about how they and their neighbors do, or do not, practice good citizenship. This anxiety appears in newspaper editorials, in political speeches, in sermons, and so forth, with formal expressions such as the report of the National Commission on Civic Renewal entitled *A Nation of Spectators: How Civic Disengagement Weakens America and What We Can Do About It*.<sup>1</sup>

The commission, for example, strove to examine citizenship impartially, in the belief that concern for that subject cuts across party affiliations and is therefore an all-American impulse. Co-chaired by former Democratic Senator Sam Nunn of Georgia and former Republican Chairman of the National Endowment for the Humanities William Bennett, the commission worried, in a nonpartisan way, over symptoms of political disengagement such as a rate of national voter turnout that declined in presidential elections from 62.8 percent in 1960 to 48.9 percent in 1996, even while turnout in state and local elections hovered around 10 to 20 percent.<sup>2</sup>

Commission members were aware, no doubt, that the right to vote is shared today by most citizens, although this was not always the case in American history. But the will to vote together with friends, neighbors, countrymen, and countrywomen, and thereby to take part in producing election results capable of desirably shaping public life, seemed to the commission, and to many other observers, quite weak.<sup>3</sup>

<sup>1</sup> The report was funded by the Pew Trusts and published at the University of Maryland in 1998.

<sup>2</sup> Many political scientists believe that low voter turnout indicates a serious shortfall in civic behavior. This is because election results conclusively put candidates into office or keep them out, whereas lobbying is an uncertain business that may or may not persuade elected officials to respond to constituent preferences. Furthermore, most adult Americans, of whatever means, have the right to vote, whereas various forms of lobbying are practiced by people who possess resources of time, energy, money, ethnicity, gender, location, talent, and more, that are not distributed equally among America's citizens. Thomas E. Patterson, *The Vanishing Voter: Public Involvement in an Age of Uncertainty* (New York: Knopf, 2002); and Marvin P. Wattenberg, *Where Have All the Voters Gone?* (Cambridge: Harvard Univ. Press, 2002), are both troubled by low voter turnout. Less concern on that score appears in Michael Schudson, *The Good Citizen: A History of American Civic Life* (Cambridge: Harvard Univ. Press, 1998), esp. pp. 294–314.

<sup>3</sup> One reason for civic disengagement is that many citizens believe government ignores what they want. See National Issues Forums Research, *Governing America: Our Choices, Our Challenge: How People Are Thinking About Democratic Government in the U.S.* (Englewood Cliffs, N.J.: John Doble Research Associates, 1998). This report was sponsored by the Kettering Foundation of Dayton, Ohio. See also Joseph S. Nye, Jr., Philip D. Zelikow, and David C. King (eds.), *Why People Don't Trust Government* (Cambridge: Harvard Univ. Press, 1997).

From this reality we may deduce that nonvoters are, in a sense, bad citizens. They do not intend their abstention to harm public life and institutions. But neither do they regard themselves as obliged to fill what may be called *the office of citizenship*, which is nowhere formally defined but constitutes a vital calling in any democratic society. Of that office, more in a moment.

### The Public and Hidden Transcripts

From frequent usage, citizenship is a tangled concept with many connotations. Americans have talked about citizenship for more than two hundred years, and many millions of them have practiced it, for better or worse, during the same time as voters, candidates, officeholders, civic activists, and, when necessary, soldiers.<sup>4</sup> The subject is so large, then, that no one can analyze it by consulting more than a representative sample of documents and studies indicating what Americans have thought about citizenship in the past and what they think about it today. Unfortunately, to survey only some sources and not others means that, inevitably, some opinions and the people who express them will be slighted. I cannot avoid this result, but I can explain the reasoning that guided my choice of source materials for this book.

To make a long story short, I decided that the best place to locate a representative sample of documents and studies bearing on American citizenship is in what James C. Scott calls *the public transcript*. This is Scott's term for the visible part of any nation's conversation with itself, with its founders and their descendants.<sup>5</sup> In America, the public transcript includes official documents such as the Mayflower Compact (1620), the Declaration of Independence (1776), and the Constitution (1789); political speeches such as George Washington's Farewell Address (1796), Abraham Lincoln's Gettysburg Address (1863), and John F. Kennedy's inaugural address (1961); and Supreme Court decisions such as *Dred Scott v. Sandford* (1857), *Lochner v. New York* (1905), and *Brown v. Board of Education* (1954). The American public transcript also includes widely publicized expressions of opinion such as *The Federalist* (1787–1788),

<sup>4</sup> Stephen E. Ambrose, *Citizen Soldiers: The U.S. Army from the Normandy Beaches to the Bulge to the Surrender of Germany, June 7, 1944–May 7, 1945* (New York: Touchstone, 1998), expresses enormous respect for ordinary Americans who took up arms and risked all to preserve the commonweal.

<sup>5</sup> On public and hidden transcripts, see James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale Univ. Press, 1990), esp. pp. 1–16.

“The Seneca Falls Declaration” (1848), and Martin Luther King’s “Letter from Birmingham Jail” (1963).<sup>6</sup>

When Scott analyzed nondemocratic societies, he regarded their public transcripts as expressing the values of dominant elites. Less powerful members of the same societies, he observed, who might be slaves, serfs, women, or religious and ethnic minorities, are often afraid to speak openly about what they believe. They therefore express their opinions and ideas, if at all, mostly in a *hidden transcript*, whose sometimes bitter messages, perhaps via diaries, letters, protest songs, and folktales, run through underground channels of communication.

To consult a substantial part of America’s public transcript, even without citing the country’s hidden transcript, requires considerable effort. It is a feasible effort, however, as compared with trying to study both. Moreover, in the case of considering America’s devotion to citizenship, one may regard this feasible effort as adequate, if not perfect. In a democracy where frequent elections determine who will hold public office, we can reasonably assume that political people, even elites, will mostly refrain from expressing opinions that contradict what large numbers of citizens believe.

In fact, democratic candidates usually affirm principles and preferences that match what voters hold to be true. To do otherwise would cause the mavericks to lose electorally. It follows, in a free society, that we can look at what political winners say and assume that it approximately represents what many, or most, citizens believe. This is so even though, as we shall see, many Americans, and especially women and many African Americans, were prevented from voting and being elected until fairly recently.

### Three Kinds of Citizenship

Considering mainly the public transcript, it would appear that for Americans there are three parts to the concept of citizenship. Popular talk does not refer to these aspects of the subject separately and distinctly,

<sup>6</sup> Anthologies are helpful for providing representative selections of American thinking on public affairs. For example, Richard Hofstadter (ed.), *Great Issues in American History*, 3 vols. (New York: Vintage, 1958); Alpheus T. Mason (ed.), *Free Government in the Making: Readings in American Political Thought*, 4th ed. (New York: Oxford Univ. Press, 1985); and Diane Ravitch (ed.), *The American Reader: Words That Moved a Nation* (New York: Harper, 1991).

but to keep them clear in our minds it will be convenient here to call them Citizenship I, Citizenship II, and Citizenship III.<sup>7</sup>

*Citizenship I* refers to a person's legal status, to whether or not, for example, one is entitled to reside in a specific country and, in modern times, carry its passport. Many regimes furnish their members with this status, which can exist today in places as diverse as Canada, Iran, and Japan. Citizenship I may entail little social interaction, as when Daniel Boone is reputed to have moved his homestead further into the primeval forest when he saw smoke from his neighbor's log cabin. For such people, as *de jure* citizens, good citizenship is mainly a matter of obeying their country's laws, which defend and preserve the local populace. The range of obedience will vary, of course, from country to country, from stopping at red lights, to serving on juries, to enlisting in the armed forces, to paying taxes.

*Citizenship II* appears when, in some cases, there exists an active sort of belonging, with political participation as its hallmark. Here, some *de jure* members of the community (Citizenship I) are entitled to participate in making decisions concerning matters of public interest. In most modern states, and especially in republics and democracies, Citizenship II has become a common condition of political life. In America, Abraham Lincoln praised this sort of politics when he described it in the Gettysburg Address as "government of the people, by the people, and for the people."<sup>8</sup> For such people, good citizenship means obeying their country's laws *and* helping to make them, say, by voting or being elected to a public office.

<sup>7</sup> A qualifying note is in order here. Some colleagues have advised me, in a spirit of constructive criticism, to call these elements of the subject "legal citizenship," "political citizenship," and "moral citizenship." I understand their concern, but I prefer not to do that. The danger is that talking in this book about citizenship via familiar words might suggest to readers connotations and consequences beyond those conveyed by the novel, and somewhat inelegant, terms of Citizenship I, Citizenship II, and Citizenship III. That is, telling my story in terms used elsewhere might evoke reminders of other stories, other considerations, other problems, other aspirations, and other expectations. These may be legitimate for other purposes but they may also divert attention from the messages I hope my story will convey. It is for the same reason that I make few references in this book to some very profound academic thinkers such as Charles Taylor, Jurgen Habermas, and Hannah Arendt, who have written often and compellingly about citizenship. Citing the ideas of such thinkers would suggest, at least to scholarly readers, implications far beyond those I wish to convey in the more popular story I tell. Thus citing, for example, Taylor, Habermas, and Arendt would bring us into an academic conversation, both interesting and important, which is, nevertheless, not the one I set out to analyze.

<sup>8</sup> This speech, from 1863, is analyzed at length in Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York: Simon and Schuster, 1992).

*Citizenship III* is more difficult to define than its companions. Unconditional civil obedience and routine political participation can produce bad social results, as in cases where citizens like Germany's Adolf Eichmann collaborated calmly, or even enthusiastically, in legalized genocide.<sup>9</sup> Consequently, it seems advisable to promote an active practice of citizenship that is sometimes better than ordinary. In this third sense of the subject, good citizenship requires more than just obeying a country's laws and perhaps helping to make them. Citizenship III requires, in addition, virtuous behavior. It obliges citizens to use their political resources and skills to participate well, that is, to maintain not just effective laws but also a decent state.<sup>10</sup>

### *Good Citizens and Good People*

Although each sort of citizenship may be admirable in its own way, they can be separately and jointly problematical. For example, between Citizenship I and Citizenship III, there is an implication that individuals can practice a commendable form of citizenship only by combining the demands of two different social roles. On this score, the right sort of citizenship, for Americans at least, sometimes requires a good citizen to also be a good person.

Yet between these two roles, and therefore between Citizenship I and Citizenship III, there arises a moral dilemma that may be traced back at least to the life of Socrates. One of the great teachers in Western history, Socrates left no written works to tell his story. But commentators like Plato, who admired Socrates as a good man, say he insisted on challenging the traditions of Athens to the point where his neighbors, assembled in an Athenian jury, convicted him in 399 B.C. of corrupting young people by leading them away from routine obedience to Athenian laws (Citizenship I).

Acting publicly in his role as a good person (Citizenship III), Socrates apparently argued that, under certain circumstances, citizens should not contribute to injustice by obeying an immoral state. With examples such as the Socratic life in mind, men and women in Western society for more than two thousand years have envisioned the social role of a good person

<sup>9</sup> See Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking, 1963).

<sup>10</sup> Edmund Burke is credited with expressing this point succinctly: "The only thing necessary for the triumph of evil is for good men to do nothing." However, no one has found this exact quotation in his writings. See Antony Jay (ed.), *The Oxford Dictionary of Political Quotations* (New York: Oxford Univ. Press, 1997), p. 68.

as being sometimes, and occasionally severely, at odds with the social role of being a good citizen. After all, obedience provides predictability and stability in public affairs, whereas civil disobedience, no matter how virtuous, may undermine the routine conditions of law and order that enable members of a community to prosper together.

This point is highly significant. Because the role of good citizen (who sustains law, order, and security) and the role of good person (who pursues curiosity, knowledge, and virtue) may point toward different ends and call for different kinds of behavior, people may not know for sure how to act out Citizenship III. In truth, to combine law and virtue can be difficult and even dangerous.<sup>11</sup> Thus Allied judges at the Nuremberg Trials after World War II assumed that, on behalf of natural justice, good Germans in the law-abiding sense (Citizenship I) should have disobeyed Nazi laws (Citizenship III). But how could Germans have known this before they lost the war? Where, for example, as the storm raged, could most Germans have found the courage to risk losing their loved ones by hiding Jews or Gypsies if death for entire families was the punishment for helping enemies of the state according to laws enforced by implacable Nazi police?

In an example closer to home, many Americans admired Martin Luther King, Jr. Here was a man who led thousands of demonstrators to disobey segregation laws but seemed praiseworthy for serving the highest interests of a country that had, shamefully, enacted such laws in many states and enforced them even in Washington, D.C. King reminded his followers of legalized racism in Nazi Germany and insisted that decent men and women must strongly oppose America's homegrown brand of the same evil.<sup>12</sup> The principle seems clear, but where should one draw the line? Are antiabortionists who defy the Supreme Court as laudable as Martin Luther King, Jr.?

<sup>11</sup> Literature offers classic cases of this dilemma. For example, in Herman Melville's *Billy Budd*, introd. by Cyrus R. K. Patell (orig., 1924; New York: Washington Square Press, 1999), the British government charged Captain Edward Vere with upholding naval orders aboard his warship in order to maintain crew discipline in defense of the realm. Consequently, Vere felt obliged to pronounce a death sentence against Billy Budd, the simpleminded but decent sailor who, intensely provoked, impulsively struck and accidentally killed his cruel petty officer, John Claggert. Must all government officials, as obedient servants of the state (Citizenship I), enforce their country's laws so mercilessly to uphold public order?

<sup>12</sup> See Martin Luther King, Jr., "Letter from Birmingham Jail," in King, *Why We Can't Wait* (New York: Signet, 1964), pp. 76–95, on why laws should be tested by higher standards of virtue.



### Inclusion and Empowerment

In American history, Citizenship II is doubly problematic. First, we know the country did not extend participation rights to all its early residents, for example, not to Native Americans, not to slaves, not to most free African Americans later, not for a long time to women, and very slowly to Asian immigrants.<sup>13</sup> Only gradually, then, did such people overcome what is called today *exclusion*.

Modern scholars have extensively explored the history of political exclusion.<sup>14</sup> I will not refer much to their research, though. I will comment a little on who gained *inclusion*, who got Citizenship II, when they received it, and why they seemed worthy of possessing it. But mainly I will ask what they were supposed to do with Citizenship II once it entitled them to participate. I assume that although many Americans were long left out of political life, most of them were eventually brought in. Accordingly, I am concerned less with what happened on the way to that end and more with what people believe they should do upon arriving.

Second, even when, as today, political inclusion is widely authorized by law, there remains a question of whether or not to assure to each citizen enough resources so that he or she will be able to exercise the rights of Citizenship II effectively.<sup>15</sup> In this regard, we sometimes speak of empowerment, which may flow from entitlements.

Thus most Americans now possess the rights of Citizenship II. These include the rights to vote, to speak freely, to organize interest groups, to petition government officials, to run for office, to be elected, and so forth. However, social conditions enable some Americans to exercise these rights more powerfully than others, on the basis of health, wealth, ethnicity, gender, race, or other potent resources. Where this is so, it may seem reasonable to redress, perhaps by affirmative action, various imbalances

<sup>13</sup> On the long struggle for Asian inclusion, see Hyung-Chan Kim (ed.), *Asian Americans and the Supreme Court: A Documentary History* (New York: Greenwood, 1992); and Hyung-Chan Kim (ed.), *Asian Americans and Congress: A Documentary History* (Westport, Conn.: Greenwood, 1996).

<sup>14</sup> For example, see Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale Univ. Press, 1997).

<sup>15</sup> Resource questions are explored in Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard Univ. Press, 1991); Jeff Spinner, *The Boundaries of Citizenship: Race, Ethnicity and Nationality in the Liberal State* (Baltimore: Johns Hopkins Univ. Press, 1994); and Timothy J. Gaffaney, *Freedom for the Poor: Welfare and the Foundations of Democratic Citizenship* (Boulder, Colo.: Westview, 2000).

of political outcome that will exist even after almost everyone enjoys the status of Citizenship II.<sup>16</sup>

Some scholars focus mainly on how inequality of resources may affect Citizenship II. I have chosen, instead, to write about citizens who are not particularly weak. I hope those who suffer on this score will eventually overcome resource deprivation, for example, when immigrant children join the mainstream of American life, or as women gradually surmount various forms of gender discrimination.<sup>17</sup> I agree then, and very strongly, with those who say that the struggle for entitlement and empowerment must continue. But this struggle is more a project for marginal groups than for the great majority of people in America today.

In short, the problem I wish to address, without suggesting that other problems are less urgent, is not a matter of who has what but what should be done by those who, in large numbers, are already positioned to practice citizenship properly. Here are citizens who command democratic rights and economic resources beyond the reach of most men and women in previous eras and other societies. Here, I think, are the people who, in an important sense, collectively constitute America.<sup>18</sup>

### The Office of Citizenship

The people I have in mind are especially obligated, as we shall see in later chapters as the tale of citizenship unfolds. Thus where Citizenship II is widely available to Americans, and when Citizenship III calls upon them to use their civic rights virtuously, then, in effect, to *do* citizenship properly is to fulfill *the office of citizenship*. On this score, where a combination of

<sup>16</sup> For example, see the feminist arguments advanced by Iris Marion Young in *Justice and the Politics of Difference* (Princeton: Princeton Univ. Press, 1990), and see the racial arguments advanced by Lani Guinier in *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy* (New York: Free Press, 1994).

<sup>17</sup> As a group, African Americans seem most likely *not* to overcome the difficulties of unequal resource distribution. I will have more to say on that probability later.

<sup>18</sup> In short, my point of departure is the plight of those Americans who possess the resources needed for practicing citizenship but do not know how to use them properly. Robert Bellah, Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton, in *Habits of the Heart: Individualism and Commitment in American Life* (New York: Harper and Row, 1986), describes various hardworking and moderately successful Americans who want to be good persons and good citizens. Although not wealthy, these people have the means to do whatever they should to that end. The trouble is that they do not know what to do in order to fulfill their citizenship ideals, and there is the problem I intend to address.